

## MEMORANDUM

<b>DATE</b>	March 30, 2016
<b>TO</b>	Policy and Advocacy Committee
<b>FROM</b>	 Jason Glasspiegel Central Services Coordinator
<b>SUBJECT</b>	Agenda Item #4 - Approval of Minutes: January 6, 2016

**Background:**

Following is the draft minutes for the January 6, 2016 Policy and Advocacy Committee Meeting.

**Action Requested:**

Motion to approve the Minutes.

Enclosure: Draft minutes of the January 6, 2016, Policy and Advocacy Committee Meeting.

1  
2  
3 **POLICY AND ADVOCACY COMMITTEE**  
4 **MEETING MINUTES**

5  
6 Department of Consumer Affairs  
7 1625 N. Market Blvd., El Dorado Room, 2<sup>nd</sup> Floor, #220  
8 Sacramento, CA 95834  
9 (916) 574-7720

10  
11 Ronald Reagan State Building  
12 300 South Spring St., Auditorium  
13 Los Angeles, CA 90013  
14 (213) 897-2243  
15

16  
17 **Wednesday, January 6, 2016**  
18

19 **Agenda Item #1: Call to Order/Roll Call**  
20

21 Nicole Jones, Chairperson, called the meeting to order at 1:01 p.m. A quorum of the Committee  
22 was present and due notice had been sent to all interested parties.  
23

24 **Members Present:**

25 Nicole Jones, Chairperson  
26 Johanna Arias-Bhatia  
27 Michael Erickson, PhD  
28

29 **Others Present:**

30 Antonette Sorrick, Executive Officer  
31 Jeffrey Thomas, Assistant Executive Officer  
32 Norine Marks, Legal Counsel  
33 Jason Glasspiegel, Administrative Coordinator (effective January 19, 2016)  
34 Sandra Monterrubio, Enforcement Program Manager  
35 Chris Siepert, Licensing/Registration Analyst  
36 Kelli Okuma, Associate Governmental Program Analyst  
37 Julia Bishop, Department of Consumer Affairs, Legislative & Regulatory Review  
38 Natalie Martin-Rojas, Department of Consumer Affairs, Legislative & Regulatory Review  
39  
40

41 **Agenda Item #2: Chair Welcome**  
42

43 Ms. Jones welcomed the Committee members and those in attendance both in person and via  
44 telephonic connection.  
45

46  
47 **Agenda Item #3: Public Comment for Items not on the Agenda**  
48

49 There were no public comments.

50 **Agenda Item #4: Approval of Minutes: April 27, 2015**

51  
52 It was M(Arias-Bhatia)/S(Erickson)/C to approve the minutes of the April 27, 2015, meeting.

53  
54 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No - 0

55  
56  
57 **Agenda Item #5: Review and Consideration of Legislation**

58  
59 **#5 a) 1-13 - Legislation Update and Review, Recommendations to Full Board**

60  
61 Ms. Sorrick informed the Committee that a representative of the Assembly Business and  
62 Professions Committee planned to call in for this portion of the meeting to discuss Agenda Item  
63 #5 a) 8) AB 796 (Nazarian) Health Care Coverage: Autism and Pervasive Developmental  
64 Disorders. She stated that Dr. Clark was currently attending a stakeholders meeting regarding  
65 AB 796, and asked if the Committee would delay discussion of this agenda item until Dr. Clark  
66 called. The Committee agreed to delay this agenda item.

67  
68 Ms. Okuma reviewed legislative bills of interest to the Board from the past legislative session  
69 that were neither chaptered nor vetoed. She reported Board staff would continue to monitor the  
70 status of the bills in the upcoming legislative session and keep the Committee informed of any  
71 activity.

72  
73 **#5 b) Update regarding the California Child Abuse and Neglect Report Act (CANRA) and**  
74 **Mandated Reporting – Penal Code Sections 261.5, 288 and 11165.1**

75  
76 Ms. Okuma informed the Committee that the requested opinion from the Attorney General (AG)  
77 inquiring whether oral copulation and sodomy between minors of like age is reportable is  
78 currently pending (Pending Opinion Request #15-201 – Eisenberg). She reported that it is the  
79 policy of the AG's Office not to issue a legal opinion while there is pending litigation on issues  
80 that are the same or closely related to issues raised in a request for the legal opinion. There is a  
81 case before the California Court of Appeal, 2<sup>nd</sup> Appellate District, which concerns some of the  
82 same issues raised in the Board of Psychology's request for a legal opinion. Additionally,  
83 Attorney General Harris is one of the named defendants in that case. The plaintiff in the matter  
84 filed a notice of appeal with the appellate court on August 10, 2015, and filed its opening brief  
85 on November 17, 2015. The court has given the respondent until February 16, 2016, to file its  
86 brief. Ms. Okuma informed the Committee that the Board should not be expecting to receive the  
87 legal opinion in the immediate future, and that Mr. Glasspiegel could monitor the case and keep  
88 the Committee informed on the status.

89  
90 **#5 c) Regulation Update and Review**

91  
92 **#5 c 1) Title 16, CCR Section 1397.12 – Uniform Standards Related to Substance Abuse**  
93 **and Disciplinary Guidelines**

94  
95 Ms. Okuma informed the Committee that the rulemaking file was disapproved by the Office of  
96 Administrative Law (OAL) on November 6, 2015, for failure to comply with the clarity and  
97 consistency standards of the Government Code, incorrect procedure, and missing and/or  
98 defective documents. Staff is currently preparing modifications to the language to be noticed for

99 a 15-day public comment period. The modifications will be presented to the Board at its  
100 February 2016 meeting prior to resubmitting the file to OAL.

101  
102 **#5 c 2) Title 16, CCR, Sections 1380.5 – Filing of Addresses**

103  
104 Ms. Okuma informed the Committee that the rulemaking file is pending approval by the  
105 Business, Consumer Services, and Housing Agency. Once approved by Agency, the file will be  
106 submitted to OAL.

107  
108  
109 **Agenda Item #6: Review and Consideration of Proposed Policy for Legislative Positions**  
110 **for inclusion in the Administrative Procedures Manual**

111  
112 Ms. Okuma reviewed a proposed Board policy outlining various positions the Board could  
113 consider adopting relative to pending legislative bills.

114  
115 Julia Bishop, Department of Consumer Affairs, Legislative & Regulatory Review, informed the  
116 Committee that the three most common positions taken on legislative bills are "support,"  
117 "oppose," and "oppose unless amended." She stated that when positions are taken on bills, the  
118 record generally reflects only those three positions. The other lesser-used positions are  
119 generally not recorded as Registered Positions in the bill analyses.

120  
121 Ms. Sorrick recommended adding an additional position of "Neutral if Amended."

122  
123 It was M(Erickson)/S(Arias-Bhatia)/C to reorganize the order of the listed positions starting with  
124 "support," "oppose," and "oppose unless amended," and present the procedure to the Board at  
125 the February 2016 Board meeting.

126  
127 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No - 0

128  
129 Ms. Marks recommended including a procedure outlining the process when the Board is unable  
130 to meet to take a position on a bill prior to the bill being forwarded to the Governor.

131  
132 It was M(Arias-Bhatia)/S(Jones)/C to include in the proposed procedure a process for the Board  
133 to follow to take a position on a bill that will passed to the Governor prior to the Board meeting  
134 as a full body to take an official position.

135  
136 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No - 0

137  
138  
139 **Agenda Item #5: Review and Consideration of Legislation**

140  
141 **Item #5 d Proposed Legislative Revisions to the Business and Professions Code**

142  
143 Ms. Okuma reported that legislative amendments were developed as a follow-up to the Sunset  
144 Review report. Staff requested the Committee recommend the Board approve the amendments  
145 for submission to the Senate Business and Professions Committee.

146  
147 **1) Section 2913: Services by Psychological Assistants**

149 Ms. Marks commented that further modifications should be made to this section to better reflect  
150 that the supervision model mirrors the licensing model, to make clear that the psychological  
151 assistant registration is a precursor to licensure, and require applicants with a master's degree  
152 to verify they are in the process of obtaining a doctorate degree.

153  
154 It was M(Erickson)/S(Arias-Bhatia)/C to direct staff to make necessary modifications to the  
155 following proposed amendment consistent with Ms. Marks recommendations prior to submission  
156 to the Senate Business and Professions Committee.

157  
158 2913

159 (a) A person other than a licensed psychologist may be registered as a psychological assistant  
160 to the Board shall be employed supervised in accordance with the board's regulations by a  
161 licensed psychologist, by a licensed physician and surgeon who is board certified in psychiatry  
162 by the American Board of Psychiatry and Neurology, by a clinic that provides mental health  
163 services under contract pursuant to Section 5614 of the Welfare and Institutions Code, by a  
164 psychological corporation, by a licensed psychology clinic as defined in Section 1204.1 of the  
165 Health and Safety Code, or by a medical corporation to perform limited psychological functions  
166 if all of the following apply:

167 (a1) The person is termed a "psychological assistant."

168 (b2) The person (1) has completed a master's degree in psychology or education with the field  
169 of specialization in psychology or counseling psychology, or (2) has been admitted to candidacy  
170 for a doctoral degree in psychology or education with the field of specialization in psychology or  
171 counseling psychology, after having satisfactorily completed three or more years of  
172 postgraduate education in psychology and having passed preliminary doctoral examinations, or  
173 (3) has completed a doctoral degree that qualifies for licensure under Section 2914, in an  
174 accredited or approved university, college, or professional school located in the United States or  
175 Canada.

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

182 (d) (1) The psychological assistant licensed psychologist, board certified psychiatrist, contract  
183 clinic, psychological corporation, or medical corporation, has shall registered the psychological  
184 assistant with the board. The registration shall be renewed annually in accordance with  
185 regulations adopted by the board.

186 (2) No licensed psychologist may register, employ, or supervise more than three psychological  
187 assistants at any given time unless specifically authorized to do so by the board. No board  
188 certified psychiatrist may register, employ, or supervise more than one psychological assistant  
189 at any given time. No contract clinic, psychological corporation, or medical corporation may  
190 employ more than 10 assistants at any one time. No contract clinic may register, employ, or  
191 provide supervision for more than one psychological assistant for each designated full-time staff  
192 psychiatrist who is qualified and supervises the psychological assistants. No psychological  
193 assistant may provide psychological services to the public except as an employee supervisee of  
194 a licensed psychologist, or a licensed physician and surgeon who is board certified in psychiatry  
195 by the American Board of Psychiatry and Neurology, contract clinic, psychological corporation,  
196 or medical corporation.

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

199 (f) No person shall be registered or practice as a psychological assistant who is found by the  
200 board to be in violation of Section 2960 and the rules and regulations duly adopted pursuant to  
201 that section.

202  
203 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No - 0

204  
205

206 **2) Section 2915: Continuing Education Requirements: Practice Outside Fields of**  
207 **Competence**

208  
209 It was M(Arias-Bhatia)/S(Erickson)/C to recommend the Board accept the following language for  
210 submission to the Senate Business and Professions Committee.

211  
212

2915

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

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

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

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

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

237 (B) Continuing education courses taken pursuant to this paragraph shall be applied to the 36  
238 hours of approved continuing professional development education required under subdivision  
239 (a).

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

243 (23) Continuing education courses ~~instruction~~ approved to meet the requirements of this section  
244 shall be completed ~~within the State of California,~~ or shall be approved for continuing education

245 credit by the American Psychological Association or its equivalent as organizations approved by  
246 the board.

247 ~~(ec)~~ The board may establish a policy for exceptions grant exemptions from the continuing  
248 professional development education requirement of this section.

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

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

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

255 ~~(gd)~~ The board shall adopt regulations as necessary for implementation of this section.

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

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

263 ~~(je)~~ The administration of this section may be funded through professional license fees and  
264 continuing education provider and course approval fees, or both. The fees related to the  
265 administration of this section shall not exceed the costs of administering the corresponding  
266 provisions of this section.

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

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

272  
273 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No - 0  
274

275  
276 **3) Section 2947: Appointment of Commissioners on Examination; Qualifications**  
277

278 It was M/(Erickson)/S(Arias-Bhatia)/C to recommend the Board accept the following language  
279 for submission to the Senate Business and Professions Committee.

280  
281 **2947**  
282 ~~The board may appoint qualified persons to give the whole or any portion of any examination~~  
283 ~~provided for in this chapter, who shall be designated as commissioners on examination. A~~  
284 ~~commissioner on examination need not be a member of the board but he or she shall have the~~  
285 ~~same qualifications as a member of the board, including those set forth in Chapter 6~~  
286 ~~(commencing with Section 450) of Division 1. The board may also appoint occasional~~  
287 ~~professional commissioners for short-term specified periods to assist in its nonpolicy workload.~~



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

290  
291 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No - 0  
292

293  
294 **4) Proposed Section 2934.1: Internet Information**  
295

296 Ms. Marks commented that some of the language in the proposed amendment overlaps  
297 language in Business and Professions Code section 27, and should be modified.  
298

299 It was M(Erickson)/S(Arias-Bhatia)/C to direct staff to make necessary modifications to the  
300 following amended language, and to present the language to the Board at the February Board  
301 meeting.  
302

303 2934.1

304 (a) The board may post on its Website the following information on the current status of the  
305 license for all current and former licensees:

306 (1) Whether or not the licensee is presently in good standing,

307 (2) Any of the following enforcement actions or proceedings to which the licensee is actively  
308 subjected:

309 (A) Temporary restraining orders.

310 (B) Interim suspension orders.

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

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

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

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

321 (1) Institution that awarded the qualifying educational degree and type of degree awarded.

322 (2) Areas of practice and board certifications that are self-reported by the licensee.

323 (c) Any other information designated by the board in regulation.

324 (3) any final revocations and suspensions, or other equivalent actions, taken against the  
325 licensee by the board or the board of another state or jurisdiction or the surrender of a license  
326 by the licensee in relation to disciplinary action or investigation, including the operative  
327 accusation resulting in the license surrender or discipline by the board.

328 (4) Probation or other equivalent action ordered by the board, or the board of another state or  
329 jurisdiction, completed or terminated, including the operative accusation resulting in the  
330 discipline by the board.

331 (5) Any felony convictions. Upon receipt of a certified copy of an expungement order granted  
332 pursuant to section 1203.5 of the Penal Code from a licensee, the board shall, within six months  
333 of receipt of the expungement order, post notification of the expungement order and the date  
334 thereof on its Website.

335 (6) Misdemeanor convictions resulting in a disciplinary action or accusation that is not  
336 subsequently withdrawn or dismissed. Upon receipt of a certified copy of an expungement order  
337 granted pursuant to Section 1203.5 of the Penal Code from a licensee, the board shall, within



338 six months of receipt of the expungement order, post notification of the expungement order and  
339 the date thereof on its Website.

340  
341 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No - 0

342  
343 **5) Proposed Section 2988.5: Retired License Status**

344  
345 It was M/Arias-Bhatia/S(Erickson)/C to direct staff to modify the following proposed language  
346 keeping the referenced restrictions in statute, not referencing them in regulation.

347  
348 2988.5

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

351  
352 ~~(b) The regulation shall contain the following:~~

353  
354 (1) The holder of a retired license issued pursuant to this section shall not engage in any activity  
355 for which a license is required.

356  
357 (2) The holder of a retired license shall not be required to renew that license.

358  
359 (3) In order for the holder of a retired license issued pursuant to this section to restore his or her  
360 license to an active status, the holder of that license shall meet all the following:

361  
362 (A) Pay a fee established by regulation.

363  
364 (B) Certify, in a manner satisfactory to the Board, that he or she has not committed an act or  
365 crime constituting grounds for denial of licensure.

366  
367 (C) Comply with the fingerprint submission requirements established by regulation.

368  
369 (D) If the Board requires completion of continuing education for renewal of an active license,  
370 complete continuing education equivalent to that required for renewal of an active license,  
371 unless a different requirement is specified by the Board.

372  
373 (E) Complete any other requirements as specified by the Board by regulation.

374  
375 (F) The Board may upon its own determination, and shall upon receipt of a complaint from any  
376 person, investigate the actions of any licensee, including a person with a license that either  
377 restricts or prohibits the practice of that person in his or her profession or vocation, including,  
378 but not limited to, a license that is retired, inactive, canceled, revoked, or suspended.

379  
380 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No - 0

381  
382  
383 **Agenda Item #7: Recommendations for Agenda Items for Future Committee Meetings**

384  
385 There were no recommendations for agenda items for future Committee meetings.

386  
387

388 **Agenda Item #8: Adjournment**

389

390 Ms. Jones adjourned the meeting at 2:53 p.m.

391

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CHAIR

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DATE