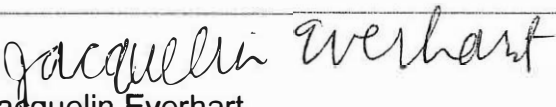


MEMORANDUM

DATE	May 9, 2016
TO	Psychology Board Members
FROM	 Jacquelin Everhart CE/Renewals Coordinator
SUBJECT	Agenda Item 4 <i>Approval of Minutes: February 25-26, 2016</i>

[Approval of Minutes: February 25-26, 2016](#)

Attached are the draft minutes for the February 25-26, 2016 Board meeting.

Action Requested:

To approve the attached minutes for the February 25-26, 2016 Board meeting.

BOARD MEETING MINUTES**State Capitol, Room 112
Sacramento, CA 95815
(916) 324-0333****Thursday, February 25, 2016**

Stephen Phillips, PsyD, JD, Board President, called the open session meeting to order at 9:41 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Stephen Phillips, PsyD, JD, President
Nicole J. Jones, Public Member, Vice-President
Lucille Acquaye-Baddoo, Public Member
Johanna Arias-Bhatia, Public Member
Michael Erickson, PhD
Andrew Harlem, PhD
Jacqueline Horn, PhD
Linda Starr, Public Member

Others Present:

Antonette Sorrick, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Sandra Monterrubio, Enforcement Program Manager
Karen Johnson, Licensing Coordinator
Jason Glasspiegel, Central Services Coordinator
Jacquelin Everhart, Continuing Education/Renewals Coordinator
Norine Marks, DCA Legal Counsel
Mark Ito, Programs DCA Budget Analyst
Melodie Schaefer, CPA-Division II, CAPIC
Matt McAlear, MA, BCBA, CalABA

Agenda Item #2: President's Welcome

Dr. Phillips welcomed those in attendance, read the Board's mission statement, and thanked Senator Bates for sponsoring the Board to have its meeting at the State Capitol.

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

No public comments were received.

Agenda Item #4: Approval of Minutes: November 12-13, 2015

46 Dr. Horn requested minor changes to the minutes.

47
48 It was M(Acquaye-Baddoo)/S(Starr)/C to approve the November 12-13, 2015 Board
49 Meeting minutes as amended.

50
51 Vote: 8 aye (Arias-Bhatia, Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Starr, Harlem)
52 0 no

53
54 **Agenda Item #5: Approval of Minutes: November 28, 2015**

55
56 Dr. Horn requested some minor changes be made to the minutes.

57
58 It was M(Starr)/S(Arias-Bhatia)/C to approve the November 28, 2015 Board Meeting
59 minutes as amended.

60
61 Vote: 8 aye (Arias-Bhatia, Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Starr, Harlem)
62 0 no

63
64 **Agenda Item #6: Budget Report**

65
66 Mark Ito, the Board's DCA Budget Analyst, presented the Board's budget report. He said
67 that all programs within DCA participate in incremental budgeting, which means that the
68 starting point for billing each year's budget is the prior year's Budget Act approved by the
69 Governor. From there they make various current end-year and budget-year adjustments.
70 The result is the Board's current year appropriations figure, which is included in the
71 Governor's budget.

72
73 Dr. Horn asked if the budget was created with the assumption that no new programs are
74 going to be added. Mr. Ito said that as a result of AB 1715, he would be working with Board
75 staff to create a fiscal analysis of the bill and once it is approved, he can present it to the
76 Board members.

77
78 Dr. Erickson asked how sure the Board members could be in getting repaid for the loans
79 given to the General Fund. Mr. Ito said that it is his understanding that the Governor has
80 directed finance get the loans repaid in order to remove the wall of debt.

81
82 Dr. Phillips inquired about items that the Board had spent more money on than was
83 allocated. He said it is important to track items to understand why the Board is spending
84 more than the amount allocated. Mr. Ito said that he can provide a breakdown of the
85 Board's expenditures in the past three to five years so that the budget can be structured
86 based upon those expenditures.

87
88 Dr. Horn agreed that if the Board knows where the money is going, it helps the Board
89 moving forward if they decide to reallocate money.

90
91 Dr. Horn thanked Mr. Ito for taking the Board through the report step-by-step and Dr.
92 Phillips thanked him for all of his hard work.

93 **Agenda Item #7: Enforcement Report**

94
95 Ms. Monterrubio presented the Board's enforcement report. She reported that the Board's
96 enforcement unit hired Crystal Martinez as an enforcement analyst and she started on
97 February 12, 2016. She is responsible for issuing all enforcement-related citations,
98 processing and reviewing subsequent arrest notifications, and assisting the Office of
99 Attorney General with Statements of Issues. Ms. Monterrubio said that since the Board
100 hired Ms. Martinez, there are no vacancies in the enforcement unit.

101
102 She reported that since July 1, 2015, the Board has received 529 complaints, issued 49
103 citations, and referred 20 cases to the Office of the Attorney General. She stated that the
104 Board is monitoring 41 probationers who are all currently in compliance.

105
106 Dr. Phillips said that the number of licensed psychologists in California provided in the
107 report for fiscal year 2015/16, was inaccurate and that it was actually 19,850. This figure
108 includes both inactive and active licensed psychologists. He also said that the number of
109 complaints is significantly higher than the preceding years. Ms. Monterrubio said that she is
110 not sure what has contributed to the increase in complaints, but she is looking into it.

111
112 Ms. Arias-Bhatia asked if there were any trends amongst the complaints and Ms.
113 Monterrubio said she would do some research and provide more information at the May
114 Board meeting.

115
116 Dr. Harlem asked about the four dismissed Accusations. Ms. Monterrubio said that there
117 was no Expert Reviewer training provided for a period of 4-5 years. In some cases when
118 the Expert Reviewer testified, they fell outside of their scope of expertise. She said as a
119 result, the Administrative Law Judge might have recommended to dismiss the case. She
120 said the trainings would now be held every other year to avoid this from happening again.

121
122 Dr. Harlem requested that staff include the credentials of the practitioners who receive
123 accusations. Ms. Monterrubio said that she would look into this and report back at the May
124 Board meeting. Dr. Phillips said that the Board has received a request to provide more
125 licensee information on its website and suggested that the BreEZe system be updated to
126 include credentialing information.

127
128 Ms. Jones asked what the reasons for the 19 citations were and Ms. Monterrubio explained
129 that most of them were for continuing education (CE) violations.

130
131 **a) Changes to the Expert Reviewer Program**

132
133 Ms. Monterrubio reported that there were nine changes made to the expert reviewer
134 program. She indicated that the Board used to send cases over to the investigative unit to
135 work with the Board's experts who would then report what their findings were. These
136 findings were then forwarded to another expert for a final review and sometimes the
137 findings were different. This was an issue when presented at a hearing so enforcement
138 staff made changes to the program in order to resolve this issue. She said now there is just

139 one expert reviewer who will create a written report and testify to those findings at a
140 hearing.

141
142 Dr. Horn said that staff has spent a lot of time reviewing the process and is pleased to hear
143 that staff is expanding the locations where the trainings will be held.

144
145 Ms. Monterrubio said that Deborah Morales, one of the Board's enforcement analysts,
146 spent a lot of time with the Board's Deputy Attorney General liaison, Josh Templet, to
147 review the program.

148
149 Dr. Erickson thanked Ms. Monterrubio and Ms. Morales for all of the hard work they have
150 done. He asked if there is room to increase the fees because he would like to see that the
151 experts are paid as well as defense attorneys. Ms. Monterrubio said she does not know if
152 that is possible but what the Board pays its experts is in line with what other boards are
153 paying theirs.

154
155 **Agenda Item #8: Executive Officer's Report**

156
157 Ms. Sorrick reported on the following items:

158
159 **a) Organization Update**

160
161 The Board recently hired Jason Glasspiegel as the Central Services Coordinator and
162 Crystal Martinez as an enforcement analyst. Chris Siefert, formerly the Board's Program
163 Technician II, was promoted to a licensing analyst and she thanked him for working two
164 desks at one time until his prior position is filled. She reported that Jeffrey Thomas, formerly
165 the Board's Staff Services Manager I, was promoted to Staff Services Manager II and will
166 remain as the Board's Assistant Executive Officer. Rob Loyola recently moved from the
167 enforcement unit to the licensing unit as a staff services analyst.

168
169 Ms. Sorrick reported that there is now a licensing unit, an enforcement unit and a central
170 services unit. Staff members Marjean Dupree, Jacquelin Everhart and Lavinia Snyder have
171 moved to the central services unit after an evaluation of their roles and responsibilities
172 showed that their duties were aligned with the duties of the central services unit.

173
174 Staff is looking to add a student assistant and fill both the program technician II and staff
175 services manager I positions.

176
177 **b) Other Informational Items**

178
179 A recent report from DCA's Executive Office states that Board members need to complete
180 a form 700 upon appointment and then annually thereafter by April 1 of each year. The
181 deadline to submit it online is March 15. Board members must complete the Board member
182 orientation, sexual harassment, ethics and defensive driver training. Staff will notify each
183 member via email if he or she is due for a training.

184

185 **Agenda Item #9: Outreach and Education Committee Report and Consideration of**
186 **Committee Recommendations**

187
188 Ms. Starr reported on the following items:

189
190 **a) Strategic Plan Update**

191
192 Ms. Jones asked where the Board was in its strategy of reaching out to consumer groups.
193 Ms. Sorrick reported that the Board has a stakeholders list that includes consumer groups
194 and that it is consistently being updated. She said that the Board's former student assistant
195 researched organizations both for licensees and consumers in order to maximize the
196 Board's outreach and that this project would continue to be carried out by the new student
197 assistant.

198
199 **b) Communications Plan Update**

200
201 Ms. Starr said that this agenda item would be updated as needed.

202
203 **c) Social Media Update**

204
205 Ms. Starr referred to the social media update that was included in the Board meeting
206 packets.

207
208 **d) Website Update**

209
210 Mr. Thomas reported that previously there was a discussion at the November 2015 Board
211 meeting to change the "consumers" tab on the Board's website to "public". He followed up
212 with DCA to see if this change is possible and was informed that it is possible, however, a
213 justification for the change would need to be approved by DCA's Executive Office. Mr.
214 Thomas noted that out of the 43 DCA websites, only four did not have a consumers tab.

215
216 The Board members agreed to keep the term as "consumers".

217
218 **e) Update on Newsletter**

219
220 Ms. Starr presented the Board's Fall Journal that was provided in the Board meeting
221 packets.

222
223 Dr. Harlem asked why the Board includes disciplinary actions in the newsletter and Ms.
224 Acquaye-Baddoo said it is consistent with the Board's value of transparency. Dr. Horn
225 agreed that it is an important piece to the newsletter.

226
227 Ms. Sorrick said that there is no requirement to include the Board's disciplinary actions in
228 the newsletter, but she has received positive feedback from licensees about its inclusion.

229
230 Ms. Jones said that she appreciated Dr. Harlem's question and said that it is important to
231 determine what the focus of the newsletter is.

232 Norine Marks, DCA’s legal counsel, suggested that staff consider mirroring the State Bar
233 magazine’s disciplinary section where they have a small paragraph of what the factual
234 basis was for each discipline. The Board members agreed and felt this approach would be
235 more educational.

236
237 **f) Outreach Activities Update**

238
239 Ms. Starr reported that Board member Dr. Horn and staff members Jacquelin Everhart,
240 Karen Johnson, and Sandra Monterrubio would be attending the CPA convention in April.

241
242 She said that Ms. Sorrick is awaiting DCA’s approval to travel to the ASPBB Midyear
243 Meeting in Anchorage, Alaska.

244
245 **g) Access to Mental Healthcare in the State of California Campaign Update**

246
247 Ms. Starr reported that a recipient of this program would be featured in the Board’s Winter
248 Journal. Staff is working on providing the application as an insert in the renewal
249 applications. Ms. Sorrick said that the insert would be two-fold. It would allow licensees to
250 apply for the program and to donate funds.

251
252 **h) Discussion and Potential Recommendation to Full Board Regarding Outreach to High**
253 **Schools to Increase Licensing Population – Access to Care**

254
255 Ms. Starr reported that Ms. Acquaye-Baddoo and Ms. Sorrick are currently drafting an
256 outreach plan.

257
258 It was M(Harlem)/S(Acquaye-Baddoo)/C to approve the Outreach and Education
259 Committee report.

260
261 Vote: 8 aye (Arias-Bhatia, Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Starr, Harlem)
262 0 no

263
264 **Agenda Item #10: CLOSED SESSION – FULL BOARD**

265
266 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to
267 discuss disciplinary matters including Petitions for Reconsideration, Stipulations, and
268 Proposed Decisions.

269
270 **RETURN TO OPEN SESSION – FULL BOARD MEETING**

271
272 **Agenda Item #11: Regulation Update and Review: Possible Action**

273
274 **a) Title 16, CCR Section 1397.12 –Consideration of Adopting Amendments to Uniform**
275 **Standards Relating to Substance Abuse and Disciplinary Guidelines**

276

277 Mr. Glasspiegel reported that the language was noticed on February 12 for a 15-day
278 comment period which will expire on February 27. The Board received one comment from
279 Dr. Arthur Thomas Horvath, which was presented to the full Board.
280

281 Dr. Phillips thanked Dr. Horvath for his comment and said that this is a statutory program
282 imposed on all DCA healing arts boards. Discussion ensued and the Board members
283 decided not to make any changes to the modified text based upon Dr. Horvath's comment.
284

285 It was M(Jones)/S(Arias-Bhatia)/C to delegate the authority to the Executive Officer to
286 adopt the third modified text after the comment period ends on February 27 absent any
287 negative comments.
288

289 Vote: 8 aye (Arias-Bhatia, Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Starr, Harlem)
290 0 no
291

292 b) Title 16, CCR Section 1380.5 – Filing of Addresses
293

294 Mr. Glasspiegel reported that the Filing of Addresses package was taken to the Office of
295 Administrative Law (OAL) on February 24, and they have 30 (thirty) days to approve or
296 reject the package.
297

298 **Agenda Item #12: Policy and Advocacy Committee Report and Consideration of**
299 **Committee Recommendations**
300

301 a) Legislation Update
302

303 Ms. Jones presented the matrix drafted by Mr. Glasspiegel that provided current positions
304 of the Board on various legislative bills. She reported that the Board had a position on SB
305 479 and AB 750, but they are no longer moving forward. The Board is watching several of
306 the bills; thus, no action required for those items as this time.
307

308 1) AB 12 (Cooley) State Government: Administrative Regulations
309

310 The Board will continue to watch this bill.
311

312 2) AB 19 (Chang) State Government: Regulations
313

314 The Board will continue to watch this bill.
315

316 3) AB 259 (Dababneh) Personal Information: Privacy
317

318 The Board will continue to watch this bill.
319

320 4) AB 507 (Olsen) Department of Consumer Affairs
321

322 The Board will continue to watch this bill.
323

324 5) AB 611 (Dahle) Controlled substances: prescriptions: reporting

325
326 The Board will continue to watch this bill.

327
328 6) AB 618 (Maienschein) Parole: Primary Mental Health

329
330 The Board will continue to watch this bill.

331
332 7) AB 796 (Nazarian) Health Care Coverage: Autism and Pervasive
333 Developmental Disorders

334
335 Mr. Glasspiegel presented AB 796. Ms. Sorrick said that staff's recommendation is
336 to "Oppose" AB 796.

337
338 Dr. Jim Lantry, a lobbyist for Floortime Coalition of California, the sponsor of AB 796,
339 said that ABA is covered and works for some children, but it does not work for all. It
340 is important that a psychologist or medical health professional be able to practice
341 according to what is best for their patient. The parents go with whatever treatment
342 the insurance companies are willing to pay for.

343
344 Dr. Horn reported that previously the Board stated it was not really the appropriate
345 body to determine appropriate evidence-based treatments. She asked if Mr. Lantry
346 has approached the American Psychological Association or the California
347 Psychological Association, the major practice-oriented associations for the
348 profession. Mr. Lantry said he had not reached out to those associations because
349 none of those were state agencies. Mr. Lantry stated that the interested parties
350 supporting AB 796 thought it would be best to go to a state agency rather than ask a
351 non-profit that is not under the direct control of the state. Dr. Horn said his request
352 would change the role of the Board.

353
354 Dr. Harlem said that APA has moved away from listing specific treatments. He
355 stated that although he agrees with Dr. Lantry that a multiple treatments may be
356 needed to treat the patients, however, the answer is not to list four more treatments.
357 The idea is to keep the list open so that it does not prevent newer ideas from
358 emerging in the future.

359
360 Dr. Phillips said that he does not want the Board to start dictating the scope of the
361 services psychologists are providing. He said that mental health coverage in general
362 is very difficult to get through insurance companies no matter how much legislation
363 has been passed.

364
365 Dr. Melodie Shaefer from CPA-Division II, CAPIC said it might be more helpful for
366 Dr. Lantry to approach the APA Practice Director because this is a national issue.

367
368 It was M(Horn)/S(Harlem)/C to accept staff's recommendation to oppose AB 796.
369

370 Vote: 7 aye (Arias-Bhatia, Acquaye-Baddoo, Erickson, Phillips, Horn, Starr, Harlem)
371 1 no (Jones)

372
373 8) SB 52 (Walters) Regulatory Boards: Healing Arts

374
375 This bill has died.

376
377 9) SB 128 (Wolk) – End of Life

378
379 The Board will continue to watch this bill.

380
381 10) SB 130 (Roth) Mental Health

382
383 The Board will continue to watch this bill.

384
385 11) SB 468 (Hill) Bureau of Security and Investigative Services: licensees

386
387 Ms. Sorrick reported that the Board had a “Neutral if Amended” position. She said if
388 anything changed, it would be brought back to the full Board.

389
390 12) AB 750 (Low) Business and professions: licenses

391
392 Ms. Jones reported that the Board previously took a Support position on AB 750, but
393 it has since died.

394
395 13) SB 479 (Bates) Healing Arts: ABA

396
397 Ms. Sorrick reported that SB 479’s language has been moved to AB 1715 (Holden).
398 She recommended that the Board continue to watch SB 479 and if the language
399 were to impact the Board, it would be brought back to the Board members for a
400 position.

401
402 14) AB 1715 (Holden) Healing Arts: ABA

403
404 Ms. Sorrick pointed out that the Board received public input on possible
405 amendments to the bill, which was highlighted in the text provided. Individuals from
406 CalABA, Assembly Member Holden’s Office, and the Autism Business Association
407 were in attendance..

408
409 This bill was introduced on January 26, 2016. The last position the Board took on
410 this language, which was previously in SB 479 (Bates), was “Oppose unless
411 Amended” with regards to the exemption in regional centers issue.

412
413 Matt McAlear from CalABA said that the “Opposed unless Amended” position the
414 Board previously took was due to the exemption from licensure available for
415 individuals working under contract at the California Department of Developmental

416 Services (DDS). His team has been working with the Governor's office to see how
417 they can make this work for everybody involved.

418 Helen Mader, the owner of an ABA agency in California and a representative of the
419 Autism Business Association, presented the amendments that the Autism Business
420 Association had proposed to be included in the language. A recent survey
421 conducted by the Autism Business Association showed that the 33 agencies within
422 its association serve approximately 13,000 individuals in California. One of their
423 goals is to maintain capacity for clients because they do not want to limit the access
424 to care for the clients with autism in California. For the past few decades, they have
425 used the three-tier model that is currently represented in AB 1715. DDS also utilizes
426 behavior management assistants within its middle tier, but these individuals are not
427 represented in the bill. She reported that 58% of their middle-tier supervisors are
428 non-certified. In order to ensure consumer protection, they are requesting that this
429 category be added to the three-tier model so that the Board can regulate these
430 individuals.

431
432 Matt McAlear requested that the Board change their position to "Support unless
433 Amended".

434
435 Rick Rollins from the Autism Business Association and chief lobbyist for the regional
436 centers, suggested that the Board take an "Oppose unless Amended" position
437 because the changes they requested have not been made.

438
439 It was M(Horn)/S(Harlem)/C to take an "Oppose unless Amended" position until the
440 following sections are amended in AB 1715: regional center exemption removed,
441 adding a third category of registration, and amending the delegation of family
442 members to be able to act per the direction of the provider.

443
444 Vote: 7 aye (Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no
445

446 Ms. Mader requested that the language be changed in section (g) to include
447 employees under a vendorized individual. Dr. Phillips thanked her for her efforts.

448
449 Matt McAlear said that he does not think that the addition of behavioral management
450 assistant is necessary.

451
452
453 b) Update Regarding the California Child Abuse and Neglect Reporting Act (CANRA) and

454 Mandated Reporting – Penal Code Sections 261.5, 288, and 11165.1

455 Attorney General regarding clarity issues in mandatory reporting requirements per CANRA.
456 Mr. Glasspiegel reported that the Board requested an opinion from the Office of the
457 He indicated that the Office of the Attorney General still has not issued an opinion because
458 it is in the middle of a lawsuit.

459
460
461 Dr. Harlem stated that he wants to remind people that the Board has a responsibility and
462 that it can still take action. It is not reasonable any longer to wait for the AG's office.

463 There are youth in the process of discovering their sexuality who are experimenting with
464 their peers and may be facing different forms of homophobia, misunderstanding, and
465 pressures to conform at home. They go to their therapist or psychologist who are unable to
466 provide a safe enough environment to discuss what is really going on. The Board of
467 Behavioral Sciences (BBS) has clarified how they are interpreting CANRA and advising
468 their licensees not to consider oral or anal sex by definition abusive. He said this was a
469 bold move that has not resulted in negative consequences and this Board is still moving
470 this discussion to another meeting because of the pending status of the AG's opinion. He
471 wants the Board to continue to ask what else it can do.
472

473 Dr. Phillips stated that, according to his recollection, BBS sought advice from its legal
474 counsel and that its counsel supported the position BBS has taken. He said that the Board
475 of Psychology was told they would not necessarily receive the same support from its
476 counsel. They were in a position where they felt like they had received conflicting
477 information and insufficient basis upon which to interpret the statute without the AG's
478 opinion. He thinks that this legislation does differentially impact minority youth as well as
479 other youth, but the Board was in a quandary and looked to the AG's office for clarity. If the
480 Board is unable to get an opinion from the AG's office in the near future, the question
481 becomes what other avenues are open to the Board.
482

483 Ms. Marks said that BBS had asked its counsel whether or not there was a statutory
484 change necessary to clarify that non-abusive, consensual acts would be considered the
485 same. Her opinion was that there was no statutory basis to distinguish between particular
486 sex acts being engaged by minors of like age in non-abusive relationships. Ms. Marks said
487 she agreed with that opinion. She had advised the Board to be cautious about informing
488 licensees that this was an appropriate interpretation of the law because we are talking
489 about statutes contained in the Penal Code, which this Board does not enforce. She said
490 the danger lies in telling the licensees there is no basis for this distinction; therefore, you
491 can feel confident in not reporting behavior that you may have once thought was
492 reportable. The downside is that the various district attorneys around the state may see it
493 differently based upon what she understands to be 30 years of secondary sources that
494 have made these distinctions. Her concern was the Board assuring licensees that they will
495 not be subject to criminal prosecution for failing to report certain acts.
496

497 Ms. Sorricks reported that Assembly Member Garcia had AB 832 last year and the Board
498 took a support position. This issue is important to her because there are many people in
499 her constituency and in her former career as a teacher that the legislation would have
500 affected. Ms. Sorricks suggested that the Board send a letter to Assembly Member Garcia
501 to show its support in her continued efforts, which can be posted on the Board's website
502 and in its newsletter. The Board needs a legislative fix to clean up the statute, short of
503 getting the AG's opinion, to resolve this issue.
504

505 Ms. Marks said her caution is two-fold. Without indicating that there are other law
506 enforcement agencies out there that have their own laws to administer, it provides a false
507 sense of security to the Board's licensees. Her other concern is if the Board receives notice
508 of conviction for a licensee because of a violation of those laws, the Board has the
509 obligation to initially investigate those and look at them on a case-by-case basis.

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Dr. Marilyn Immoos asked if the Board was in the position to engage the American Psychological Association (APA), the California Psychological Association (CPA), the American Association for Suicidology and other professional associations to see if they would take a stand if they have not already. It hinders psychologists' ability to provide therapy.

Dr. Shaefer suggested that the Board look to CPA to take a position. If the Board decides to communicate where it stands in its next newsletter, she is concerned that some psychologists may misunderstand that there is a separate issue within CANRA regarding child pornography. She does not want psychologists to think that the Board is taking a blanket position on all of CANRA.

It was M(Harlem)/S(Starr)/C to direct staff to ask BBS what it did after it received legal counsel's opinion and to put content in the newsletter that says where the Board stands in this process, and to send a letter to Assembly Member Garcia to show the Board's support in her continued efforts.

Vote: 7 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

c) Proposed Legislative Revisions – Discussion, Consideration, and Possible Action on Amendments to the following sections of the Business and Professions Code

Ms. Sorrick requested that the Board pay particular attention to sections 2913, 2934.1 and 2988.5. She indicated that sections 2915 and 2947 have not changed since the November Board meeting.

Ms. Jones said that staff and legal counsel reviewed and made changes to sections 2913, 2947 and 2988.5 and brought those to the Policy and Advocacy Committee for review.

1) Section 2913: Services by Psychological Assistants

Mr. Sorrick reported that the main changes in this section are the settings in which psychological assistants are working, supervision of psychological assistants provided by licensed psychologists or licensed psychiatrists and the application come directly from the psychological assistant.

2) Section 2915: Continuing Education Requirements; Practice Outside Fields of Competence

This language has not been changed since the November Board meeting.

3) Section 2947: Appointment of Commissioners on Examination; Qualifications

This language has not been changed since the November Board meeting.

4) Proposed Section 2934.1: Internet Information

557
558 Mr. Glasspiegel reported that this establishes what information on licensees the
559 Board will make available on its website. It would include their degree, a link to their
560 website and any disciplinary action.

561
562 Ms. Sorrick reported that the Medical Board uses specialization as an identifier on
563 the license lookup feature; however, because the Board of Psychology does not
564 recognize specializations in statute, the alternative was to provide a link to the
565 licensee's personal website.

566
567 Dr. Erickson asked how the Medical Board was able to list specializations on its
568 website since it does not issue licenses based upon specialty areas of practice.

569
570 Dr. Phillips said based upon what he has seen on the Medical Board's website, it
571 lists the diplomas of particular boards. This method becomes problematic for the
572 Board of Psychology since some licensees have specialties that are not necessarily
573 approved by a particular body. He said that if we allow people to self-specify it could
574 be allowing them to misrepresent themselves using an official government website.

575
576 Dr. Horn said about 85% of psychiatrists are board-certified versus less than 5% of
577 psychologists.

578 579 5) Proposed Section 2988.5: Retired License Status

580
581 Ms. Jones reported that the language from AB 750 was inserted into proposed
582 section 2988.5 because AB 750 died.

583
584 Ms. Marks reminded the Board that this section does not currently exist in statute.

585
586 Dr. Phillips said this proposal is the Board's attempt to address the concern of older
587 psychologists that there be some type of status where people do not have to give up
588 their professional identity.

589
590 Ms. Sorrick said that AB 750 never got past Appropriations because there was a
591 perceived negative fiscal impact.

592
593 It was M(Horn)/S(Harlem)/C to adopt the proposed legislative amendments to the
594 Business and Professions Code.

595
596 Vote: 7 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

597 598 d) Review and Consideration of Proposed Policy for Legislative Positions for Inclusion in 599 the Administrative Procedures Manual

600
601 Ms. Jones presented the proposed policy for legislative positions.
602

603 Ms. Marks said the Board might want to consider another policy on how to address
604 changes to legislation on which the Board has taken a position when it is near the end of
605 the legislative session and there is no time to have a Board meeting. The Board members
606 would need to determine how they are going to delegate authority in order to provide the
607 Board's position.
608

609 Ms. Sorrick suggested drafting some new language to be included in the Administrative
610 Procedures Manual to present at the next Policy and Advocacy Committee meeting
611 regarding Committee delegation. The Committee can then bring this draft language back to
612 the full Board in May.
613

614 It was M(Starr)/S(Arias-Bhatia)/C to adopt the language.
615

616 Vote: 7 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no
617

618 Board recessed at 2:13 p.m.
619

620 **Friday, February 26, 2016**

621 The Board reconvened at 8:47 a.m.
622

623 Board members Lucille Acquaye-Baddoo and Miquel Gallardo, PhD, were recorded as
624 absent.
625

626 **Agenda Item #13: Reconsideration Hearing of the Petition for Early Termination of**
627 **Probation – Timothy Beach, PsyD**
628

629 The Board held its Reconsideration Hearing of the Petition for Early Termination of
630 Probation for Dr. Timothy Beach.
631

632 **Agenda Item #14: Enforcement Division Overview and Presentation**
633

634 This agenda item was postponed until the May Board meeting.
635

636 **Agenda Item #15: CLOSED SESSION FULL BOARD**
637

638 **Agenda Item #16: The Board met in closed session pursuant to Government Code**
639 **Section 11126(e)(1) to Discuss Pending Litigation**
640

641 **Agenda Item #17: The Board met in Closed Session Pursuant to Government Code**
642 **Section 11126(a)(1) to conduct its annual evaluation of its Executive Officer**
643

644 **RETURN TO OPEN SESSION – FULL BOARD MEETING**
645

646 **Agenda Item #18: Licensing Report**
647

648 Ms. Johnson, the Board's Licensing Coordinator, presented the licensing report. Chris
649 Siepert and Rob Loyola received licensing analyst positions in the licensing unit. Staff's

650 processing times in reviewing and approving applicants is being maintained to two weeks
651 or less.

652
653 **Agenda Item #19: Continuing Education Report**
654

655 Ms. Jacquelin Everhart, the Board's CE/Renewals Coordinator, presented the continuing
656 education report.

657
658 **Agenda Item #20: Licensing Committee Report and Consideration of Committee**
659 **Recommendations**
660

661 Dr. Horn requested that the Board address how staff could determine which requests
662 should go to the Board for future agenda items.

663
664 **a) Discussion, Review and Consideration of the Proposed Revisions to Title 16 of the**
665 **California Code of Regulations; Sections 1397.60, 1397.61, 1397.62, 1397.67, 1397.69,**
666 **1397.70 (CE/CPD)**
667

668 Dr. Horn reported that the language is still under review by the Licensing Committee and
669 hopes to bring it back to the May Board meeting.

670
671 **b) Overview and Presentation of the Department of Justice and Federal Bureau of**
672 **Investigation Fingerprint Process**
673

674 Ms. Karen Johnson presented an overview of the DOJ and FBI fingerprint process.

675
676 **c) Consider Licensing Committee Recommendation Regarding Request from K.P. for an**
677 **Extension of the 30-consecutive Month Requirement to Accrue 1500 Hours of Pre-doctoral**
678 **Supervised Professional Experience Pursuant to Section 1387(a) for the California Code of**
679 **Regulations**
680

681 Dr. Horn presented the Committee's recommendation to grant the two-month extension to
682 K.P.

683
684 It was M(Jones)/S(Arias-Bhatia)/C to accept the Licensing Committee's recommendation to
685 grant the two-month extension to K.P.

686
687 Vote: 7 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no
688

689 **d) Consider Licensing Committee Recommendation Regarding Request from M.P. for an**
690 **Extension of the 30-consecutive Month Requirement to Accrue 1500 Hours of Post-doctoral**
691 **Supervised Professional Experience Pursuant to Section 1387(a) for the California Code of**
692 **Regulations**
693

694 Dr. Horn reported that the Committee's recommendation is to grant the six-month extension
695 to M.P.
696

697 It was M(Harlem)/S(Arias-Bhatia)/C to accept the Licensing Committee's recommendation
698 to grant the six-month extension to M.P.
699

700 Vote: 7 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no
701

702 e) Consider Licensing Committee Recommendation Regarding Request from P.C. for an
703 Extension of the 30-consecutive Month Requirement to Accrue 1500 Hours of Post-doctoral
704 Supervised Professional Experience Pursuant to Section 1387(a) for the California Code of
705 Regulations
706

707 Dr. Horn reported that P.C. accrued the bulk of the hours within 12 months and did not
708 accrue anymore hours until a couple of years later at which time P.C. obtained an
709 additional 136 hours. The 30 consecutive months had ended a couple of years before P.C.
710 accrued the 136 hours; therefore, P.C. is requesting an extension in order to count the 136
711 hours. There is some question that P.C. may have been given some inaccurate information
712 from supervisors. The Committee's recommendation is to approve the extension and grant
713 P.C. the entire 1500 hours.
714

715 Ms. Jones said that the Board previously discussed how it could ensure that supervisors
716 are providing correct information to their psychological assistants.
717

718 Dr. Shaefer said it would be great if the Board could develop a sheet that provides the
719 issues supervisors need to know about in addition to creating an information sheet for
720 internships and post docs.
721

722 Dr. Phillips said one of the objectives of the pathways to licensure discussion is to make the
723 language as clear as possible so that people know what their responsibilities are.
724

725 It was M(Jones)/S(Erickson)/C to accept the Licensing Committee's recommendation to
726 grant the extension and the 1500 hours to P.C.
727

728 Vote: 7 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no
729

730 f) Consider Licensing Committee Recommendation Regarding Request from K.F. for an
731 Extension to the Limit of a Cumulative 72 Months to Renew a Psychological Assistant
732 Registration Pursuant to Section 1391.1(b) of the California Code of Regulations
733

734 Dr. Horn reported that K.F.'s 72 months will expire in June 2017. K.F. has not been able to
735 pass the national licensing exam. K.F. is requesting an extension based upon them being
736 older, having an active practice and not going to practice too much longer, and does not
737 want the psychological assistantship to end.
738

739 The Committee's recommendation is to deny K.F.'s request for an extension of their
740 psychological assistant registration because it perceives it as a consumer protection issue.
741

742 It was M(Starr)/S(Jones)/C to accept the Licensing Committee's recommendation to deny
743 K.F.'s request to extend their psychological assistant registration.

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Vote: 6 aye (Erickson, Jones, Phillips, Horn, Starr, Harlem) 1 abstain (Arias-Bhatia) 0 no

g) Consider Licensing Committee Recommendation Regarding Request from S.M. for an exception to the CE Requirements Pursuant to Section 1397.62(b) of the California Code of Regulations

Dr. Horn reported that this request came to the full Board at its February 2015 meeting. Additional information was requested in order to grant or deny the request. After the meeting, the file had been given to the incorrect staff person for processing. When the file was revisited, it was discovered that the licensee had never been contacted to request the additional information. In December 2015, staff sent a letter to the licensee and received a response with the requested information. The response was provided to the Licensing Committee at its February meeting.

The Licensing Committee's recommendation is to approve S.M.'s request for an exception to the Board's CE requirements.

It was M(Erickson)/S(Jones)/C to accept the Licensing Committee's recommendation to grant the exception to S.M.

Vote: 5 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn) 2 abstain (Starr, Harlem) 0 no

h) Review and Assessment of Current Licensing Requirements and Recommendations for Possible Amendment

1) Proposed Amendments to Sections of the Business and Professions Code: 2909, 2909.5, & 2911 (Exemptions); 2913 (Psychological Assistant), 2914 (Licensed Psychologist), 2915 (Continuing Education); 2940 & 2941 (Application and Examination Fees); 2942, 2943, & 2944 (Examination Time and Subjects); 2946 (Reciprocity and Temporary Practice); 2947 (Appointment of Commissioners); 2948 (Issuance of License)

Dr. Horn reported that the Licensing Committee is still reviewing the current language and will continue its review at its next meeting and provide an update to the full Board in May. It will then hold another Licensing Committee meeting with stakeholders prior to the August Board meeting and provide a report to the full Board in August. Dr. Phillips suggested that this meeting be webcast so that the other Board members can listen to the discussion.

2) Review of Proposed New Statutory Language Regarding Coursework in Suicide Risk Assessment and Intervention

Dr. Horn reported that the Committee is still reviewing the language.

3) Proposed Amendments to Sections of Title 16, California Code of Regulations: 1381, 1381.1, & 1381.2 (Applications); 1381.4 (Failure to Appear for an

791 Examination); 1381.5 (Failure to Pay Initial License Fee); 1387 (Supervised
792 Professional Experience); 1387.1 & 1387.2 (Qualifications of Primary and Delegated
793 Supervisors); 1387.3 (Non-Mental Health Services); 1387.4 (Out-of-State
794 Experience); 1387.5 (SPE Log); 1388, 1388.6, 1389 & 1389.1 (Examinations-
795 Waiver/Reconsideration); 1387.7, 1390, 1390.1, 1390.2, & 1390.3 (Registered
796 Psychologists); 1387.6, 1391, 1391.1, 1391.2, 1391.3, 1391.4, 1391.5, 1391.6,
797 1391.7, 1391.8, 1391.10, 1391.11, & 1391.12 (Psychological Assistants)
798

799 Dr. Horn reported that the Committee is still reviewing the language.
800

801 **Agenda Item #21: Enforcement Committee Report and Consideration of Committee**
802 **Recommendations**

803
804 Dr. Phillips presented the Enforcement Committee report on behalf of Ms. Acquaye-
805 Baddoo.

806
807 **a) Proposed Changes to the Disciplinary Guidelines – Title 16, CCR, Section 1397.12**
808

809 The Enforcement Committee met on January 22 to review the Board's disciplinary
810 guidelines. The Committee is reviewing the guidelines in a very systematic and detailed
811 way. They will be meeting again to continue their review in hopes to have the guidelines
812 ready for the May Board meeting, and if not May then August.
813

814 **Agenda Item #22: Telepsychology Committee Report and Consideration of**
815 **Committee Recommendations**

816
817 Dr. Erickson reported that the Telepsychology Committee met on January 25 to review, edit
818 and develop the draft regulations. The Committee's recommendation is to come back to the
819 full Board in May with proposed regulations.
820

821 Dr. Phillips said that the Board received comments from Dr. Adam Alban and he would like
822 to ensure that those are included at the next Committee meeting.
823

824 **a) Proposed Additions to California Code of Regulations, Title 16, to Address Standards of**
825 **Practice for Telehealth**

826
827 This agenda item was moved to the May Board meeting.
828

829 **Agenda Item #23: Sunset Review Update and Possible Review of Background Paper**
830 **from the Senate Business, Professions, and Economic Development Committee**
831

832 Ms. Sorrick reported that the Board met and reviewed the Sunset Review Report and
833 continued and completed its review at the November 28 Board meeting. The report was
834 submitted to the Senate Business and Professions Committee on December 1, 2015 and
835 staff received follow-up questions from the Sunset Review Committee about a week prior to
836 the Board meeting. Staff has drafted the responses for the Board members to review,
837 which were reported as due Monday, February 29.

838
839 Dr. Horn asked if the term “citation and fine” should be capitalized and suggested that staff
840 add that the Board has started tracking first-time test-takers in its response to question four.
841 She said staff needs to explain why certain subject areas are no longer making up a large
842 portion of the exam. She said it currently sounds like these areas were removed because
843 they were too difficult. A more direct answer to question eight was suggested. Dr. Phillips
844 said the answer should be that to date, travel restrictions have not prevented the Board
845 from participating in activities that it wants to participate in.

846
847 Discussion ensued regarding the passage rates for approved schools. Ms. Sorrick reported
848 that the consultants with the Senate Business and Professions Committee requested staff
849 to pull data on disciplinary actions by approved schools and test passage rates on
850 approved schools. Staff is not sure whether it can pull this type of data from BreEZe, but if it
851 can, it will present it to the Senate Business and Professions Committee and to the Board.
852 She said she received an email from OPES that morning to request that staff change its
853 answer to number four, bullet point number four. The new answer would read “The Board
854 increased its efforts in recruitment newly licensed subject matter experts who were more in
855 touch with entry-level practice; however, the composition of the subject matter expert
856 groups may have impacted the process.” The Board members agreed with this change.

857
858 Dr. Erickson requested that bullet point number one in question four be deleted because it
859 did not answer the question.

860
861 It was M(Erickson)/S(Jones)/C to approve the Sunset responses.

862
863 Vote: 7 yes (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

864
865 Ms. Sorrick said the Board has been asked to appear at hearing in front of the Senate
866 Business and Professions Committee on March 14. She would be present as well as
867 Board President Phillips and Board Vice President Jones. They will go through the
868 responses staff has drafted to the questions that have been provided. There will be more
869 time to ask any follow-up questions. Stakeholders are invited to testify on behalf of the
870 Board’s Sunset Review and there will be more time given more closing. The next step after
871 the hearing is legislation that will be carried out by the Senate Business and Professions
872 Committee. The Board has SB 1194 as the placeholder bill to grant the Board an extension
873 until 2021. It also includes the five sections the Board has requested be added to the
874 Sunset Bill.

875
876 Ms. Sorrick also reported that staff has been asked by Senator Hernandez’ office to attend
877 a hearing on March 9 regarding Access to Mental Healthcare in California. The Board was
878 asked to provide a perspective on licensing and how the Board’s licensing process works.
879 The Board of Behavioral Sciences and the Medical Board have also been invited to attend.

880
881 **Agenda Item #24: North Carolina Dental Board Examiners Case Review**

882

883 Ms. Marks read the Case Review and discussed the standards that are applied to each
884 board as a result of the North Carolina case. The supervising agency over the state boards
885 depends on the action that is being taken.
886

887 Ms. Marks read, "...the state has a duty to defend and indemnify members of California
888 professional regulatory boards against anti-trust litigation to the same extent that it defends
889 and indemnifies state officers and employees against other forms of civil litigation."
890

891 Ms. Marks said that regulations are anti-competitive in nature. It is important that the Board
892 members are aware of the impacts.
893

894 Discussion ensued between the Board members.
895

896 **Agenda Item #25: President's Report**
897

898 Dr. Phillips reported on the following items:
899

900 **a) Presentation to Outgoing Board President Michael Erickson, PhD**
901

902 Dr. Phillips recognized Dr. Erickson's hard work in his leadership and presented him with a
903 Certificate of Appreciation on behalf of the Board of Psychology. The Board members
904 congratulated Dr. Erickson and Dr. Erickson said how much he enjoyed serving the Board.
905

906 **b) 2016 Meeting Calendar and Locations**
907

908 Universal City was announced as the potential location for the next Board meeting location.
909

910 **c) Committee Updates**
911

912 The Licensing Committee is currently searching for a new date for its next meeting. The
913 new chairman of the Sunset Committee is Dr. Phillips and the new chairman of the
914 Telepsychology Committee is Dr. Erickson.
915

916 **d) Other Informational Items**
917

918 Dr. Phillips thanked Senator Bates and her staff for having the Board at the Capitol and
919 setting up such a beautiful room for the Board to have its meeting.
920

921 He recognized Ms. Jones for getting through the regulation updates and Dr. Horn for
922 getting us through the pathways to licensure discussion. He thanked staff and the Board
923 members for their passion and diligence they bring to their job.
924

925 He recognized the efforts of the Outreach and Education Committee and Ms. Starr for her
926 taking Dr. Gallardo's role of reporting on behalf of the Committee.
927

928 **Agenda Item #26: Recommendations for Agenda Items for Future Board Meetings**
929

930 The Board discussed agenda items for future Board meetings.

931

932 **Agenda Item #27: Adjournment**

933

934 The Board adjourned at 3:48 p.m.

935

936

937

938 _____ Date _____