


MEMORANDUM

DATE	May 6, 2016
TO	Board of Psychology
FROM	 Jason Glasspiegel Central Services Coordinator
SUBJECT	Agenda Item #22 (b) – Update regarding the California Child Abuse and Neglect Reporting Act (CANRA) and Mandated Reporting – Penal Code Sections 261.5, 288, and 11165.1

Background:

The Board of Psychology requested an opinion from the Attorney General (AG) whether oral copulation and sodomy between minors of like age is reportable. The Board's request is still pending (Pending Opinion Request #15-201 – Eisenberg), due to a complaint against the AG's office.

At its February Board meeting, staff was asked to speak to the Board of Behavioral Sciences (BBS) and inquire as to the steps they took in receiving and disseminating the legal opinion provided to them by the Department of Consumer Affairs.

Staff was also asked to create a letter with Dr. Harlem to be sent to Assembly Member Garcia's office encouraging her to continue to pursue legislation to amend CANRA. This letter was completed and sent.

BBS advised they first began to examine the issue because stakeholders brought it to the attention of their Board due to the interpretation of the law by many of their licensees. Coincidentally, staff members at the Legislature contacted BBS to advise that the interpretation by their stakeholders was incorrect, and the amendments could have implications on family planning agencies. Due to the concern of a legal misinterpretation of CANRA, BBS requested a legal opinion from the Department of Consumer Affairs. Once this legal opinion was received, the Board placed the opinion in their Board materials.

Since the receipt of this opinion, BBS has made no statements regarding the interpretation of CANRA, and not advised their licensees that they will or will not take enforcement action against them due to a CANRA related complaint.

Action Requested:

This item is for informational purposes only. There is no action required of the Board.