

MEMORANDUM

DATE	August 3, 2016
TO	Psychology Board Members
FROM	<i>Jacquelin Everhart</i> Jacquelin Everhart CE/Renewals Coordinator
SUBJECT	Agenda Item 5 <i>Approval of Minutes: July 27, 2016</i>

[Approval of Minutes: July 27, 2016](#)

Attached are the draft minutes for the July 27, 2016 teleconferenced Board meeting.

Action Requested:

To approve the attached minutes for the July 27, 2016 teleconferenced Board meeting.

BOARD MEETING MINUTES

**Department of Consumer Affairs
1625 N. Market Blvd., Trinity Room (307)
Sacramento, CA 95834
(916) 574-7720**

TELECONFERENCE LOCATIONS

8920 Wilshire
Boulevard, Suite 334
Beverly Hills, CA 90211
(310) 275-4194

Los Angeles Harbor
College
1111 Figueroa Place,
Suite NEA147
Wilmington, CA 90744
(310) 223-4069

Junipero Serra Building
320 W. Fourth Street
Room 5C
Los Angeles, CA 90013
(213) 576-6273

1 **Wednesday, July 27, 2016**

2

3 Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order
4 at 9:19 a.m. A quorum was present and due notice had been sent to all interested
5 parties.

6

7 **Members Present**

8 Stephen Phillips, JD, PsyD, President
9 Nicole J. Jones, Public Member, Vice-President
10 Lucille Acquaye-Baddoo, Public Member
11 Michael Erickson, PhD
12 Jacqueline Horn, PhD

13

14 **Others Present**

15 Antonette Sorrick, Executive Officer
16 Sandra Monterrubio, Enforcement Program Manager
17 Karen Johnson, Licensing Coordinator
18 Jason Glasspiegel, Central Services Coordinator
19 Jacquelin Everhart, Continuing Education/Renewals Coordinator
20 Norine Marks, DCA Legal Counsel
21 Jo Linder-Crow, PhD, California Psychological Association
22 Amanda Levy, California Psychological Association
23 Elizabeth Winkelman, JD, PhD California Psychological Association

24 Sarah Huchel, Business, Professions and Economic Development Committee

25

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

27

28 Dr. Phillips welcomed everyone in attendance and read the Board's mission statement.
29 He announced that the next Board meeting would be held August 18 and 19, 2016 at
30 the Wright Institute in Berkeley. He then explained that the Board would be discussing
31 agenda item 4(n) first.

32

33 **Agenda Item #3: Public Comments for Items not on the Agenda**

34

35 No public comments were received.

36

37 **Agenda Item #4: Review and Consideration of Proposed Legislation and**
38 **Positions**

39

40 Ms. Jones thanked staff for its hard work.

41

42 **a) AB 796 (Nazarian) Health Care Coverage: Autism and Pervasive Developmental**
43 **Disorders**

44

45 Mr. Glasspiegel reported that the Board sent an "Oppose" position letter to the Senate
46 Health and Human Services Committee as well as to the author's office. The Board has
47 since been amended out of the bill. Staff's recommendation is to take an "Oppose"
48 position to the amended version of the bill.

49

50 Dr. Horn asked why the Board should take an "Oppose" position if the Board has been
51 taken out of the bill.

52

53 Ms. Sorrick reported that this bill would provide insurance coverage for applied behavior
54 analysis without establishing licensure. She requested the Board to consider having Ms.
55 Arias-Bhatia work with staff to draft an "Oppose" letter.

56

57 Dr. Horn said she would support an "Oppose" position.

58

59 Ms. Jones asked if it would make sense for the Board to take a position on this bill.

60

61 Dr. Horn said it did make sense to take a position on the bill because if there is no
62 licensure, the profession lacks consumer protection..

63 It was M(Acquaye-Baddoo)/S(Horn)/C to oppose AB 796 and to have Ms. Arias-Bhatia
64 work with staff to draft an "Oppose" letter.

65

66 Vote: 5 aye (Horn, Erickson, Acquaye-Baddoo, Jones, Phillips) 0 no

67

68 Ms. Sorrick clarified that staff would include that the Board is opposing the bill for the
69 lack of consumer protection because of no licensure in addition to not having a sunset
70 date included in the language.

71

72 The Board agreed to her clarification.

73

74 b) AB 1715 (Holden) Healing Arts: ABA

75

76 Mr. Glasspiegel reported that the hearing was canceled because the author is no longer
77 pursuing the bill; therefore, no action is required.

78

79 c) AB 1835 (Holden) Private Postsecondary Education: Exemptions

80

81 Mr. Glasspiegel indicated that this agenda item is for informational purposes only.

82

83 d) AB 1962 (Dodd) Criminal Proceedings: Mental Competence

84

85 Ms. Jones indicated that this bill would require the California Department of State
86 Hospitals to adopt guidelines for education and training standards for psychiatrists or
87 licensed psychologists to be considered for appointment by the court in consultation
88 with relevant stakeholder groups. This bill would provide that if there is no reasonably
89 available expert who meet the guidelines, the court shall have discretion to appoint an
90 expert who does not meet the guidelines.

91

92 Mr. Glasspiegel reported that the Board has not taken a position and that staff has been
93 watching this bill.

94 Dr. Horn indicated that, it looks like the Department of State Hospitals would create the
95 guidelines, but that they would not just be used in State Hospital issues, but for
96 determining competency throughout the state, regardless of what it is for. She said
97 there are groups of forensic psychiatrists and groups of forensic psychologists that
98 already have guidelines, and the courts throughout the states use these already
99 established guidelines from those groups. She wondered what this bill would actually
100 do.

101

102 Dr. Phillips said that to his understanding the bill is focused on criminal proceedings in
103 state courts. He said it has been reported that many people are being referred to the
104 state hospitals for treatment as incompetent to stand trial when they do not meet the
105 standard for incompetency from the outset. He stated there might be grounds for
106 concern that the uniform standards could favor psychologists who work at or have been
107 trained in State Hospitals over other equally qualified forensic psychologists who have
108 no past or present relationship to the state system. He also raised the issue as to
109 whether the Department of State Hospitals is the appropriate forum for setting the
110 relevant standards given their own institutional problems with overcrowding. He
111 expressed concern there might be some institutional considerations, such as
112 overcrowding, that may influence the standards created. Dr. Phillips stated that he
113 understands that relevant stakeholders will be involved in the development of these
114 standards and that such concerns will hopefully be addressed in that process.

115

116 Dr. Horn said her concern is about when there might not be any qualified people.

117

118 Dr. Phillips said he thinks there will be qualified people; however, he is concerned that
119 these qualified individuals will all have at one time or another worked at the Department
120 of State Hospitals if they set the standards in a way that rules out other types of
121 psychologists. He is concerned with how the process is going to play out.

122 Dr. Horn said she agrees that there will always be a qualified person available, but if
123 there is not, who does the court appoint?

124

125 Dr. Phillips said he believed the courts will then have to make an independent
126 determination as to alternative professionals with appropriate expertise in order to
127 appoint someone who does not comply with the standards as determined by this
128 legislatively mandated process. He added that sometimes the experts courts appoint
129 experts from a different part of the state and the courts typically have special funding
130 sources to retain such experts. He added that this bill does not prevent either party from
131 retaining their own experts regardless of the standards developed for appointment by
132 the courts.

133

134 Dr. Horn said she would feel comfortable with a "Watch" position on the bill just in case
135 something happens down the line.

136

137 Dr. Erickson said that the Board previously discussed whether the term "licensed"
138 needs to precede "psychologist" because all psychologists working in California must be
139 licensed. He said he is not sure if this is the appropriate time to bring this issue up, but
140 he wanted to take the opportunity to raise this issue so that the Board could consider it.

141 Ms. Sorrick indicated that unlicensed individuals in exempt settings are sometimes
142 labeled as "psychologists" and this may be the reason for using the term "licensed"
143 before psychologist.

144
145 Ms. Amanda Levy, California Psychological Association (CPA), said CPA has met with
146 the author's office to discuss this bill and the intent is to include professional
147 associations and unions representing psychologists in the state facilities to develop the
148 standards.

149
150 Ms Marks pointed out that subsection (h)(2) states "If there is no reasonable available
151 expert who meets the guidelines or who has equivalent experience and skills, the court
152 shall have the discretion to appoint an expert who does not meet the guidelines". She
153 said that to her, this implies that it does not necessarily mean that an expert will only be
154 someone who meets the guidelines.

155
156 Dr. Erickson said he believes that State Hospitals did not go along with the regulations
157 some years ago when it became possible for psychologists to become part of State
158 Hospital staff. He said he is not clear how the State Hospital system operates under
159 separate regulations or authority from other settings in California. He asked how the
160 Board can work closely to understand what the State Hospitals are doing and to make
161 clear what the Board is doing when it comes to taking a position on this bill. He asked
162 Dr. Linder-Crow if she recalls any of this information.

163
164 Dr. Linder-Crow, CPA, indicated that in 1990 the California Supreme Court ruled that
165 psychologists could be a part of the medical staff at State Hospitals and regulations
166 were created to implement this ruling. She said that in most cases State Hospitals have
167 not applied these regulations. She said it is a very complicated issue and the
168 organization known as Psychology Shield continues to work on this issue. She indicated
169 that it is the opinion of both CPA and its attorney that State Hospitals are not following
170 the law. She said that CPA has taken a "Support" position on the bill because CPA
171 supports the establishment of standards and she is sure that CPA will be a part of the
172 stakeholders group to create these standards. She said Dr. Erickson's recollection of
173 State Hospitals not enforcing the regulations is accurate, but that this is a separate
174 issue from this bill.

175
176 Dr. Erickson said this information was very informative and thanked Dr. Linder-Crow for
177 her comment.

178
179 Ms. Jones asked the Board members if they would like to entertain a motion and the
180 Board members agreed to continue watching this bill.

181 e) AB 2017 (McCarty) College Mental Health Services Program

182

183 Ms. Jones indicated that the Board took a "Support" position in May. She said at the
184 time the motion was made, there was unspecified amount for the grant and now there is
185 a \$4 million allocation.

186

187 Mr. Glasspiegel indicated that there is no hearing scheduled and the bill is currently in
188 the Senate Education Committee.

189

190 Ms. Jones asked Ms. Marks if the Board needs to make a motion and Ms. Marks said
191 their original decision to take a "Support" position would still stand.

192

193 f) AB 2086 (Cooley) Workers Compensation: Neuropsychologists

194

195 Mr. Glasspiegel indicated that staff has not heard if the Board's amendments are being
196 considered and reported that there would be a hearing on August 1, 2016.

197

198 Ms. Sorrick reported that staff reached out to Assembly Member Cooley's office to
199 confirm that they received the Board's position letter and asked the Department of
200 Industrial Relations (DIR) if they needed additional information. DIR said they were
201 working with the author's office and would let the Board know if anything else was
202 needed. She reported that the Senate Appropriations Committee also has the Board's
203 "Support if Amended" position letter.

204

205 Dr. Erickson suggested that the Board reconsider a position at its August Board meeting
206 if the amendments are accepted or not.

207

208 Ms. Jones asked if the motion made at the May Board meeting allowed staff to change
209 the Board's position.

210

211 Ms. Sorrick indicated that staff has the inherent authority change the Board's position if
212 the amendments were accepted.

213

214 Dr. Linder-Crow, CPA, thanked the Board for its conversation on this bill. She indicated
215 that CPA is actively working on this bill and asked the Board what it would do if their
216 amendments were not accepted. She said workers are losing out on appropriate
217 evaluations and CPA wants to see the bill pass.

218

219 Ms. Jones suggested that staff and Dr. Erickson work together if the Board's input is
220 needed and Dr. Erickson said he would be glad to help.

221 g) AB 2443 (Baker) Improving Mental Health Access for Students

222
223 Ms. Jones indicated that the Board took a "Support" position at its May Board meeting.
224

225 Mr. Glasspiegel reported that no changes have been made to this bill and it has been
226 held in the Assembly Appropriations Committee.
227

228 Ms Jones stated that no action is requested at this time.
229

230 h) AB 2507 (Gordon) Telehealth: Access

231
232 Mr. Glasspiegel indicated that AB 2507 has been held in the Assembly Appropriations
233 Committee.
234

235 Dr. Horn asked what it meant when a bill is held in a committee.
236

237 Ms. Sorrick indicated that it could be for a number of reasons such as at the request of
238 the author. However, she said that bills could still move after being held in committee.
239 She said this is the reason staff continues to keep these bills on its radar.
240

241 Dr. Erickson said he noticed that texting and chat conferencing have been removed
242 from the list of specifics that were previously in the bill and that it now just lists video
243 and telephone communications. He said Business and Professions Code Section
244 2290.5 specifies information technologies, but does not specify the type of acceptable
245 technologies; thus, texting and chat conferencing could still be considered adequate
246 means to provide services. He said insurance companies are not required to pay for
247 services rendered via telehealth unless there is a statute to require them to do so.
248

249 i) AB 2859 (Low) Professions and Vocations; Retired Category

250
251 Mr. Glasspiegel reported that staff has been watching this bill and there is language
252 included in the Board's Sunset Bill that will be heard at a hearing on August 1, 2016. He
253 indicated that no action was required.
254

255 j) SB 1033 (Hill) Medical Board: Disclosure of Probationary Status

256
257 Mr. Glasspiegel indicated that this bill is currently in the Senate Inactive file and is no
258 longer moving forward.
259

260 Dr. Horn asked if this bill means that probationary status is currently not provided to the
261 public.

262 Ms. Sorrick indicated that if passed, this bill would require public posting for licensees
263 of the Medical Board, the Osteopathic Medical Board, the Board of Podiatric Medicine,
264 the State Board of Chiropractic Examiners, the Neuropathic Medicine Committee, and \\
265 the Acupuncture Board . She explained that if this bill applied to the Board of
266 Psychology, if a client came to the office of a licensee who is on probation, the
267 psychologist would need to publically notice that they are on probation. She said even
268 though the Board is not included in the bill, staff still wants to watch it.

269

270 k) SB 1034 (Mitchell) Health Care Coverage: Autism

271

272 Mr. Glasspiegel indicated that staff's recommendation is to take an "Oppose" position
273 and that the hearing would take place on August 3, 2016. He said this bill is slightly
274 different from the other reimbursement for autism services bill because it would extend
275 the Sunset date until January 1, 2022.

276

277 Ms. Sorrick indicated that staff is recommending an "Oppose" position because
278 licensure is not required for the professional providing the services; therefore, there is a
279 lack of consumer protection.

280

281 Dr. Horn said she is really concerned with the public protection issue and that it keeps
282 reoccurring. She said it is not that the Board doesn't want people who provide autism
283 services to be reimbursed, but this is not the issue.

284

285 Ms. Jones thanked Dr. Horn for her comment and said the important part of the motions
286 is to use the position letters with the reasons included for the Board's opposition as a
287 vehicle to express those reasons. She said that the quality of the letters reflects the
288 Board's robust conversations and sentiments.

289

290 Ms. Sorrick said staff would convey in the Board's position letter that it is important for
291 individuals needing services from autism service providers to have ready access to
292 those services and for those services to be competent and have consumer protections
293 in place.

294

295 It was M(Horn)/S(Acquaye-Baddoo)/C to oppose SB 1034 and to ask Ms. Arias-Bhatia
296 to work with staff to include the reasons for its opposition in the Board's position letter.

297

298 Vote: 5 aye (Horn, Erickson, Phillips, Jones, Acquaye-Baddoo) 0 no

299

300 l) SB 1101 (Wieckowski) Alcohol and Drug Counselors: Regulation

301

302 Mr. Glasspiegel indicated that SB 1101 was held in the Senate Appropriations
303 Committee.

304

305 m) SB 1155 (Morrell) Professions and Vocations: Licenses: Military

306

307 Mr. Glasspiegel indicated that the hearing is scheduled to be held in the Senate
308 Appropriations Committee on August 3, 2016.

309

310 n) SB 1194 (Hill) Psychology: Board of Psychology: Personnel

311

312 Mr. Glasspiegel indicated that the hearing is scheduled for August 3, 2016.

313 Sarah Huchel, Business, Professions and Economic Development Committee, said the
314 content in SB 1194 will be moved to SB 1193 and the current SB 1194 will be the new
315 vehicle of SB 1195.

316

317 Ms. Sorrick presented recommended language changes for the Board to consider. She
318 said the American Osteopathic Association (AOA), the Osteopathic Physicians and
319 Surgeons of California (OPSC) and the American College of Osteopathic Neurologists
320 and Psychiatrists (ACONP) requested that the definition of psychiatrist in Section 2913
321 be changed to reflect acceptance of a certification from the American College of
322 Osteopathic Neurologists and Psychiatrists, which was consistent with regulatory
323 equivalencies for psychiatrists.

324

325 Ms. Sorrick said the discussion at the June/July Licensing Committee meeting was to
326 add "Self-Directed Study" as a fifth category of the Continuing Professional
327 Development (CPD) model. She suggested that this new learning activity be placed
328 under one of the already established four categories.

329

330 Dr. Phillips said this category was created as an independent basis for licensees to
331 accrue hours since the Board wants psychologists to obtain hours from two different
332 categories.

333

334 Dr. Horn suggested that "Self-directed Study" be placed in the Academic category
335 because people participating in self-directed study are engaging in academic-like
336 activities. She thinks most people will obtain a majority of their hours using the
337 continuing education category and said that the Academic category is narrow and
338 including self-directed study will broaden its options.

339

340 Dr. Phillips said he appreciates the clarification and her explanation makes sense.
341 The Board members agreed not to include "Self-Directed Study" as a fifth category.
342

343 Ms. Sorrick said the text highlighted in Section 2915(f) is consistent with the Licensing
344 Committee's discussion at its June/July meeting. The Committee wanted to make the
345 language more consistent with the organizations that are providing continuing education
346 courses. The recommended amendment is to take out the terms "sponsored" and
347 "courses that have been" and replace "private, non-profit organization" with the term
348 "entity".

349 Dr. Linder-Crow asked why "Self-Directed Study" will not be included as a fifth
350 category, but rather within another already established category.
351

352 Ms. Sorrick said that from a policy perspective, the Board kept the language in Section
353 2915(c) very general. She said the Senate Business and Professions Committee and
354 the Legislative Council had asked what categories would be included in the CPD model.
355 The Board already sent the Committee the regulatory package and since the "Self-
356 Directed Study" option was just discussed at the Licensing Committee's last meeting, it
357 has not been full vetted. She said that she did not want the suggested changed to
358 impact legislation.
359

360 Dr. Linder-Crow asked if a fifth category would be added in regulations if there were
361 only four listed in statute.
362

363 Ms. Sorrick said that the statues and regulations need to be consistent and would have
364 to be the same.
365

366 Dr. Linder-Crow said that the Licensing Committee already agreed to bring this fifth
367 category to the full Board and asked if it would not be brought back to the full Board if it
368 is not kept.
369

370 Ms. Sorrick explained that it has to do with the timing of the CPD regulations. She said
371 the Licensing Committee met at the end of June and has not completed its review. She
372 said the Committee will meet again in September or October to solidify the language to
373 bring to the full Board at the November Board meeting. She indicated that if the Board
374 takes a different path with the categories, it can then wait for legislative session to clean
375 up the language.
376

377 Dr. Phillips indicated that the Licensing Committee will need to revisit this issue. He said
378 that "Self-directed Study" is not going to be ruled out, but it will not be considered a
379 separate category as this time.

380 It was M(Acquaye-Baddoo)/S(Horn)/C to support SB 1194 with the amendments as
381 stated.

382

383 Vote: 5 aye (Horn, Erickson, Jones, Phillips, Acquaye-Baddoo) 0 no

384

385 o) SB 1195 (Hill) Professions and Vocations: Boards: Competitive Impact

386

387 Ms. Jones indicated that staff will continue to watch SB 1195.

388

389 Ms. Sorrick said that this bill will become SB 1194 and the language will be available in
390 the next couple of weeks.

391

392 p) SB 1204 (Hernandez) Health Professions Development: Loan Repayment

393

394 Mr. Glasspiegel indicated that Senator Hernandez has decided not to pursue SB 1204
395 at this time, but is pursuing SB 1471 (Hernandez), which only applies to physicians,
396 surgeons, and psychiatrists under the Steven Thompson Physician Loan Repayment
397 Program. He said staff will continue to watch this bill.

398

399 g) SB 1217 (Stone) Healing Arts: Reporting Requirements: Liability

400

401 Mr. Glasspiegel indicated that staff has contacted Senator Stone's office and they have
402 confirmed that they are no longer pursuing this bill.

403

404 r) SB 1334 (Stone) Crime Reporting: Health Practitioners: Trafficking

405

406 Ms. Jones indicated that staff has been watching this bill.

407

408 Mr. Glasspiegel reported that SB 1334 has been held in the Senate Appropriations
409 Committee.

410

411 Amanda Levy, CPA, said if the bill moves out of the Committee, it will be made clear
412 that psychologists are not included in the mandatory reporting requirements.

413

414 s) SB 1471 (Hernandez) Health Professions Development: Loan Repayment

415

416 Mr. Glasspiegel presented the background of SB 1471.

417

418 Dr. Phillips suggested that the Board continue to watch this bill because it does not
419 impact the Board.

420 The Board members agreed to watch this bill.

421

422 t) Legislative Items for Future Meeting

423

424 Ms. Jones said that the last day to amend on the Floor is August 19.

425

426 **Agenda Item #5: Telepsychology Committee Report and Consideration of**
427 **Committee Recommendations**

428

429 Dr. Erickson presented the proposed additions to the California Code of Regulations
430 (CCR) Title16 to address Standards of Practice for Telehealth and the Committee's
431 review of a public comment from Dr. Adam Alban. Dr. Erickson said that the
432 Telepsychology Committee has been meeting for a couple of years and asked the
433 Board members and the public to review the proposed language. He said the next step
434 is to move forward in the regulatory process.

435

436 Ms. Sorrick said that once the Board agrees on language, staff can notice the proposed
437 language for a hearing and then send it out for public comment. She said if the Board
438 were to agree on the language at this meeting, it may be able to have the hearing at the
439 November Board meeting.

440

441 Dr. Erickson said the Committee reviewed Dr. Alban's comments and agreed that his
442 observations were informative, but the Committee decided to move forward with its
443 revisions.

444

445 Dr. Phillips said the revisions capture the different factors that the Committee felt were
446 important to communicate to licensees. He said the language does not provide specific
447 guidance, but rather general. He requested that a colon be added at the end of the first
448 sentence.

449

450 Dr. Horn said she is happy that the Board is drafting language because they know that
451 telehealth is occurring and appreciates that psychologists have to be competent in the
452 use of telehealth.

453

454 Dr. Erickson said that the term "recipient" needs to be changed to "patient or client"
455 throughout the document.

456

457 Ms. Jones said the language covers the basics and asked if the Committee discussed
458 the different methods used for telehealth.

459

460 Dr. Erickson said that including texting or chat conferencing as methods to deliver
461 psychological services is generally looked upon with a big question mark. He said using
462 these methods can pose many hazards and the Committee would not recommend using
463 them. He asked Ms. Marks if she recalls any additional discussion that the Committee
464 had about texting or chat conferencing.

465
466 Ms. Marks said she did not recall any additional conversations about it. She said one of
467 the ways the Committee was trying to deal with this issue is to ensure that the licensee
468 was competent enough to use the technology, which is more important than the type of
469 technology used because these methods are constantly changing. She said unless the
470 statute restricts particular technologies, the Committee is just trying to address the
471 different considerations that arise when licensees are using technology in real time
472 versus technology that is not in real time.

473
474 Dr. Linder-Crow asked what in the regulations hints that texting is not an appropriate
475 form of technology. She said technology is growing so quickly and there are younger
476 clients who frequently text.

477
478 Dr. Erickson asked what the Board would do if a licensee is texting a client and a
479 complaint is filed about the service. He said many questions could be raised such as
480 why texting was chosen versus talking over the telephone or in person and why did
481 texting was a preferable method to deliver the service? He said this does not mean it is
482 wrong and there may be very good reasons to text with a client. He said some other
483 questions that could be whether texting is confidential enough and if the provider is
484 competent enough to use texting. Dr. Linder-Crow said she appreciated Dr. Erickson's
485 comments. She said she expects that there will never be a level of specificity to make
486 everyone comfortable; however, she believes these guidelines will allow psychologists
487 to determine what delivery method they should use. She asked what the Board would
488 do if a complaint was received about service delivered using texting and who would get
489 to determine that the delivery method was appropriate. She said the next question might
490 be how does one decide what method is or is not appropriate.

491
492 Dr. Horn said that the Board already does this for non-technological complaints. She
493 said a majority of the complaints do not result in an accusation. She said the Board
494 wants to disseminate these guidelines for licensees to consider.

495
496 Dr. Elizabeth Winkelman, CPA, suggested changing the term "resident" to "a recipient
497 located in California". She the term "resident" is confusing because it can capture those
498 not in California.

499

500 Dr. Linder-Crow said a psychologist in California whose patient goes to college on the
501 East Coast cannot legally deliver services to this client. She said the guidance would
502 need to come from the state in which the recipient is physically located.

503

504 Ms. Marks said that this Board and other boards have struggled with this issue because
505 California might not have complete control. She stated that the psychologists may not
506 even know where the patient is located. She said the Board wants to protect the citizens
507 of California to ensure that someone who is licensed elsewhere but not in California
508 does not continuously provide services within California. She said the definitions for
509 distance site and originating site do not include where the services are provided. She
510 said the Board may not have an issue with a psychologist licensed in California
511 providing services across state lines, but the other state might and vice versa.

512

513 Dr. Winkelman said most guidelines indicate that the licensee must be licensed in both
514 the place where the services are being provided and the place where the services are
515 being received.

516

517 Dr. Linder-Crow suggested that the Board only provide guidance to psychologists in
518 California and define what it means to deliver telehealth in California.

519

520 Ms. Marks said the Board is trying to address those who reach out across the border to
521 establish a relationship with someone in California.

522

523 Dr. Winkelman said one way to address this issue might be to say that California
524 psychologists providing services to clients outside of California need to be in
525 compliance with other states' laws.

526

527 Dr. Phillips said that perhaps the Board needs to think this issue through and determine
528 what it needs to do in order to address the jurisdiction question. He said this could
529 become a question of professional judgment as to whether Telepsychology is an
530 appropriate form of delivering services. He said the Committee should have another
531 meeting to further discuss the concerns raised.

532

533 Dr. Erickson said that professional judgment is key.

534

535 Dr. Linder-Crow suggested that the Board give informal guidance and suggest licensees
536 to contact the board in the state in which the patient is physically located.

537

538

539 Dr. Linder-Crow suggested that the Board leave the interjurisdictional issue out of it and
540 only consider the jurisdiction in which the patient is receiving the service.

541
542 It was agreed that Dr. Phillips and Dr. Erickson would meet as the Telepsychology
543 Committee to refine the language and bring recommended changes to the August, 2016
544 meeting.

545

546 **Agenda Item #6: President's Report**

547

548 **a) 2016 Meeting Calendar and Locations**

549

550 Dr. Phillips reported that the next Licensing Committee meeting is being rescheduled
551 and the next two Board meetings are on August 18 and 19, 2016 in Berkeley and on
552 November 17 and 18, 2016 in San Diego.

553

554 **b) Committee Updates**

555

556 Dr. Phillips said the Enforcement Committee is working on the Disciplinary Guidelines to
557 bring back to the full Board for consideration. He said the Licensing Committee is
558 working diligently to refine the Continuing Professional Development (CPD) regulations
559 and review the Pathways to Licensure. He said the Policy and Advocacy Committee is
560 doing a great job and the Outreach and Education is without a chair. He said there are
561 some draft committee delegations to be included in the Administrative Procedures
562 Manual and will provide a more detailed update the next time the Board meets.

563

564 **c) Review and Consideration of Draft Committee Delegation to be Included in the**
565 **Administrative Procedures Manual**

566

567 Dr. Phillips indicated that this agenda item will be discussed at a future meeting.

568

569 **Agenda Item #7: Recommendations for Agenda Items for Future Board Meetings**

570

571 Dr. Horn suggested that the Board draft guidelines on the appropriate use of social
572 media.

573

574 **Agenda Item #8: Closed Session**

575

576 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to
577 discuss disciplinary matters including the above petitions, petitions for reconsideration,
578 stipulations, and proposed decisions.

579

580 **RETURN TO OPEN SESSION – FULL BOARD**

581

582 The Board adjourned at 12:51 pm.

583

584

585

586

587

588 President

Date

589