


MEMORANDUM

DATE	October 30, 2018
TO	Board of Psychology
FROM	 Jason Glasspiegel Central Services Coordinator
SUBJECT	Agenda Item #15 – Approval of Minutes: August 16-17, 2018

Background:

Attached are the draft minutes of the August 16-17, 2018 Board Meeting.

Action Requested:

Review and approve the minutes of the August 16-17, 2018 Board Meeting.

BOARD MEETING

The Wright Institute
2728 Durant Avenue, Room 109/110
Berkeley, CA 94704
(510) 841-9230

Thursday, August 16, 2018

Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order at 9:15 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present

Stephen Phillips, JD, PsyD, President
Alita Bernal, Vice-President
Lucille Acquaye-Baddoo
Michael Erickson, PhD
Seyron Foo
Jacqueline Horn, PhD

Others Present

Antonette Sorrick, Executive Officer
Norine Marks, DCA Legal Counsel
Sandra Monterrubio, Enforcement Program Manager
Curtis Gardner, Probation Monitor
Jason Glasspiegel, Central Services Coordinator

Agenda Item #2: Presidents Welcome

Dr. Phillips welcomed the attendees to the Board's quarterly meeting and thanked the Wright Institute for allowing the Board to hold their quarterly meeting on school grounds. He read the Board's mission statement.

Agenda Item #3: Public Comment for Items not on the Agenda. The Board May Not Discuss or Take Action on Any Matter Raised During this Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code sections 11125 and 11125.7(a)]

No public comments were made.

Agenda Item #4: President's Report

43
44 Dr. Phillips spoke about the 2019 draft meeting calendar. He explained that a majority of
45 the first day of a Board meeting is dedicated to petition hearings. He also stated that
46 staff recommended adding a day to the Los Angeles Meeting or adding a 5th meeting to
47 the 2019 calendar to allow the Board additional time to complete Board business.

48
49 The Board discussed their preference of adding a day to a Board meeting. Consensus
50 among the Board members was adding a day to the April 5, 2019 Board meeting.

51
52 Dr. Phillips stated that at the end of the second day of this meeting, there is an agenda
53 item to discuss how Board members indicate their interest in being nominated for
54 President and Vice President for the November 2018 election. He read the duties and
55 responsibilities for the President and Vice President.

56
57 **Agenda Item #5 – Executive Officer’s Report**

58
59 Ms. Sorrick provided the Executive Officer’s report.

60
61 **Agenda Item #6 – Petition for Early Termination of Probation – Maurizio Assandri,**
62 **PhD**

63
64 Administrative Law Judge Karen Reichmann presided. Deputy Attorney Brenda Reyes
65 was present and represented the People of the State of California. Maurizio Assandri,
66 PhD, was present and represented himself.

67
68 **Agenda Item #7 – Petition for Early Termination of Probation – Angie Maez, PhD**

69
70 Administrative Law Judge Karen Reichmann presided. Deputy Attorney Brenda Reyes
71 was present and represented the People of the State of California. Angie Maez, PhD,
72 was present and represented by Alan Kaplan, JD.

73
74 **Agenda Item #8 – Closed Session**

75
76 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to
77 discuss disciplinary matters including the above Petitions, Proposed Decisions,
78 Stipulations, Petitions for Reconsideration, and Remands.

79
80 **Agenda Item #9 – Closed Session**

81
82 The Board met in closed session pursuant to Government Code Section 11126(e) to
83 confer with and receive advice from legal counsel regarding pending litigation.

84
85 **Agenda Item #10 – Review and Consider Options for Knowledge and/or Skill**
86 **Based Examination(s) for Purposes of Licensure**

87
88 Dr. Horn recused herself for this agenda item because she works for the Association of
89 State and Provincial Psychology Boards (ASPPB), the organization that created the
90 Examination for Professional Practice in Psychology Part 2 (EPPP2).

91
92 Dr. Phillips stated that Dr. Matt Turner, head of the examination team, from ASPPB will
93 be presenting information to the Board regarding the EPPP2.

94
95 Dr. Phillips asked Dr. Turner what the evidence base was that demonstrated a skill
96 portion of the examination was required. Dr. Turner stated that ASPPB has not been
97 assessing skills and that was a critique of the EPPP.

98
99 Ms. Acquaye-Baddoo asked about the diversity between item writers. Dr. Turner
100 showed a picture of the attendees of the item writer workshop and spoke about what
101 their job entails.

102
103 Dr. Turner stated most doctoral level healthcare professions have two to three
104 examinations: knowledge examinations that are typically done after coursework, a skills
105 examination that is completed closer to licensure, and medical doctors have an
106 additional examination that is an observation of skills examination. Dr. Turner stated
107 that rather than an observational examination, ASPPB decided on a computer-based
108 examination to demonstrate skills.

109
110 Gil Newman, Vice President of Academic Affairs of the Wright Institute, stated his
111 concerns about the process for taking this examination and how it might create a longer
112 delay in receiving a license and impact the graduate curriculum. Dr. Turner stated that
113 ASPPB will be providing the Board with more information, referring to the letter the
114 Board is awaiting in response to their concerns. Dr. Turner also stated that the earlier a
115 student takes the examination, the more likely they are to pass. He stated that students
116 gain a foundational training and as they get closer to licensing, some of that may be
117 forgotten and that inadvertently fuels the test preparation industry. He stated that he
118 believes the ability to take the examination earlier would be cheaper and provide an
119 advantage.

120
121 Discussion ensued regarding the EPPP and some of the Board members' personal
122 experiences in taking the examination, and the item writers' educational backgrounds.

123
124 Mr. Puliatti, California Psychology Internship Council (CAPIC), asked where is the
125 evidence showing the EPPP2 is needed and whether it would solve the perceived
126 problems. Dr. Turner stated the reasoning for the EPPP2 is that there is not a legally
127 defensible way to assess skills. In response to the cultural/ethnic bias concerns related
128 to particular examination items, he stated that historically, ASPPB has not collected
129 ethnicity data because some jurisdictions had a legal prohibition from collecting it;
130 however, not being part of the jurisdictions, the ASPPB Board has voted to start

131 collecting that data. Dr. Turner stated that now ASPPB can perform item level analysis
132 which will allow ASPPB to look at red flag items that show performance differentially
133 and have those items reviewed to reduce the probability of bias.

134
135 Dr. Jo Linder-Crow, Chief Executive Officer (CEO) of the California Psychological
136 Association (CPA), asked Dr. Turner to clarify his concern about the implementation
137 date of 2020. Dr. Linder-Crow also asked that the Board, as well as ASPPB, look at the
138 accommodations for individuals with disabilities.

139
140 Dr. Turner stated that the implementation date is still being discussed, and the Board of
141 Directors are going to send a letter to all jurisdictions once it is finalized as well as
142 address all other concerns. Dr. Turner stated that ASPPB is looking at how to develop
143 alternative ways to administer specific examination item types or alternative items to
144 accommodate disabilities as appropriate.

145
146 Mr. Foo presented the EPPP2 Task Force report.

147
148 **August 17, 2018**

149
150 **Members Present**

151 Stephen Phillips, JD, PsyD, President
152 Alita Bernal, Vice-President
153 Lucille Acquaye-Baddoo
154 Michael Erickson, PhD
155 Seyron Foo
156 Jacqueline Horn, PhD

157
158 **Others Present**

159 Antonette Sorrick, Executive Officer
160 Norine Marks, DCA Legal Counsel
161 Sandra Monterrubio, Enforcement Program Manager
162 Stephanie Cheung, Licensing Program Manager
163 Cherise Burns, Central Services Program Manager
164 Jason Glasspiegel, Central Services Coordinator
165 Liezel McCockran, Continuing Education and Renewals Coordinator

166
167 **Agenda Item #10: Review and Consider Options for Knowledge and/or Skill Based**
168 **Examination(s) for Purposes of Licensure**

169
170 Mr. Foo continued his presentation of the EPPP2 Task Force report.

171
172 Dr. Paul Marcille, President of CPA, stated that the EPPP Part 2 Task Force had some
173 concerns that the EPPP would burden graduate students and prove a financial barrier

174 for students. Dr. Marcille provided alternatives to having the EPPP2 such as more
175 training or more CE requirements.

176
177 Board discussion ensued regarding the cost, and other jurisdictions adopting the
178 EPPP2. The Board also discussed the three main concerns: affordability of the
179 examination, timing as to implementation of the new test and the sequencing when an
180 applicant can take the examination, and the concern of the time required to adopt
181 regulations that the Board would have to promulgate.

182
183 Renee Puliatti, Executive Officer of CAPIC, stated his concerns about the effects on
184 mobility of licensure, ASPPB's overstepping their bounds into the regulatory jurisdiction
185 of the Board, and the issue with having to be from an APA accredited school to get early
186 eligibility to take the examination where not many people of color and low
187 socioeconomic status are able to attend.

188
189 Dr. Phillips stated that these concerns were brought to ASPPB's attention and in
190 response they stated they would send out a letter that would provide an answer to these
191 issues. Dr. Phillips stated that once the letter is received, the Board should have a
192 telephonic Board meeting to discuss the letter.

193
194 Dr. Jo Linder-Crow, CEO of CPA, asked the Board if the letter from ASPPB will be
195 available to the public and if the purpose of the Task Force was to make a
196 recommendation to the Board. Board members and Board staff let Dr. Linder-Crow
197 know that the letter from ASPPB will be made public and that the original intention of the
198 Task Force was to find out what the concerns were with the EPPP2. For future ad hoc
199 committees/task forces, the Board President will provide a clear charge and scope for
200 the body upon their creation.

201 The Board decided to hold a telephonic Board meeting once a response is received
202 back from ASPPB to decide whether or not to adopt the EPPP2.

203
204 **Agenda Item #12 - Public Comment for Items not on the Agenda. The Board May**
205 **Not Discuss or Take Action on Any Matter Raised During this Public Comment**
206 **Section, Except to Decide Whether to Place the Matter on the Agenda of a Future**
207 **Meeting [Government Code sections 11125 and 11125.7(a)]**

208
209 No comments were received.

210
211 **Agenda Item #16 – EPPP Part 2 Task Force Report**

212
213 Mr. Foo reiterated the concerns of the EPPP Part 2 Task Force. Ms. Burns provided an
214 overview of the current examination process and three possible business scenarios to
215 implement the EPPP Part 2 to the Board. She stated that Board staff and the Task
216 Force agreed, if the Board decides to proceed with the EPPP Part 2 implementation,
217 that Option 3 would be the best possible process.

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§ 1388. Examinations.

(a) The ~~B~~board recognizes the expertise of the Department of Consumer Affairs' (DCA) Office of Professional Examination Services (OPES). The ~~B~~board shall utilize the services of the OPES in licensing examination development and validation through an interagency agreement.

(b) An applicant ~~for examination shall successfully take and pass the licensing examinations prior to being licensed~~ shall submit to the Board for its approval the required application (exam rev 6/18) and the applicable fee. The licensing examinations shall consist of the Association of State and Provincial Psychology Boards' (ASPPB) Examination for Professional Practice in Psychology (EPPP), which consists of two parts, and the California Psychology Laws and Ethics Examination (CPLÉE), ~~except that the EPPP shall be waived for those applicants who meet the criteria in section 1388.6 of this chapter. Such applicants shall be required to take and pass the CPLÉE.~~

(c) An applicant is eligible to take the first part of the EPPP upon completion of all academic coursework of a qualifying doctorate degree. To satisfy this requirement, the applicant shall submit to the Board a written certification from the registrar or training director of the educational institution or program stating that the applicant has completed all required academic coursework (exclusive of internship and dissertation) of a qualifying doctorate degree.

(ed) An applicant is eligible to take the second part of the EPPP upon passing the first part of the EPPP, completion of a qualifying doctorate degree, and accrual of 1500 hours of qualifying supervised professional experience.

(e) An applicant ~~is eligible to take the CPLÉE upon passing~~ shall pass both parts of the EPPP and complete ~~one all of 3000 hours of qualifying supervised professional experience prior to being eligible for the CPLÉE, whichever is applicable, pursuant to section 1388.6.~~

(df) ~~Upon application, the~~ The ~~B~~board will notify applicants of their eligibility to take each examination ~~the EPPP.~~ Applicants are responsible for completing any administrative requirements for taking the EPPP established by ASPPB or its agent, including paying any fees. This subsection applies to those re-taking the EPPP as well as to those taking it for the first time.

(eg) For forms of the EPPP taken prior to September 1, 2001, the passing score is the score that was recognized by the ~~B~~board at that time. For computer administered forms of the EPPP, the ~~B~~board shall accept the passing score recommended by ~~apply a scaled score as recommended by ASPPB.~~

262 (fh) Qualified applicants desiring to take the CPLEE shall submit to the Bboard the fee
263 set forth in section 1392 of this chapter. Applicants shall comply with all instructions
264 established by the DCA examination vendor for taking the CPLEE.

265

266 (gi) The passing score on the CPLEE shall be determined for each form of the
267 examination by a criterion referenced procedure performed by OPES.

268

269 (hj) An applicant for whom English is his or her second language may be eligible for
270 additional time when taking the EPPP and/or the CPLEE. The applicant must complete
271 and submit a request for additional time that states under penalty of perjury that English
272 is his or her second language. The Test of English as a Foreign Language (TOEFL)
273 certification score of 85 or below must be sent by Educational Testing Service directly to
274 the Bboard. The TOEFL must have been taken within the previous two years prior to
275 application. The Board will only consider the highest score of any TOEFL taken within
276 the previous two years. If approved, the applicant will be allotted time-and-a-half (1.5x)
277 when taking the examination.

278

279 Note: Authority cited: Sections 2930 and 2942, Business and Professions Code.

280 Reference:

281 Sections 123, 496, 2941, 2942, 2943 and 2960, Business and Professions Code.

282

283 **§ 1388.6. License Requirements and Waiver of Examination Satisfaction of**
284 **Licensure Requirements.**

285

286 ~~(a) When a California-licensed psychologist has been licensed for at least five years~~
287 ~~and has allowed his/her license to cancel by not renewing the license for at least three~~
288 ~~years, the psychologist shall not be required to take the EPPP.~~

289

290 ~~(ab) If an applicant for licensure as a psychologist has been~~ is currently licensed at the
291 doctoral level and has been so for at least two (2) years in another state, Canadian
292 province, or U.S. territory, ~~for at least five years~~ the applicant shall not be required to
293 ~~take the EPPP~~ submit documentation of a passing score on the EPPP.

294

295 ~~(be) An applicant for licensure as a psychologist who holds a Certificate of Professional~~
296 ~~Qualification (CPQ) issued by the Association of State and Provincial Psychology~~
297 ~~Boards (ASPPB), shall not be required to take the EPPP~~ submit documentation of a
298 passing score on the EPPP. Such an applicant shall be deemed to have met the
299 educational and experience requirements of subdivisions (b), ~~(c)~~ and ~~(ed)~~ of Code
300 section 2914.

301

302 ~~(cd) An applicant for licensure as a psychologist who is credentialed as a Health Service~~
303 ~~Provider in Psychology by the National Register of Health Service Providers in~~
304 ~~Psychology (NRHSP) and has been~~ who is currently licensed based on a doctoral
305 degree at the doctoral level in another state, Canadian province, or U.S. territory for a

306 minimum of five years shall ~~not be required to take the EPPP~~ submit documentation of a
307 passing score on the EPPP. Such an applicant shall be deemed to have met the
308 educational and experience requirements of subdivisions (b), (c) and (ed) of Code
309 section 2914.

310
311 ~~(de)~~ An applicant for licensure as a psychologist who is certified by the American Board
312 of Professional Psychology (ABPP) and ~~has been~~ who is currently licensed based on a
313 doctoral degree at the doctoral level in another state, Canadian province, or U.S.
314 territory for a minimum of five years shall ~~not be required to take the EPPP~~ submit
315 documentation of a passing score on the EPPP. Such an applicant shall be deemed to
316 have met the educational and experience requirements of subdivisions (b), (c) and (ed)
317 of Code section 2914.

318
319 ~~(ef)~~ Although ~~the EPPP~~ some requirements are deemed to have been met ~~waived~~
320 under this section, an applicant must file a complete application and meet all current
321 ~~licensing~~ licensure requirements not addressed above, including payment of any fees,
322 take and pass the California Psychology Law and Ethics Examination (CPLEE), and not
323 been subject to discipline.

324
325 Note: Authority cited: Sections 2930 and 2946, Business and Professions Code.
326 Reference: Section 2946, Business and Professions Code.

327 328 **§ 1389. Reconsideration of Examinations.**

329
330 ~~(a)~~ There shall be no reconsideration of the gradescore received on the EPPP or on the
331 CPLEE.

332
333 ~~(b)~~ Nothing in this section shall be construed to deprive an applicant of his or her rights
334 of appeal as afforded by other provisions of law.

335
336 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
337 Sections 2942 and 2944, Business and Professions Code.

338 339 **§ 1389.1. Inspection of Examinations.**

340
341 ~~(a)~~ All examination materials, ~~except those owned by an examination service,~~ shall be
342 ~~retained by the board at the board's office in Sacramento for a period of two (2) years~~
343 ~~after the date of the examination.~~

344
345 ~~(b)~~ No inspection is allowed of the written examination administered by the board

346
347 ~~Note: Authority cited: Section 2930, Business and Professions Code. Reference:~~
348 ~~Sections 2942 and 2944, Business and Professions Code; and Section 12944,~~
349 ~~Government Code~~

350
351 It was M(Foo)/S(Acquaye-Baddoo)/C to adopt the recommended language for noticing
352 and set for hearing option 3 without adopting the use of the EPPP Part 2.

353
354 Vote: 5 aye (Acquaye-Baddoo, Bernal, Erickson, Foo, Phillips), 0 no
355

356 It was M(Foo)/S(Acquaye-Baddoo)/C to delegate the authority to the Executive Officer
357 to make non-substantive changes to staff.

358
359 Vote: 5 aye (Acquaye-Baddoo, Bernal, Erickson, Foo, Phillips), 0 no
360

361 **§ 2940. Application and fee**

362
363 ~~Each person desiring to obtain a license from the board shall make application to the~~
364 ~~board. The application shall be made upon a form and shall be made in a manner as~~
365 ~~the board prescribes in regulations duly adopted under this chapter.~~

366
367 ~~The application shall be accompanied by the application fee prescribed by Section~~
368 ~~2949. This fee shall not be refunded by the board.~~

369
370 To obtain a license from the board, an applicant shall submit any applications and pay
371 any applicable fees as required by the board.

372
373 *(Amended by Stats. 1997, Ch. 758, Sec. 38. Effective January 1, 1998.)*

374
375 **§ 2941. Examination and fee**

376
377 ~~Each applicant for a psychology license shall be examined by the board, and shall pay~~
378 ~~to the board, at least 30 days prior to the date of examination, the examination fee~~
379 ~~prescribed by Section 2987, which fee shall not be refunded by the board.~~

380
381 Each applicant for licensure as a psychologist shall take and pass any examination
382 required by the board. An applicant may be examined for knowledge in any theoretical
383 or applied fields of psychology, as well as professional skills and judgment in the
384 utilization of psychological techniques and methods, and the ethical practice of
385 psychology, as the board deems appropriate.

386
387 Each applicant shall pay any applicable examination fees.

388
389 *(Amended by Stats. 1997, Ch. 758, Sec. 39. Effective January 1, 1998.)*

390
391
392 **§ 2942. Time for examinations; Passing grades**

393

394 The board may examine by written or computer-assisted examination or by both. All
395 aspects of the examination shall be in compliance with Section 139. The examination
396 shall be available for administration at least twice a year at the time and place and
397 under supervision as the board may determine. The passing grades for the
398 examinations shall be established by the board in regulations and shall be based on
399 psychometrically sound principles of establishing minimum qualifications and levels of
400 competency.

401
402 Examinations for a psychologist's license may be ~~conducted~~ utilized by the board under
403 a uniform examination system, and for that purpose the board may make arrangements
404 with organizations to supply and administer ~~furnishing examination materials~~ material as
405 ~~may in its discretion be desirable.~~

406
407 *(Amended by Stats. 2005, Ch. 658, Sec. 9. Effective January 1, 2006.)*
408

409 **~~§ 2943. Examination subjects~~**

410
411 ~~The board may examine for knowledge in whatever theoretical or applied fields in~~
412 ~~psychology as it deems appropriate. It may examine the candidate with regard to his or~~
413 ~~her professional skills and his or her judgment in the utilization of psychological~~
414 ~~techniques and methods.~~

415
416 *(Amended by Stats. 1989, Ch. 888, Sec. 24.)*
417

418 **~~§ 2944. Written examinations~~**

419
420 ~~The board shall grade the written examination and keep the written examination papers~~
421 ~~for at least one year, unless a uniform examination is conducted pursuant to Section~~
422 ~~2942.~~

423
424 *(Amended by Stats. 1989, Ch. 888, Sec. 25.)*
425

426 It was M(Foo)/S(Bernal)/C to direct staff to move forward with looking for an author for
427 the legislative changes provided in Attachment B contingent on Board's approval of the
428 EPPP Part 2.

429
430 Vote: 5 aye (Acquaye-Baddoo, Bernal, Erickson, Foo, Phillips), 0 no
431

432 Dr. Elizabeth Winkelman asked if the Board would have the power to set when the
433 EPPP Part 1 could be taken. Dr. Phillips stated that ASPPB will not set the criteria.
434

435 Dr. Jo Linder-Crow wanted to clarify that the Board's motion is not to adopt the EPPP
436 Part 2 but adopted the continued use of the EPPP, because ASPPB has made the
437 EPPP a two-part package where the EPPP Part 2 is mandatory.

438
439 Dr. Marcille asked the Board if they would certify students to take the test and if so what
440 are the staffing implications. Board staff responded by stating that eligibility would come
441 from the Board and would not change if the Board decided to implement the EPPP Part
442 2 and that staffing implications would be reviewed.

443
444 Cindy Yee-Bradbury, Director of Clinical Training at UCLA, asked if a California
445 graduate student took the EPPP Part 1 and moved to another state, who would the
446 graduate student contact to take the EPPP Part 2. She also stated that the EPPP Part 2
447 will have a huge impact on students who decide to move and this would be a huge
448 burden on students depending on where they move to. Board members stated that the
449 graduate student would follow the licensure process of the state in which they were
450 trying to get licensed and that the option to take the EPPP Part 1 early for those who
451 attended an accredited school is only an option and not a requirement.

452
453 Mr. Puliatti agreed with the Board's recommendation for option 3.

454
455 The Board discussed the motion, stating that option 3 is only if the Board decides to
456 move forward with the EPPP Part 2. The regulatory process was described as lengthy
457 and Board staff having the ability to get a head start would be beneficial. If the Board
458 decides to not move forward with the EPPP Part 2 then the regulatory package can be
459 pulled.

460
461 **Agenda Item #13 – Approval of the Board Meeting Minutes: May 10-11, 2018**

462
463 It was M(Foo)/S(Acquaye-Baddoo)/C to adopt minutes as amended.

464
465 Vote: 6 aye (Acquaye-Baddoo, Bernal, Erickson, Foo, Horn, Phillips), 0 no

466
467 **Agenda Item #14 – DCA Executive Update**

468
469 Karen Nelson, Assistant Deputy Director of Board and Bureau Relations, provided the
470 Board with an update on current activities of the Department of Consumer Affairs.

471
472 The Board asked Ms. Nelson about what the Implicit Bias Training entailed and if there
473 were links and attachments from the training that would be available to the Board. Ms.
474 Nelson provided an overview of the training and stated she will have the attachments
475 from the training made available to the Board.

476
477 **Agenda Item #15 – Budget Report**

478
479 Ms. Burns provided the budget report to the Board.

480

481 Dr. Jo Linder-Crow asked the Board if there was a possibility that licensing fees would
482 be lowered. Ms. Sorrick stated that any fee changes would be discussed after facility
483 needs and licensing and enforcement timelines were reviewed. She stated that in past
484 Board meetings, the topic of fees was brought up and the Board decided that an
485 improvement of service is wanted before the reduction of fees.

486
487 Ms. Bernal asked Board staff why the in-state travel budget displayed a deficit. It was
488 explained that Board staff is working with the Budget Office to do a budget realignment
489 for the budget report to more accurately reflect current spending. With bottom line
490 budgeting, DCA is less concerned that each budget category is aligned, and more
491 concerned that the overall budget is aligned and expenditures do not exceed the
492 amount budgeted.

493

494 **Agenda Item #17 – Enforcement Report**

495

496 Ms. Monterrubio provided the enforcement report to the Board.

497

498 **Agenda Item #18 – Enforcement Committee Report and Consideration of** 499 **Committee Recommendations**

500

501 **a) Proposed Amendments to Expert Reviewer Application**

502

503 Ms. Acquaye-Baddoo stated that the Enforcement Committee met on June 22, 2018 to
504 review the expert reviewer application. She stated that the Committee is asking the
505 Board to review the changes and provide any comments/edits they may have.

506

507 Board discussion ensued regarding the expert reviewer application. The Board provided
508 their comments, edits and suggestions to Board staff. The Board also discussed the
509 application process and tolling of probationers.

510

511 Dr. Elizabeth Winkelman asked what the expert trainings consisted of, the duration, and
512 if there were training documents available to the public. Josh Templet, Office of the
513 Attorney General, stated that the Office of Attorney General helps with conducting the
514 training by providing a review of options of legal conduct. He stated that training
515 documents are not available to the public and that the training lasts one day. Ms.
516 Monterrubio stated that expert reviewers attend training once they have been selected
517 and a refresher course is required every two years.

518

519 It was M(Acquaye-Baddoo)/S(Bernal)/C to approve the Enforcement Committee's
520 recommended changes to the Expert Reviewer Application as amended.

521

522 Vote: 6 aye (Acquaye-Baddoo, Bernal, Erickson, Foo, Horn, Phillips), 0 no

523

524 **Agenda Item #19 – Licensing Report**

525
526 Ms. Cheung provided the Board with the licensing report.

527
528 Dr. Horn asked what could keep an application in a pending status. Ms. Cheung stated
529 that she would gather the information and present a complete picture on this at the next
530 Licensing Committee meeting.

531
532 **Agenda Item #20 – Continuing Education and Renewals Report**

533
534 Ms. McCockran provided the Board with the continuing education and renewals report.

535
536 The Board discussed the pass and fail rates from 2014-2016. Dr. Horn stated that for
537 the next Licensing Committee meeting she would like to discuss the audit process and
538 disciplinary actions for licensees who fail their second audit.

539
540 **Agenda Item #21 – Licensing Committee Report and Consideration of Committee**
541 **Recommendations**

542
543 a) Standardization of Training Categories

544 b) Pathways to Licensure:

545 1) Proposed Amendments to Business and Professions Code:

546 §§ 25, 28, & 2915.5 (Training in Human Sexuality, Child, Elder, and
547 Dependent Adult Abuse Assessment and Reporting, and Aging and
548 Long-term Care);

549 • § 27 (Disclosure of Information);

550 • § 2903 (Licensure Requirements);

551 • §§ 2909, 2909.5, 2910, & 2911 (Exemptions);

552 • § 2913 (Psychological Assistant);

553 • § 2914 (Applicant's Requirement);

554 • § 2915 (Continuing Professional Development);

555 • §§ 29 & 2915.7 (Continuing Education: Chemical Dependency and
556 Alcoholism and Aging and Long-term Care)

557 • §§ 2940 & 2941 (Application and Examination Fees);

558 • §§ 2942, 2943, & 2944 (Examination Time and Subjects);

559 • § 2946 (Reciprocity and Temporary Practice);

560 • § 2948 (Issuance of License); and

561 • § 2960 (Grounds for Disciplinary Action)

562
563 2) Proposed Amendments to Title 16 of the California Code of Regulations:

564 • § 1380.3 (Definitions);

565 • §§ 1381, 1381.1, & 1381.2 (Applications);

566 • § 1381.4 (Failure to Appear for an Examination);

567 • § 1381.5 (Failure to Pay Initial License Fee);

- 568 • § 1381.6 (Permit Processing Times);
- 569 • §§ 1382, 1382.3, 1382.4, 1382.5, & 1382.6 (Pre-licensing Courses);
- 570 • § 1386 (Evaluation of Education);
- 571 • § 1387 (Supervised Professional Experience);
- 572 • §§ 1387.1 & 1387.2 (Qualifications of Primary and Delegated Supervisors);
- 573 • § 1387.3 (Non-Mental Health Services);
- 574 • § 1387.4 (Out-of-State Experience);
- 575 • § 1387.5 (SPE Log);
- 576 • §§ 1388, 1388.6, 1389, & 1389.1 (Examinations-
- 577 Waiver/Reconsideration);
- 578 • §§ 1387.7, 1390, 1390.1, 1390.2, & 1390.3 (Registered Psychologists);
- 579 • §§ 1387.6, 1391, 1391.1, 1391.2, 1391.3, 1391.4, 1391.5, 1391.6,
- 580 1391.7, 1391.8, 1391.10, 1391.11, & 1391.12 (Psychological
- 581 Assistants);
- 582 • § 1392.1 (Psychological Assistant Fees); and
- 583 • § 1397.71 (CE Provider Status)

584

585 a) Consideration of Licensing Committee Recommendations Regarding an

586 Extension of the 72-Month Registration Period Limitation for Registered

587 Psychological Assistant Pursuant to Section 1391.1(b) of Title 16 of the

588 California Code of Regulations

589

590 b) Consideration of Licensing Committee Recommendations Regarding an

591 Extension of the 30-Consecutive Month Limitation to Accrue 1500 Hours of

592 Post-Doctoral Supervised Professional Experience Pursuant to Section

593 1387(a) of Title 16 of the California Code of Regulations

594

595 Dr. Horn provided the Licensing Committee report. Ms. Cheung stated the goal of the

596 Licensing Committee is to complete pathways at the October Licensing Committee

597 meeting.

598

599 **Agenda Item #22 – Legislative Update – Discussion and Possible Action**

600

601 a) Sponsored Legislation for the 2018 Legislative Session: Review and Potential Action

602 1) AB 2968 (Levine) – Amend Sections of the Business and

603 Professions Code Regarding the Brochure Addressing Sexual Contact

604 Between a Psychotherapist and a Patient

605

606 Ms. Burns provided an overview of the bill.

607

608 Dr. Winkelman stated that the American Psychological Association (APA) met earlier

609 this month and adopted the use of the term ‘patient’ instead of ‘client’. She stated that in

610 this document and in other proposed legislation by the Board, the term ‘client’ is being

611 used. She recommended using the term ‘patient or client’.

612
613 Dr. Horn stated that one of the reasons the Board decided to use the term 'client' is
614 because the brochure will be addressing general healthcare. Ms. Sorrick stated that
615 there will be a definitions section in the brochure that will make that clear.

616
617 b. Review and Consideration of Positions on Legislation

618 1) Recommendations for Active Positions on Bills

619 A. AB 1436 (Levine) – Board of Behavioral Sciences: Licensees: Suicide
620 Prevention Training

621
622 Mr. Glasspiegel provided an overview of the bill.

623
624 It was M(Foo)/S(Horn)/C to take a Support position on AB 1436.

625
626 Vote: 6 aye (Acquaye-Baddoo, Bernal, Erickson, Foo, Horn, Phillips), 0 no

627
628 B. AB 2483 (Voepel) – Indemnification of Public Officers and Employees:
629 Antitrust Awards

630
631 Mr. Glasspiegel provided an overview of the bill. Discussion ensued regarding how
632 the bill provides the legal certainty and protection our Board members need to make
633 necessary regulatory decisions to protect the public without fear of being personally
634 sued for those decisions.

635
636 It was M(Phillips)/S(Foo)/C to move forward with language as amended.

637
638 Vote: 6 aye (Acquaye-Baddoo, Bernal, Erickson, Foo, Horn, Phillips), 0 no

639
640 C. AB 2221 (Bloom) – Occupational therapy

641
642 Ms. Burns provided an overview of the bill. Discussion ensued regarding the
643 concerns with the bill.

644
645 It was M(Bernal)/S(Erickson)/C to Oppose Unless Amended.

646
647 Vote: 6 aye (Acquaye-Baddoo, Bernal, Erickson, Foo, Horn, Phillips), 0 no

648
649 Dr. Linder-Crow stated that CPA's Board of Directors met last week and took an
650 Opposed Unless Amended position to make it clear that it has no impact on the
651 practice of psychology.

652
653 Dr. Erickson stated that there are representatives from the Occupational Therapy
654 Association of California (OTAC) that would like to address the Board.

655
656 Ivan Altamura, Capitol Advocacy, provided a background of the bill. Mr. Altamura stated
657 that the Occupational Therapy Practice Act was passed in 2000 and there have been no
658 substantive changes since that time. He explained that there have been advancements
659 in the field Occupational Therapy (OT). OTAC has done a wide range of research and
660 reached out to different organizations to start amending the practice act. Regarding the
661 Board's concerns that this bill could potentially expand the scope of practice of OT's
662 such as psychotherapy, OTAC wants to make it clear that OT is not the practice of
663 psychology but more of assisting clients and patients with coping and how to do daily
664 activities.

665
666 Bryant Edwards, Vice President of OTAC, stated that the purpose of amending the
667 practice act is to clarify the role of OT's. In no way is the intention to expand the scope
668 or to practice psychology.

669
670 Dr. Karen McCarthy, Professor at the Dominican University of California, provided the
671 Board with a description of the role of an OT. She stated that the amendments to the
672 practice act are not trying to expand the role of an OT but to better define it.

673
674 Shelby Surfas, Associate Professor of OT at University of Southern California,
675 explained to the Board what her job as an OT entails. She stated that mental health
676 providers work with the clients that are outside of an OT's scope of work and that
677 mental health professionals and OT's work together to get their client to meet their
678 mental health goals. The primary focus of an OT is occupation but the primary
679 population that OT's work with have mental health issues.

680
681 Elizabeth Ching, Assistant Professor at Samuel Merritt University, provided an example
682 of a situation where an OT treated a client.

683
684 Discussion ensued between the Board and members of the public who spoke about the
685 role of an OT regarding creating/editing the language in the bill the Board was
686 concerned about.

687
688 Dr. Linder-Crow encouraged OTAC to reach out to CPA.

689
690 Dr. Winkelman expressed her concern with the language in the bill calling OT's 'mental
691 health providers'. She asked that the scope of practice be redefined.

692
693 It was M(Foo)/S(Erickson)/C to move to reconsider the motion on Agenda Item
694 #22(b)(1)(C)

695

696 Vote: 6 aye (Acquaye-Baddoo, Bernal, Erickson, Foo, Horn, Phillips), 0 no

697

698 The Board, Mr. Altamura, and members of OTAC provided amendments to the bill that
699 Mr. Altamura committed to present to his client (OTAC).

700

701 It was M(Foo)/S(Erickson)/C to Support if Amended position with articulated
702 amendments as discussed.

703

704 Vote: 6 aye (Acquaye-Baddoo, Bernal, Erickson, Foo, Horn, Phillips), 0 no

705

706 Dr. Winkelman stated she does not understand why the focus on mental health
707 disorders is needed in the scope of practice unless it is in the idea of providing mental
708 health services. Dr. Winkelman asked the Board what the difference is between Support
709 if Amended and Oppose unless Amended. Dr. Phillips explained that within the
710 administrative manual, if amendments are not made then the Chair of the Policy and
711 Advocacy Committee, the Executive Officer, and Board President can convene and
712 change the Board's position if the issues are not addressed as requested.

713

714 **Agenda Item #22(c)(1) – AB 282 (Jones-Sawyer) – Aiding, Advising, or**
715 **Encouraging Suicide: Exemption from Prosecution**

716

717 Mr. Glasspiegel provided an overview of the bill. No Board or public comments were
718 made.

719

720 **Agenda Item #22 (c)(2) – AB 2138 (Chiu and Low) Licensing Boards: Denial of**
721 **Application: Criminal Conviction**

722

723 Mr. Glasspiegel provided an overview of the bill. He also highlighted the recent changes
724 to the bill.

725

726 Discussion ensued regarding the implications of the bill and the other Board's and
727 Bureaus positions on the bill.

728

729 **Agenda Item #22(c)(3) – AB 2143 (Caballero) – Mental health: Licensed Mental**
730 **Health Service Provider Education Program**

731

732 Mr. Glasspiegel provided an overview of the bill.

733

734 **Agenda Item #22(c)(4) – AB 2943 (Low) Unlawful Business Practices: Sexual**
735 **Orientation Change Efforts**

736

737 Mr. Glasspiegel provided an overview of the bill.

738

739 **Agenda Item #22(c)(5) – SB 1125 (Atkins) Federally Qualified Health Center and**
740 **Rural Health Clinic Services**

741

742 Mr. Glasspiegel provided an overview of the bill.

743

744 **Agenda Item #22(d) – Review of Bills with Watch Status Approved by the Board**

745

746 No Board or public comments were made.

747

748 **Agenda Item #22(e) – Review and Consideration of Statutory Revisions to Section**
749 **2960.1 of the Business and Professions Code Regarding Denial, Suspension and**
750 **Revocation for Acts of Sexual Contact**

751

752 Ms. Burns provided an overview of the statutory revisions.

753

754 Board discussion ensued regarding the revisions.

755

756 It was M(Bernal)/S(Erickson)/C to accept the amendments provided and delegate staff
757 to use these revisions as the starting point for discussion in a stakeholder meeting to be
758 organized and held in the Fall 2018.

759

760 Vote: 6 aye (Acquaye-Baddoo, Bernal, Erickson, Foo, Horn, Phillips), 0 no

761

762 **Agenda Item #23 – Legislative Items for Future Meeting. The Board May Discuss**
763 **Other Items of Legislation in Sufficient Detail to Determine Whether Such Items**
764 **Should be on a Future Board Meeting Agenda and/or Whether to Hold a Special**
765 **Meeting of the Board to Discuss Such Items Pursuant to Government Code**
766 **Section 11125.4**

767

768 Dr. Winkelman would like to request consideration of the Licensing Committee when
769 discussing pathways to licensure to add an exemption for neuropsychology testing
770 technicians, also called psychometricians.

771

772 Ms. Sorrick explained that the pathways to licensure is regarding how the experience is
773 accrued and the application for licensure process. She stated that the issue Dr.
774 Winkelman has brought up is more akin to scope of practice which the Board can
775 advocate if there was an existing bill. She stated that if CPA wanted to author a bill
776 Board can review it and decide if it would like to take a position.

777

778 **Agenda Item #24 – Regulatory Update, Review, and Consideration of Additional**
779 **Changes**

- 780
781 a) 16 CCR Sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10,
782 1391.11, 1391.12, 1392.1 – Psychological Assistants
783 b) 16 CCR Section 1396.8 – Standards of Practice for Telehealth
784 c) 16 CCR Sections 1381.9, 1381.10, 1392 – Retired License, Renewal
785 of Expired License, Psychologist Fees
786 d) 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 –
787 Continuing Professional Development
788

789 Mr. Glasspiegel stated that all regulatory packages were submitted to legal for review.
790

791 Ms. Burns brought up concerns that Ms. Marks had regarding the telehealth regulatory
792 package. She referred to and explained the hand carry item which contained amended
793 language that Ms. Marks recommended. Discussion between the Board members,
794 Board staff, legal counsel and the public ensued regarding the suggested language.
795 The Board had issues with whether they were going to approach interstate practice and
796 provide guidelines on interstate practice and had questions on the use of domicile or
797 residency of the patient. A consensus amongst Board members was to get the package
798 noticed and amend the language during a later phase if the Board decides to adopt a
799 different policy.
800

801 ***Add Section 1396.8 of Article 8 of Division 13.1 of Title 16 of the California Code***
802 ***of Regulations to read:***

803
804 **§1396.8. Standards of Practice for Telehealth**
805

806 (a) A licensee is permitted to provide psychological health care services via
807 telehealth to a client at an originating site in this State, as defined in section 2290.5 of
808 the Code, as well as to a client who is a resident of California who is temporarily located
809 outside of this State, subject to the laws and regulations of the other state where either
810 the licensee or the client is located.

811 (1) Resident means any individual who is or has been present in California for other
812 than a temporary or transitory purpose, or who is domiciled in California.

813 (2) Domicile means the place where an individual voluntarily establishes themselves
814 and their family, not merely for a special or limited purpose, but with a present intention
815 of making it their true, fixed, permanent home and principal establishment.
816

817 (b) The provision of psychological health care services under subdivision (a) are
818 subject to the following conditions:

819 (1) The licensee holds a valid and current license issued by the Board.

820 (2) The licensee obtains and documents informed consent for the provision of
821 psychological health care services via telehealth from the client. Such consent shall
822 cover concerns unique to the receipt of psychological health care services via
823 telehealth, including risks to confidentiality and security, data storage policies and
824 procedures specific to telehealth, the possibility of disruption and/or interruption of
825 service due to technological failure, insurance coverage considerations, and other
826 issues that the licensee can reasonably anticipate regarding the non-comparability
827 between psychological health care services delivered in person and those delivered via
828 telehealth.

829 (3) The licensee determines that delivery of psychological health care services via
830 telehealth is appropriate after considering at least the following factors:

831 (A) The client's diagnosis, symptoms, and medical/psychological history;
832 (B) The client's preference for receiving psychological health care services via
833 telehealth;

834 (C) The nature of the psychological health care services to be provided, including
835 anticipated benefits, risks, and constraints resulting from their delivery via telehealth;
836 (D) The benefits, risks, or constraints posed by the client's physical location. These
837 include the availability of appropriate physical space for the receipt of psychological
838 health care services via telehealth, accessibility of local emergency psychological health
839 care services, and other considerations related to the client's diagnosis, symptoms, or
840 condition.

841 (E) The provision of telehealth services are within the scope of competency of a
842 psychology trainee who provides psychological health care services under the
843 supervision of the licensee.

844 (4) The licensee is competent to deliver such services based upon whether he or
845 she possesses the appropriate knowledge, skills, and abilities relating to delivery of
846 psychological health care services via telehealth, the information technology chosen for
847 the delivery of telehealth services, and how such services might differ from those
848 delivered in person.

849 (5) The licensee takes reasonable steps to ensure that electronic data is transmitted
850 securely, and informs the client immediately of any known data breach or unauthorized
851 dissemination of data.

852 (6) The licensee complies with all other provisions of the Psychology Licensing Law
853 and its attendant regulations, and all other applicable provisions of law and standards of
854 care in this and the other relevant jurisdiction.

855

856 c) Failure to comply with these regulations or the laws and regulations of a
857 jurisdiction outside of this State relating to telehealth constitutes unprofessional conduct.
858

859 Authority: 2930 Business and Professions Code
860 Reference: Business and Profession Code sections 686, 2290.5, 2904.5, 2960
861

862 It was M(Erickson)/S(Foo)/C to approve the language for 16 CCR Section 1396.8 –
863 Standards of Practice for Telehealth as amended, and delegate the authority to the
864 Executive Officer to make non-substantive changes.

865

866 Vote: 6 aye (Acquaye-Baddoo, Bernal, Erickson, Foo, Horn, Phillips), 0 no

867

868 **Agenda Item #25 – Outreach and Education and Committee Report**

869

870 a) Strategic Plan

871 b) Communications Plan

872 c) Website

873 d) Social Media

874 e) Newsletter

875 f) Outreach Activities

876 g) Outreach Plan for High Schools, Community Colleges, and State and
877 University System to Increase Licensing Population

878 h) Two-Year Outreach and Education Campaign Update

879 i) DCA Brochure “Professional Therapy Never Includes Sex” – Update

880

881

882 This agenda item will be discussed at the next Board Meeting.

883

884 **Agenda Item #26 – PsyPACT – Status of PsyPACT and Review of Board Concerns**
885 **and Feedback**

886

887 This agenda item will be discussed at the next Board Meeting.

888

889 Dr. Phillips stated that the pocket license hard cards are now available and can be
890 ordered by paying a \$5.00 fee.

891

892 **Agenda Item #27 – Discussion of How Board Members Indicate Their Interest in**
893 **Being Nominated for President or Vice-President of the Board in November 2018**

894

895 Dr. Phillips stated that if a Board member is interested in being nominated for office, he
896 or she could express their interest. He stated that failure to announce an intention now
897 does not mean a Board member cannot be nominated at a future time. Dr. Phillips
898 stated he is interested in being nominated for President for 2019.

899

900 **Agenda Item #28 – Recommendations for Agenda Items For Future Board**
901 **Meetings. Note: The Board May Not Discuss or Take Action on Any Matter Raised**
902 **During This Public Comment Section, Except to Decide Whether to Place the**

903 **Matter on the Agenda of a Future Meeting [Government Code Sections 11125 and**
904 **11125.7(a)]**

905

906 There were no recommendations made.

907

908 Dr. Phillips reminded the Board and the public that the next Board meeting will be held
909 in San Diego, California on November 15th and 16th.

910

911 Meeting adjourned at 4:40 p.m.

912

913

914 _____
915 President

_____ Date