

BOARD OF PSYCHOLOGY

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BOARD MEETING MINUTES

Hotel De Anza

233 W. Santa Clara Street

San Jose, CA 95113

Friday, February 20, 2009

The open session meeting was called to order by the President, James McGhee, at 8:35 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

James McGhee, President
Sharon O'Connor, Ph.D., Vice-President
Alex Calero, J.D.
Jacqueline Horn, Ph.D.
Emil Rodolfa, Ph.D.
Richard Sherman, Ph.D.
Celinda Vazquez

Others Present:

Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Gina Bayless, Enforcement Coordinator
Lavinia Snyder, Licensing/Registration Program Coordinator
Denise Russell, Continuing Education/Probation Analyst
Diana Crosby, Administrative Technician

Open Session – Petitioner and Administrative Hearing

8:45 A.M. – DEMOS, George, Ph.D., Petition for Reinstatement of Revoked/Surrendered License

Administrative Law Judge David Benjamin presided. Deputy Attorney General Michael Cochrane was present and represented the people of the State of California. George Demos, Ph.D. was present and was represented by attorney Albert Garcia.

The Board adjourned into closed session at the conclusion of the hearing pursuant to Government Code section 11126(c)(3) to discuss and vote on disciplinary decisions, including the above petition.

11:35 A.M. – Open Session Committee Meetings

The Continuing Education Committee and Enforcement Committee met to discuss and formulate recommendations to the Board.

2:15 P.M. – Open Session Committee Meetings

The Credentials Committee, Outreach and Consumer Education Committee and Committee on Contemporary and Emerging Issues met to discuss and formulate recommendations to the Board.

3:40 P.M. – Open Session Committee Meetings

The Examination Committee, Legislation Committee and Personnel and Board Operations Committee met to discuss and formulate recommendations to the Board.

Saturday, February 21, 2009

The open session meeting was called to order by the President, James McGhee, at 8:15 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

James McGhee, President
Sharon O'Connor, Ph.D., Vice-President
Alex Calero, J.D.
Jacqueline Horn, Ph.D.
Emil Rodolfa, Ph.D.
Celinda Vazquez

Others Present:

Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Gina Bayless, Enforcement Coordinator
Lavinia Snyder, Licensing/Registration Program Coordinator
Denise Russell, Continuing Education/Probation Coordinator
Diana Crosby, Administrative Technician

Agenda Item #1 – Approval of Minutes for November 21 - 22, 2008 Board Meeting

It was M(O'Connor)/S(Rodolfa)/C to approve the November 21 – 22, 2008, open session minutes with minor changes.

VOTE: 6 – 0

Agenda Item #2 – Approval of 2009 - 2011 Strategic Plan

This was tabled until the next Board meeting.

Agenda Item #3 – President's Report – Mr. McGhee

a) Monthly Meeting with Executive Officer

Mr. McGhee reported that he continues to meet with the Executive Officer on a monthly basis and finds the meetings are useful.

b) Other President's Informational Items

Mr. McGhee stated that he has participated in three meetings with DCA regarding the proposal to consolidate the Board of Psychology with the Board of Behavioral Sciences and Psychiatric Technicians. He reported that he also met with Secretary Rosario Marin of the State and Consumer Services Agency and several Assembly members regarding this issue and has another meeting scheduled. Dr. O'Connor recommended including this topic as an ongoing agenda item under the Personnel and Board Operations Committee. Dr. Horn recommended that a licensed Board member also be included in these meetings.

Agenda Item #4– Executive Officer's Report – Mr. Kahane

a) Association of Family & Conciliation Courts (AFCC) Meeting

Mr. Kahane noted he represented the Board at the AFCC Annual Conference in San Francisco on February 8-9. Upon invitation, he was on a panel presentation with other stakeholders regarding "Complaints about Custody Evaluators made to Licensing Boards and Courts." Complaint and discipline procedures were discussed. The Board of Psychology appeared to be one of the few boards who, after receiving a complaint and submitting it for expert review, eventually disciplined practitioners who fail to meet proper child custody evaluation procedures and standards.

b) Staff Update

Mr. Kahane reported Linda Kassis has accepted the vacant position of Administrative Services Coordinator. Linda had previously worked for the Veterinary Board and comes to us with a tremendous amount of experience as a lead coordinator. We eagerly await her start date of March 2, 2009

Mr. Kahane stated two positions were acquired and approved by the department, one for an Office Technician and the other for an Associate Governmental Program Analyst-Outreach Coordinator. Due to the budget crisis, these two previously authorized positions have been reduced to one. The Board staff will be re-doing the paperwork necessary to retain the most important of those positions.

c) Governor's Proposed Consolidation of Mental Health Related Boards

Mr. Kahane reported the latest efforts for Board of Psychology consolidation appear to be over for now. Mr. Kahane thanked the California Psychological Association (CPA) and Dr. Jo Linder-Crow for their support to continue the Board of Psychology as a viable entity.

d) Other Executive Officer's Informational Items

Mr. Kahane's also discussed:

The Board, although a special fund agency, is included in the Governor's Furlough Program. Staff will be furloughed two days a month for the next 17 months. Currently, this results in Board offices being closed on the first and third Fridays of each month. All staff is dealing well with the reduction of time and pay and continue to provide outstanding customer service.

Our Northern California mandatory Expert Training sessions for this year will be held during the California Psychological Association (CPA) meeting at the Oakland Marriot on Thursday April 17, 2009 from 1:00 – 4:00PM.

The previous authorization for Mr. Kahane's scheduled trip to the Association of State and Provincial Psychology Boards (ASPPB) April meeting in Boston has been rescinded by the State and Consumer Services Agency. He will continue to submit documentation addressing the necessity of his attendance at this meeting for the benefit of California consumers and the state's stature as a national leader in licensing, enforcement and regulation.

Dr. O'Connor and Mr. Kahane will be speaking to students and interns at Argosy University in San Bernardino sometime in early April. The dates are to be determined.

The 2009 Laws and Regulations have been submitted for review to the Legal Department prior to publication.

Mr. Kahane thanked the Board for its excellent work on the 2009-2010 Strategic Plan.

He thanked Mr. Thomas for his contributions to the Strategic Plan preparation; Ms. Snyder for the excellent licensing times, staff direction and focus; and Ms. Bayless for her superb work in transforming the enforcement area, and her research for Mr. Kahane's presentation at the recent AFCC Conference.

Agenda Item #5 – Regulations Update

a) Postdoctoral Supervised Professional Experience (CAPIC) – Amendments to Title 16, California Code of Regulations section 1387(a)(2)(A)

Mr. Thomas reported that the hearing for this proposal was held on November 17, 2007, when the Board adopted the proposed language. The final rulemaking file was submitted to DCA on August 12, 2008, and the file was submitted to the Office of Administrative Law on November 14, 2008. The rulemaking file was approved by OAL and became effective upon filing with the Secretary of State on December 30, 2008.

b) Psychological Assistant Plans for Supervised Professional Experience – Title 16, California Code of Regulations sections 1387(b)(10) and 1387.6

Mr. Thomas reported that the hearing for this proposal was held on August 9, 2008, when the Board voted to adopt the proposed regulations as noticed. Board staff is in process of completing the rulemaking file for submission to the Department.

c) Psychological Assistant Renewals – Title 16, California Code of Regulations sections 1391.4, 1391.10 and 1391.12

Mr. Thomas reported that the hearing for this proposal was held on August 9, 2008, when the Board voted to retain the current language of section 1391.4 regarding the American Psychological Association's Guidelines and Principles for Accreditation of Programs in Professional Psychology, and to adopt the remaining proposed changes as noticed. Board staff is in process of completing the rulemaking file for submission to the Department.

Agenda Item #6 – Continuing Education Committee Report

a) Strategic Plan Update

Dr. O'Connor reported that the Strategic Plan Update was tabled for the next Board meeting.

b) Continuing Education Statistics

Dr. O'Connor referred the Board to the continuing education statistics which were provided in the meeting packets. She indicated that there is a 15% non-compliance rate for the current reporting period which is about normal for this time of year.

c) Draft Regulation Language – Continuing Education Provider System (Title 16, California Code of Regulations Sections 1397.60-1397.71)

Dr. O'Connor reported that the Board was presented with two proposals for amending the continuing education regulations. The first proposal would eliminate the requirement for individual course approval by the MCEP Accrediting Agency (MCEPAA) and make other minor changes, but would essentially leave the existing regulations intact, including the 100% audit performed by the MCEPAA. The second proposal would make substantial changes to the existing regulations, including eliminating the MCEPAA as well as the 100% audit that they perform. Under this proposal, licensees would be responsible for keeping track of their continuing education and submitting documentation of completion to the Board upon request. Board staff would randomly audit licensees' continuing education to ensure compliance. Additionally, all continuing education courses would have to be:

- Provided by the American Psychological Association or its approved sponsors;
- Continuing Medical Education (CME) courses specifically applicable and pertinent to the practice of psychology and that are accredited by the California Medical Association or the Accreditation Council for Continuing Medical Education;
- Sponsored by the Academies of the specialty boards of the American Board of Professional Psychology; or
- Provided by the California Psychological Association or its approved sponsors.

The Board voted to accept the second proposal and to move forth with draft regulatory language that will be brought back to the May Board meeting.

d) Discussion of Credentials Verification Bank

Dr. O'Connor stated that the discussion of this issue has been tabled for a future meeting.

e) Discussion Regarding Number of Hours of Distance Learning Allowed

Dr. O'Connor stated that the Continuing Education Committee had a discussion regarding increasing the amount of continuing education allowed to be accrued via distance learning to 100%. She indicated that arguments were made regarding the importance of in-person continuing education, and the Committee decided to keep the amount of continuing education allowed via distance learning at 75%.

f) Public Comment

None.

It was M(Continuing Education Committee)/S(Vazquez)/C to accept the Continuing Education Committee's report and recommendations.

Vote: 6 – 0

Agenda Item #7 – Credentials Committee Report

a) Strategic Plan Update

Dr. Horn stated that the Strategic Plan Update was tabled for the next Board meeting.

b) Satisfaction Survey Results

Dr. Horn pointed out that the results of the satisfaction survey included two reports. One report detailed mail and email responses from January 2008 through January 2009. This report contained results from the five-point scale survey which was implemented in November of 2008.

The other report detailed phone responses from newly licensed psychologists in 2007 and 2008. Dr. Horn reported that, in general, respondents thought staff provided excellent service, and the most consistent complaint was about difficulty in navigating the Board's website.

Dr. Horn stated that a complete report of phone responses will be provided at the next Board meeting. She also stated that the phone surveys allow for follow-up with licensees who provide "fair" and "poor" responses.

Dr. Horn also took this opportunity to acknowledge and thank Ms. Snyder for all her hard work.

c) Discussion Regarding the Accrual of Supervised Professional Experience by School Psychologists

Dr. Horn reported that the Credentials Committee held a discussion regarding the accrual of supervised professional experience (SPE) by school psychologists. It had been brought to the Board's attention that there has been a misunderstanding on the part of school psychologists, who are credentialed, regarding a previous regulation change that eliminated the prohibition of someone who is credentialed from accruing SPE. Dr. Horn reiterated that although school psychologists are allowed to accrue SPE while they are functioning in that capacity, they are still required to meet all requirements of section 1387 of the California Code of Regulations which sets forth the criteria for the accrual of SPE.

It was suggested that clarification of this issue be placed on the Board's website under "What's New".

d) Printing Degree on Psychologists' Pocket Licenses

Dr. Horn stated that the Credentials Committee discussed the possibility of including licensees' degrees on their pocket licenses. Upon consideration of the issue, this change would require a reduction in the font size used on the pocket licenses and would be inconsistent with other boards under the Department. Therefore, the Committee decided not to include degrees on pocket licenses.

e) Discuss Issues Regarding the Supervision and Licensure of Non-Mental Health Service Providers

Dr. Horn reported that the Board received an email from Dr. Judith Blanton, an I/O psychologist, regarding concerns about supervised professional experience and the licensing examination. Dr. Horn reported that the Board has made efforts to incorporate non-mental health issues by making changes to its regulations regarding the accrual of supervised professional experience and by including non-mental health psychologists as item writers in examination development. The Committee recommended sending a letter to Dr. Blanton to inform her of the Board's efforts in this regard. It was suggested that a copy of the letter be sent to Stephen DeMers, Ed.D. Executive Officer of the Association of State and Provincial Psychology Boards, Rebecca Turner, Ph.D., Chair of the Division of Industrial and Organizational Psychology of the California Psychology Association, and Jo Linder-Crow, Ph.D., Executive Director of the California Psychological Association.

Dr. Horn also asked staff to draft regulations to delete the "prior approval" requirement in Section 1387.3 of the California Code of Regulations which addresses the accrual of supervised professional experience in non-mental health services, and to have the proposed regulations available at the next Board meeting.

f) Draft Regulation Language – California Approved Schools (Title 16, California Code of Regulations Section 1386)

Dr. Horn reported that Section 1386(b)(2) of the Draft regulation was amended to read:

"This Subsection will become inoperative if legislation reenacts the Private Postsecondary and Vocational Education Reform Act of 1989, Chapter 7 (commencing with Section 94700) of Part 59 of Division 10 of the Education Code and the Bureau for Private Postsecondary and Vocational Education, or if legislation provides for a successor agency to the Bureau for Private Postsecondary and Vocational Education, and the approved institutions that met the requirements of section 2914(g) on June 30, 2007, are deemed approved by the reenacting legislation."

The Board directed staff to make changes and to add the revised draft language to the agenda for the next Board meeting for review.

g) Draft Regulation Language – Psychological Assistant Renewal Limitation to 72-Consecutive Months (Title 16, California Code of Regulations Sections 1391.1 – 1391.11)

Dr. Horn reported that the Credentials Committee made some changes to the draft regulation language which will be brought back to the next Board meeting.

h) Discuss Inter-Jurisdictional Practice Certificate

Dr. Horn stated that the Credentials Committee is tabling this issue for discussion at the next Board meeting.

i) Summarization of Closed Session Items

Dr. Horn reported that the Credentials Committee reviewed two requests for extension of the 60 consecutive month requirement for the accrual of supervised professional experience. She indicated that the Committee recommended approval of one and denial of the other.

j) Public Comment

None.

It was M(Credentials Committee)/S(McGhee)/C to accept the Credentials Committee's report and recommendations.

Vote: 6 – 0

Agenda Item #8 – Examination Committee Report

a) Strategic Plan Update

Dr. Rodolfa stated that the Strategic Plan Update was tabled for the next Board meeting.

b) Examination Statistics

Dr. Rodolfa referred the Board to the statistics provided in the agenda packets. He reported that the statistics reveal that approximately 2/3 of candidates pass the EPPP and CPSE or the CPLEE. Dr. Rodolfa requested some changes on the examination pass rate report to provide additional information regarding first-time test takers for review at the next Board meeting.

c) Discussion Regarding Hiatus for Examinees After Multiple Failures of the Examination for Professional Practice in Psychology, California Psychology Supplemental Examination or California Psychology Laws and Ethics Examination

Dr. Rodolfa stated that no action will be taken at this point and that further discussion is needed during the next Board meeting.

d) Update on Department of Consumer Affairs Quality Assurance Program

Ms. Snyder reported that one Board member and two staff members took one of the Board's examinations at PSI facilities located in El Monte, Santa Clara and San Diego as part of the Department's Quality Assurance Program. She stated that, overall, the performance of PSI's staff was efficient, professional and courteous.

e) Update on the Review of the Examination Page of the Board's Website

Dr. Rodolfa reported that the committee plans to create a workgroup to review the Board's website to make it more user-friendly. The workgroup's recommendation will be provided at the next Board meeting.

f) Public Comment

None.

It was M(Examination Committee)/S(Horn)/C to accept the Credentials Committee's report and recommendations.

Vote 6 – 0

Agenda Item #9 - Enforcement Committee Report

a) Strategic Plan Update

Mr. Calero stated that the Strategic Plan Update was tabled for the next Board meeting.

b) Enforcement Statistics

Mr. Calero referred the Board to the enforcement statistics in the agenda packets. He noted a significant change in the number of investigations opened. At the November meeting, it was noted that only 17 investigations had been opened at that time which seemed low in comparison to previous years. This was a result of operating without an approved budget which required staff to delay referring cases to investigation. As of February 2009, approximately 47 investigations have been opened which is in-line with previous years.

Mr. Calero stated that the Committee reviewed the types of complaints referred for formal discipline in fiscal year 2007/2008. At the May Board meeting, the Committee will be reviewing the data for fiscal years 2006/2007 and 2005/2006. The information is being reviewed in an effort to identify trends and develop educational opportunities for consumers and psychologists.

c) Expert Reviewer Program Update

Mr. Calero reported that Expert Reviewer Training will be held on April 16, 2009 in conjunction with the California Psychological Association annual convention in Oakland, California.

d) Review of Practice Monitor Training

Mr. Calero reported that the Enforcement Committee will begin a comprehensive review of the probation program and practice monitor training at the next meeting. Mr. Calero stated the Committee reviewed a Power Point presentation of the Board's practice monitor training prepared by Dr. Rodolfa. Dr. Rodolfa thanked Ms. Bayless for her assistance in the development of the Power Point.

e) Disciplinary Decision Timeline and Process

Mr. Calero reported that the Enforcement Committee discussed the disciplinary decision timeline established by the Administrative Procedures Act. The discussion focused on the 100-day deadline requiring the Board to act on a proposed decision by way of a vote to adopt or non-adopt the decision. Mr. Calero stated that if the Board does not act within the 100-day deadline, the decision becomes effective by operation of law. Due to the limited amount of time to review and act on proposed decisions, the Committee recommended establishing an internal deadline requiring the Board to respond to Board staff communications within one week.

f) Disclosure of Disciplinary Actions on Renewal Forms

Mr. Calero reported that the committee discussed requiring psychologist to disclose discipline actions taken by other states since their last renewal.

Ms. Marks suggested that the committee review the regulatory language currently being developed by the Board of Registered Nursing that requires disclosure of convictions and disciplinary actions as a condition of renewal. Draft regulatory language will be brought to the May Board meeting.

g) Information Regarding Board Use of Reprimands

Mr. Calero reported that the Enforcement Committee reviewed the Board's use of reprimands. He stated a reprimand is a consequence of a formal discipline action and can be used on a case-by-case basis as an effective means of discipline for less egregious violations such as out-of-state discipline.

h) Public Comment

No public comment.

It was M(Enforcement Committee)/S(Rodolfa)/C to accept the Enforcement Committee's report and recommendations.

Vote: 6 – 0

Agenda Item #10 – Legislation Committee Report

a) Strategic Plan Update

Mr. Calero reported that the Strategic Plan Update was tabled for the next Board meeting.

b) Review of California Code of Regulations, Title 16, Division 13.1, Article 3

Mr. Calero reported that the committee is continuing to review California Code of Regulations, Title 16, Division 13.1, Article 3 and will be providing proposed revisions in the future.

c) SB 43 (Alquist) – Health Professionals and Healing Arts

Mr. Calero reported that this bill would authorize the Board to collect the cultural and linguistic competencies of our applicants and licensees. This bill is currently pending in the Professions and Economic Development Committee.

d) AB 48 (Portantino & Niello) – Private Post Secondary Education

Mr. Calero reported that this bill would establish a Bureau for Private Postsecondary Education. This bill is currently pending in the Assembly Appropriations committee.

e) SB 963 (Ridley-Thomas) – Regulatory Boards

Mr. Calero reported that this bill extended the sunset dates to January 1, 2011 and was chaptered on September 27, 2008.

f) AB 2746 (Niello) – Private Postsecondary Education: California Private Postsecondary Education Act of 2008

Mr. Calero reported that this bill would have recast and revised the former act as the California Private Postsecondary Education Act of 2008. The bill would have established the Bureau for Private Postsecondary Education in the Department of Consumer Affairs. This bill failed passage.

g) SB 33 (Correa) – Marriage and Family Therapy; Licensure and Registration

Ms. Vazquez reported that this bill would limit the application of these requirements to applicants for licensure or registration who begin graduate study before August 1, 2012, and would impose additional requirements on applicants who do not complete that study on or before December 31, 2018, on applicants who graduate from a degree program that meets those requirements, and on those who begin graduate study on or after August 1, 2012. The bill further establishes educational requirements and supervised professional experience. This bill is currently pending in the Professions and Economic Development Committee.

h) AB 83 (Feuer) – Torts: Personal Liability Immunity

Ms. Vazquez reported that this bill would state the intent of the legislature to review the civil liability of people who provide emergency care. This bill is currently active and pending.

i) AB 90 (Adams) – Torts: Personal Liability Immunity

Ms. Vazquez reported that this bill would require that any person, who in good faith and not for compensation, renders emergency care, medical or nonmedical, at the scene of an emergency shall not be liable for any civil damages resulting from any act or omission. This bill is currently active and pending.

j) SB 1441 (Ridley-Thomas) – Healing Arts Practitioners; Substance Abuse

Ms. Vazquez reported that this bill would establish the Department of Consumer Affairs Substance Abuse Coordination Committee. The bill requires the committee to formulate specific standards, by January 1, 2010, for use in dealing with substance abusing licensees. This bill was chaptered on September 28, 2008.

k) AB 1486 (Calderon) – Licensed Professional Counselors

Ms. Vazquez reported that this bill would have provided for the licensure or regulation and regulation of licensed professional counselors and interns by the Board of Behavioral Sciences. This bill would have added four additional members to the Board to be appointed by the Governor, and would have changed the composition of the Board on January 1, 2011, as specified. This bill failed passage.

l) AB 239 (DeSaulnier) – Alcoholism and Drug Abuse Counselors

Ms. Vazquez reported that this bill would have enacted the Alcoholism and Drug Abuse Counselors Licensing Law and provided for the licensure and regulation of alcoholism and

drug abuse counselors by the Board of Behavioral Sciences. This bill was vetoed on September 28, 2008.

m) SB 823 (Perata) – California Private Postsecondary Education Act of 2008

Ms. Vazquez reported that this bill would have recast and revised the former act as the California Private Postsecondary Education Act of 2008. The bill would have established the Bureau for Private Postsecondary Education in the Department of Consumer Affairs. This bill was vetoed on September 30, 2008.

n) SB 1218 (Correa) – Marriage and Family Therapists: Licensure

Ms. Vazquez reported that this bill would have limited the application requirements to applicants for licensure or registration and establishes educational and supervised professional experience requirements. This bill was vetoed on September 26, 2008.

o) SB 1415 (Kuehl) – Healing Arts Practitioners

Ms. Vazquez reported that this bill would have required certain health care providers who create patient records to have the patient or the patient's representative sign an acknowledgement of having received the statement of patient rights and would have established a retention period for patient records. This bill was vetoed on July 14, 2008.

p) SB 1779 (Committee on B & P) – Professions and Vocations

Ms. Vazquez reported that this bill would have required a report of settlement to include settlements under \$30,000, based on the licensee's alleged negligence, error, or omissions in practice in California. This bill would have prohibited publishing on the internet citations of \$1500 or less for more than 5 years from the date of issuance of the citation. This bill was vetoed on August 13, 2008.

q) AB 2969 (Lieber) – Workers Compensation: Medical Treatment Utilization Review

Ms. Vazquez reported that this bill would have required that any licensed physician who is conducting such an evaluation be licensed in California. This bill was vetoed on September 30, 2008.

r) Public Comment

None.

It was M(Legislation Committee)/S(Rodolfa)/C to accept the Legislation Committee's report and recommendations.

VOTE: 6 – 0

Agenda Item #11 – Outreach and Consumer Education Committee Report

a) Strategic Plan Update

Ms. Vazquez reported that the Strategic Plan Update was tabled for the next Board meeting.

b) Consumer Outreach

Ms. Vazquez reported that the Board's Consumer Guide is now available in seven languages and includes updated pictures that are ethnically relevant. She indicated that all versions of the Consumer Guides will be available on the Board's website soon.

Ms. Vazquez reported that Mr. Kahane and Ms. Bayless attended the AFCC Annual Conference in San Francisco on February 8-9, 2009. She stated that this attendance has provided great visibility for the Board considering the Governor's proposal for consolidation. She stated that she is impressed by the fact that the Board of Psychology is one of the few boards to discipline for child custody issues.

Ms. Vazquez reported that the diversity conference that the Board has been co-planning with the California Psychological Association will hopefully be set for a date this fall. Given the context of the Governor's consolidation proposal, the Board definitely needs to be visible at events such as this.

c) BOP Update

Ms. Vazquez reported that the next issue of the BOP Update is currently being formatted and should be out soon.

d) Letter Regarding the Misuse of the MMPI-II

Ms. Vazquez reported that due to miscommunication issues, the letter regarding the misuse of the MMPI-II has been delayed. She indicated that it should be sent to the California Bar within the next two weeks.

e) Public Comment

None.

It was M(Outreach and Consumer Education Committee)/S(Horn)/C to accept the Outreach and Consumer Education Committee's report and recommendations.

Vote: 6 – 0

Agenda Item #12 – Personnel and Board Operations Committee

a) Strategic Plan Update

Dr. Horn stated that the Strategic Plan Update was tabled for the next Board meeting.

b) Budget

Dr. Horn reported that the Board has been approved for a 3.4 million dollar budget which is essentially the same as last year. She stated that the Board currently has a 3.9% surplus with a six-month reserve.

Dr. Horn stated that through the Budget Change Proposal process, the Board was approved for two additional positions. However, the Department of Finance denied one of the positions at the last minute, approving only an Office Technician position for the Board's

licensing unit. She recommended that Mr. McGhee and Mr. Kahane start talking to the Department's Executive Office as well as the Department of Finance regarding this denial. In the meantime, Board staff will seek a reclassification of the approved Office Technician position to the Associate Governmental Program Analyst classification.

c) Evaluate Frequency of Board Meetings and Review 2009 Calendar

Dr. Horn reported that the proposal to change the frequency of Board meetings to three times per year was rejected by the Committee. She indicated that the date of the May Board meeting needs to be changed since it is currently scheduled on a Furlough Friday. Suggested dates for the meeting were May 8 – 9, 2009 and May 29 – 30, 2009. Dr. Horn stated that the Department requires that the Board submit the 2008/2009 Executive Officer Performance Review by June 1, 2009, therefore, the Committee recommends moving the May Board meeting date to May 8 – 9, 2009 to avoid holding a meeting on a Furlough Friday and to give the Board time to complete and submit the Executive Officer Performance Review.

d) Review 2010 Calendar

Dr. Horn referred the Board to the proposed 2010 calendar in the Board meeting packets. She indicated that the Committee recommends changing the date of the May 2010 meeting to May 14 – 15, 2010 and correcting the date of the November meeting to November 19 – 20, 2010 instead of November 18 – 19, 2010 which is a Thursday/Friday.

e) Consultant for Board Operations

Dr. Horn reported that contracting with a consultant for Board operations has been put on hold due to budget issues. She stated that once the new budget goes into effect, the Board should start looking for a consultant and get the process started as soon as possible.

f) Discussion of Sunset Review

Dr. Horn reported that the Board's Sunset date has been extended until January 1, 2011. She indicated that the Board will start in earnest pulling together the required data for the Sunset Review report starting early 2010. Dr. Horn stated that this topic should be added as an agenda item for each meeting and the discussion should be expanded to cover any issues that might emerge to compromise the existence of the Board.

g) Public Comment

None.

It was M(Personnel and Board Operations Committee)/S(Vazquez)/C to accept the Personnel and Board Operations Committee report and recommendations.

VOTE: 6 – 0

Agenda Item #13 – Committee on Contemporary and Emerging Issues Report

a) Pro Bono Opportunities for Psychologists

Dr. O'Connor reported that given the current marketplace and economy, the Board should put an article in its newsletter about *pro bono* opportunities for psychologists.

b) Telemedicine

Dr. O'Connor reported that the Committee had a great discussion regarding telemedicine. She stated that California should be on the cutting edge of this issue. Dr. O'Connor stated that this issue will be placed on the May Board meeting agenda for further discussion. Dr. O'Connor stated that child custody issues are currently a very hot topic. She suggested that an article on this topic be included in the next newsletter, and that it be added for discussion to the May Board meeting agenda.

c) Public Comment

Dr. Melodie Schaefer stated that breach of confidentiality issues should be included in future discussions regarding telemedicine. She also recommended contacting Chris Zapati to make a presentation to the Board regarding child custody issues.

It was M(Committee on Contemporary and Emerging Issues)/S (Vazquez)/C to accept the Committee on Contemporary and Emerging Issues report and recommendations.

VOTE: 6 – 0

Agenda Item #14 – Public Comment on Items Not on the Agenda

None.

Agenda Item #15 – Agenda Items for Future Meetings

None.

It was M(Horn)/S(Rodolfa)/C to adjourn the open session meeting.

The open session meeting adjourned at 11:15 a.m.

James L. McGhee
President

Date