



BOARD MEETING MINUTES

Department of Consumer Affairs
1625 North Market Boulevard, 1st Floor Hearing Room
Sacramento, CA 95834

Thursday, October 24, 2013

Michael Erickson, Ph.D., Board President called the open session meeting to order at 9:09 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Michael Erickson, Ph.D., Board President
Miguel Gallardo, Psy.D., Board Vice-President
Lucille Acquaye-Baddoo
Johanna Arias-Bhatia
Andrew Harlem, Ph.D.
Nicole J. Jones
Stephen Phillips, Psy.D., J.D.
Linda Starr

Others Present:

Thomas O'Connor, Interim Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Gina Bayless, Enforcement Coordinator
Lavinia Snyder, Licensing/Registration Coordinator
Deborah Morales, Investigative Analyst
Denise Russell, Special Investigator
Nicole Walker, Special Investigator
Colette McDowell, Continuing Education Analyst
Liesel Isadore, Administrative Technician
Joana Castillo, Enforcement Technician

Agenda Item #1 – Introduction and Administration of Oath of Office to New Board Member(s)

Dr. Erickson administered the Oath of Office to Dr. Phillips.

Agenda Item #2 – Committee Assignments

Dr. Erickson announced the following changes to committee assignments:

- Dr. Harlem will no longer be a member of the Licensing Committee and will now chair only the Contemporary & Emerging Issues Committee. He will also be on the Legislation Committee.
- Dr. Horn will become the new chair of the Licensing Committee. She will also be on the Outreach & Consumer Education and Contemporary & Emerging Issues Committees.
- Dr. Phillips will be on the Continuing Education, Enforcement, and Licensing Committees.

After making the announcement regarding the above changes, Dr. Erickson indicated that these assignments are not set in concrete and Board members should make their preferences known to him. He went on to say that the Continuing Education Committee has done a great job and in many ways can be a role model for what other committees can be doing.

Agenda Item #3 – Approval of June 20 - 21, 2013 & July 11, 2013, Board Meeting Minutes

It was M (Starr)/S (Arias-Bhatia)/C to approve the June 20 – 21, 2013, Board meeting minutes with minor corrections.

Vote: 5-0

It was M (Starr)/S (Harlem)/C to approve the July 11, 2013, Board meeting minutes with minor corrections.

Vote: 5-0

Agenda Item #4 – Petitioner Administrative Hearing

Jason Rowden, Psy.D – Petition for Termination of Probation

Administrative Law Judge Ann Sarli presided. Joseph F. McKenna, III, Deputy Attorney General, was present and represented the People of the State of California. Jason Rowden, Psy.D. was present and represented himself.

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 this matter and other disciplinary matters.

Agenda Item #5 – Budget Report by Brian Skewis, Department of Consumer Affairs Budget Liaison

Brian Skewis, the Department of Consumer Affairs' (DCA) Budget Liaison for the Board, reported on the condition of the Board's budget. He explained that all programs under the Department of Consumer Affairs participate in incremental budgeting, which means that the starting point for each year's budget was based on the prior year's budget with various adjustments made based upon Executive Orders, Budget Letters, Budget Change Proposals, etc. The result was an appropriation of just under \$4.5 million for this fiscal year. The documentation provided in the budget section of the meeting packets shows actual data from

fiscal year 2012/13, current year (2013/14) authorized budget, and projections through 2016/17. He explained that the first row shows the cash in the fund at the beginning of each year, the next row reflects revenue collected or projected (which is added to the beginning balance) and the next is actual or authorized spending (which is subtracted from the beginning balance). He further explained that the Board, as of fiscal month three, is currently spending well within its' authorized budget and is on target to meet or exceed total revenue projections by the end of the year. Mr. Skewis explained that at the end of the year, it is a bottom line budget with just under \$4.5 million to spend. He indicated that here is currently a \$7.5 million loan from the Board to the general fund, which is to be repaid with interest. However, if there is not a specific need for it, that repayment would be delayed.

Dr. Gallardo inquired as to how much flexibility there is in utilizing the funds and whether proposals have to be put in to the Governor's office for approval. Mr. Skewis responded that each year the budget is approved by the governor and that within that the Board has a specific amount of expenditure and position authority which limits the number of permanent positions. Mr. Thomas indicated that he believes the Board is authorized 17.3 positions for the current fiscal year with which Mr. Skewis agreed. Mr. Skewis explained that with regards to additional staffing, the Board can pursue temporary or permanent intermittent help, however, those types of positions must be within policy guidelines on how to utilize that type of staffing assistance. He stated that someone from Human Resources would be in a better position to explain the intricacies of staffing.

Dr. Erickson requested that Mr. Skewis explain how to increase the amount authorized for expenditures if the Board so desired. He responded that generally a Budget Change Proposal (BCP) would be submitted by Board staff. He explained that a BCP is a process that takes approximately 14 months. Guidelines are released every year by the Department of Finance at the direction of the Governor's Office regarding acceptable budget change proposals. BCP's tend to be workload-related, and must travel through the department, including the executive office, Business, Consumer Services and Housing Agency, the Department of Finance, and ultimately the Legislature before they can be approved and implemented.

Dr. Gallardo asked for examples of circumstances requiring budget adjustments from other Boards. Mr. Skewis explained that workload increases are a common reason. He stated that when a Board can't sustain the growth it's experiencing in licensing or enforcement, they would then request additional resources. Dr. Gallardo inquired as to what percentage of the overall budget is allocated for permanent staff. Mr. Skewis responded that in the current year, approximately \$1.4 million is related to staffing with respect to salaries and benefits, etc. Mr. Skewis noted that the other large expenditure item is for enforcement actions.

Dr. Gallardo inquired about the approximate amount of revenue the Board receives in licensing fees per year. Mr. Skewis responded with approximately \$3.6-3.7 million, however, he indicated that it does vary.

Enforcement costs (Attorney General's Office, Office of Administrative Hearings, Court Reporters, Administrative Law Judges, subject matter experts; not including Enforcement staff costs) are approximately \$1.2 million per year. General expenses (postage, printing, communication, facilities, travel, training, etc.) are approximately \$1 million.

Ms. Jones requested that Mr. Skewis provide insight on when the Board should really take a closer look at the budget to see if funds can be allocated better. Mr. Skewis indicated that the budget office works with each program to create expenditure and revenue projections for year-

end and can prepare a document showing allocation of funds and how much will be saved. He recommends holding off for the first few months of each fiscal year as the transfer of information from other departments takes time. He further explained that once about a third of the year has passed, trends are emerging, thus a picture of how funds may be repurposed in the short term becomes clearer. This also allows for potential BCP's to be considered for longer-term items. He continued, stating that by the February Board meeting there should be enough data to give an idea on what may be possible in the current year and that about half-way through each month the budget staff has line-by-line detail of the spending for the prior month.

Dr. Erickson expressed that the Board wants to do the best they can with the available resources and that the Board would love for Mr. Skewis to provide budget details again in the future. Mr. Skewis indicated that the information could be as detailed or general as the Board would like. Ms. Starr noted that in her prior experience as a member of another Board, it's been quite enlightening to see the detailed budget information.

Enforcement Committee

The Enforcement Committee met to discuss and formulate recommendations to the Board. See agenda item #6 for the Board's discussion.

Contemporary & Emerging Issues Committee

The Contemporary and Emerging Issues Committee met to discuss and formulate recommendations to the Board. See agenda item #7 for the Board's discussion.

Agenda Item #6 – Enforcement Committee

a) Strategic Plan Progress Report

Ms. Acquaye-Badoo thanked staff for doing a wonderful job. She referred to the Strategic Plan Progress Report provided in the meeting packets.

b) Enforcement Statistics

For fiscal year 2012/13, there were 707 complaints for an average of about 59 per month. Staff completed 535 desk investigations (in-house investigations) with an average processing time of 32 days. Out of 707 complaints, 87 were formal investigations with an average processing time of 374 days. At the end of the fiscal year 2012/13, there were 57 cases pending at the Attorney General's office. With 29 formal discipline actions for the fiscal year, about 4% of complaints received resulted in formal discipline.

For the fiscal year 2013/14 to date (as of September 27th), 151 complaints have been received. 1 case was referred to the District Attorney's office and 8 to the Attorney Generals' office. There are approximately 70 total probationary cases with staff actively monitoring 32 of those. Probationers in tolled status require a minimal level of monitoring.

Consumer Protection Enforcement Initiative (CPEI) went into effect several years ago. From that initiative, the Board received several positions to improve its enforcement processes. In August, staff met with a representative from the Department of Finance (DOF) on the first phase of a comprehensive audit of CPEI positions. Staff provided an overview of enforcement program

improvements and submitted a statistical report which will be reviewed by the Department of Finance. After their review, they will be meeting with the Board for follow-up questions.

c) Review Department of Consumer Affairs Fiscal Year 2012/2013 Performance Measures

The Performance Measures Annual Report for fiscal year 2012/13 shows that the Board is meeting its performance goals with the exception of PM 4, Formal Discipline. It is important to note that this performance measure relies on the efficiency of outside state agencies such as the Office of Attorney General and the Office of Administrative Hearings.

Process improvement recommendations will be provided at the strategic planning meeting to be held in March 2014.

Senate Bill 304 passed and will be effective July 1, 2014. This bill requires that the Medical Board investigators be transferred to a newly created Health Quality Section of the Division of Investigation (DOI). The Board will be working closely with DOI regarding the handling of its cases, particularly during the transition.

d) Public Comment for Items Not on the Agenda

None.

It was M (Arias-Bhatia)/S (Erickson)/C to accept the Enforcement Committee's report and the recommendations contained therein.

Vote: 8-0

Agenda Item #7 – Contemporary & Emerging Issues Committee

a) Review American Psychological Association (APA)/Association of State and Provincial Psychology Boards (ASPPB) Guidelines for the Practice of Telepsychology

Dr. Harlem offered as background on telepsychology that both practitioners and consumers have been trying to understand this emerging area of practice for quite some time. They're not sure what is acceptable, or what the training needs are. The Association of State and Provincial Psychology Boards (ASPPB) describe the guidelines they've compiled as aspirational. As of the last Board meeting, the guidelines had not yet been finalized. Dr. Harlem recommended that, as they have now been finalized by ASPPB, a link be provided to them on the Board's Web site.

b) Review Association of State and Provincial Psychology Boards (ASPPB) Draft E. Passport Guidelines established by the ASPPB Task Force on Telepsychology

ASPPB had a task force to work specifically on the issue of inter-jurisdictional practice at the same time APA was drafting guidelines. ASPPB is in the midst of formulating model regulatory language. The Committee wants to wait for model language and then decide on what to adopt. The alternative is for the Board to draft its own regulations, which didn't seem the most prudent course of action. The Board is hoping that by the next Board meeting it will have substantive language to review. The Board is monitoring this closely.

c) Discussion Regarding the California Child Abuse and Neglect Reporting Act (CANRA) and Mandated Reporting – Penal Code Sections 261.5, 288, and 11165.1

The Committee discussed a legal opinion issued by counsel for the Board of Behavioral Sciences (BBS) and whether it is consistent with the way this Board has interpreted mandatory reporting obligations for practitioners. Dr. Faltz has asked if the Board intends to be guided by the legal opinion issued by BBS' counsel. The committee feels that they need additional information and plan to return to the issue at the next meeting. Ms. Marks requested that the committee clarify as to what information they're looking for. The committee would find information on how the mandatory reporting obligations for practitioners have been interpreted to be helpful. The committee is also unclear as to which specific provisions of CANRA are being commented upon by the BBS opinion. There were differences of understanding that it is hoped can be cleared up.

Dr. Phillips indicated that, for purposes of clarity, the statute, if read literally, sodomy or oral copulation between same sex youth would be considered reportable, whereas if it had been heterosexual intercourse, the behavior would not have been reportable historically. This has created confusion regarding what is and is not reportable. Dr. Faltz would like clarification on the Board's position.

d) Public Comment For Items Not on the Agenda

None.

It was M (Jones)/S (Acquaye-Badoo)/C to accept the Contemporary & Emerging Issues Committee's report and the recommendations contained therein, including the recommendation that APA's/ASPPB's guidelines be posted as a link on the Board's Web site.

Vote: 8-0

Agenda Item #8 – President's Report

a) Discussion Regarding Strategic Planning

Tom Roy and Dennis Zanchi from SOLID Training and Planning Solutions gave an overview of the strategic planning process. They reviewed the road map that was provided in the Board packets. SOLID will do a preliminary meeting where facilitators are introduced and a schedule is created, as is an outline of the process. The ultimate goal is a customized plan for the next four to five years. The next step is a SWOT (strengths, weaknesses, opportunities, and threats) analysis making sure to focus on each area to get as much information as possible. This is to determine what is working and what isn't working. It's important to look at all the main areas, including licensing, enforcement, licensees, schools, maybe do a stakeholders survey. They further indicated that it's important to take both a qualitative and quantitative approach using scoring sometimes and capturing everyone's thoughts at other times. Typically the next step is to interview each Board member and the Executive Officer, generally via phone. The next step in the process is to have a Board meeting and planning session. This is where the mission, vision, and values are discussed as things are ever evolving. The result of this meeting is for goals and objectives to be established. From there, the finalized plan will be created which is reviewed and adjusted as necessary. The Board will then approve it and it will become the official Strategic Plan. After the Plan is adopted, SOLID can come back and work with Board

staff to work on an action plan to make sure everything moves forward. SOLID's schedule is filling up quickly, but they do have some availability in the first quarter of calendar year 2014.

Mr. O'Connor expressed that he felt it was important to get two full days of planning, preferably separate from a Board meeting. He thinks it is healthy to get away from the building, to do planning in a place you don't work. He further indicated that he believes the Board will be in good hands. Ms. Starr noted that in her experience with another Board, they found it helpful to get out of Sacramento, that it helps bonding and is more productive. Dr. Erickson remarked that he hoped we could have some fun while we work on this; that he wants it to be enjoyable. It was noted that SOLID has a 95% satisfaction rating with their strategic planning services. Dr. Linder-Crow asked what role the public may play in the plan. Ms. Marks responded that there is no provision to hold strategic planning in closed session, so it is open to the public. The Board can determine what role the public plays. Dr. Erickson thanked SOLID staff for providing the information.

Dr. Gallardo asked for clarification as to the purpose of the strategic plan. Dr. Erickson responded that it is to get a clearer plan for the Board and ways to get that to come to life. Mr. O'Connor added that sometimes you just need to start over. With a new Executive Officer coming in it's a good time to lay a new foundation. He also noted that Boards are required to have a current strategic plan and should be doing some level of planning every year. Budget Change Proposals have to be tied back to the mission, goals and objectives.

b) 2014 Meeting Calendar

The Board tentatively planned to conduct the Strategic Plan on March 14-15, 2014, at the Mission Inn in Riverside. Mr. Thomas confirmed that these dates do work for SOLID.

The remainder of the 2014 Board calendar is as follows:

- February 20-21: Sacramento
- May 15-16: Los Angeles
- August 21-22: Bay Area (San Jose)
- November 20-21: San Diego

c) Major Accomplishments for Fiscal Year 2012/2013

Dr. Erickson noted that the Major Accomplishments documentation generally speaks for itself and people can peruse that in the Board packets or online.

Dr. Linder-Crow clarified regarding Senator Lieu's bill on sexual orientation efforts that there were two challenges and the 9th Circuit upheld the law. It is in fact law now. She indicated that Senator Lieu submitted a letter to the journal that describes his intent which was not to include legitimate therapy offered to minors who are exploring their sexual identity and orientation. She suggested that the referenced letter by Senator Lieu should be included with any documentation regarding this issue.

d) Executive Officer Recruitment

Dr. Erickson announced that they are in the process of recruiting an Executive Officer to fill that vacancy. He indicated that Mr. O'Connor has been the Interim Executive Officer since July and has done a phenomenal job of pulling loose ends together and wanted to extend a public thank

you. The Board will be conducting interviews tomorrow with the hope that a decision will be made and an announcement made regarding that selection by the end of the day.

e) Other Informational Items

Dr. Erickson stated that there was a proposed administrative manual included in the packets. He thinks that there are some good ideas included in the proposed manual. He does have one concern in that the manual indicates that one of the officers must be a public member. Dr. Erickson recommends striking that rule unless someone is opposed to doing so. He thinks the Board ought to choose the best people available at the time, whether they are public or licensed members. More information regarding the proposed administrative manual will be covered in the EO's report.

Dr. Erickson reported that all Board members need to complete the sexual harassment training by December 31st. Administrative staff will inform members of their options. There has been a memo issued to all Boards within DCA by the personnel officer regarding Board Chairman/Executive Officer supervisory expectations.

Agenda Item #9 – Executive Officer's Report

a) Board Operations

Mr. O'Connor reported that when he arrived on July 15th, he met with staff and prioritized some issues to address. For starters, there was a huge backlog in licensing. This had several causes, with the primary cause being lack of staff. Thankfully DCA sent down resources to help out, and the Board has managed to conquer the years of backlog in clerical work. In February 2013, licensing applications were about 16 weeks behind. Currently, they're taking about 10 weeks. The board needs additional staff to continue improving in this area. Permanent Intermittent (PI) positions are the easiest and fastest to get filled and in place. They can work a certain number of hours; it works out to 28 hours per week. There is paperwork in to get two Staff Services Analysts (SSAs) as PI employees. The board has received a lot of good applications for these positions, with interviews starting in the coming weeks. The Department was also instrumental in helping get two Retired Annuitant (RA) positions filled to further assist the licensing staff.

Additionally, the Board is replacing some other positions. Mr. Thomas and Ms. Bayless will be interviewing next Tuesday for the SSA position in Enforcement vacated by Ms. Brown. Ms. Kassis has been promoted into a Staff Services Manager position at the Cemetery Funeral Bureau. The notice for the Administrative Services Coordinator position vacated by Ms. Kassis will be going out right away. It's always an opportunity to look at duty statements, redefine what the Board needs them to do, make sure they're meeting the board's needs, and make those positions more effective.

In addition to the PI SSAs, the board also has paperwork in to hire two PI Office Technicians; one for licensing and one for administration to assist Ms. Kassis' replacement.

Budget Change Proposals (BCPs) are not public information until they are approved by the governor. BCPs are how permanent positions are obtained, and the process takes over a year.

Mr. O'Connor encouraged Board members to participate in the Board Member Orientation on November 20th, particularly the brand-new Board members. This provides an opportunity to hear about Board member responsibilities from the Attorney General, the Executive Office, etc.

Regarding the proposed Board Member manual, the Board would like to thank the Veterinary Board for allowing it to plagiarize a large part of their manual. The Board envisions having the final version of the manual bound like the Board books with appendices. It is a vital document that needs to be in every office and should help new Board members feel more comfortable, at least until they can get to training.

Dr. Phillips noted that in Chapter 7 of the manual seven standing committees are referenced. The Board now only has six, as two (Credentials and Examinations) have been recently combined (into Licensing).

Mr. O'Connor noted that it may be a good idea for the Chair or other member of the Credentials Committee come in and look at credentials, at least until a new Executive Officer is up to speed.

Dr. Erickson indicated that he has been meeting with Mr. O'Connor on a regular basis and it has been very informative for him. One of the things they've discussed is that Board members aren't as involved with committees as they have been in years past. Dr. Gallardo suggested that perhaps these conversations can be a part of the strategic planning process which Dr. Erickson agreed sounded like an excellent idea. Ms. Jones asked for an assessment from Mr. O'Connor prior to his departure to see his viewpoint on various issues may be very helpful to the strategic planning process. Perhaps Mr. O'Connor could be identified as a stakeholder and SOLID can obtain information from him, perhaps via phone interview.

Dr. Linder-Crow, Chief Executive Officer of the California Psychological Association (CPA) thanked Mr. O'Connor for his work while he's been here. She agrees that moving the licensing time from 16 weeks to 10 weeks is not where we want to end up, but its huge progress. She found it helpful that he allowed her to come and talk to staff, that she had not been invited to do so previously. She finished by indicating that as far as CPA is concerned he's done a great job.

b) BreEZe Update

Mr. O'Connor introduced the BreEZe project by explaining that on October 8th, the Department went live on a data processing system that has been in the works for over a year. It will be a great tool once it's up to speed, like any new data processing system. The board has spent time testing things every way it can think of, then it goes live and you find bugs which the board has been working together as a team to get resolved. He is impressed with how this Department has handled this project. The pioneers are always the ones that benefit from a new system like this. Of course, there is a learning curve and it's not perfect but new features will be added as we go.

DCA has been very responsive to the glitches that licensees have come across. We didn't expect it to be perfect right away, and luckily the glitches have been on a small scale so far. He believes it will be a huge improvement and will help with the Board's application processing times and be a great move for the future. When the Board makes changes, it's instantaneous, which is nice compared to the legacy systems which had to update overnight to reflect changes (regarding addresses, license status, etc.) on the Web site.

Dr. Erickson mentioned that he had to register with BreEZe to process an address change for his license and he found it very easy to use.

c) Other Informational Items

None.

Continuing Education Committee

The Continuing Education Committee met to discuss and formulate recommendations to the Board. See agenda item #10 for the Board's discussion.

Legislation Committee

The Legislation Committee met to discuss and formulate recommendations to the Board. See agenda item #11 for the Board's discussion.

Reconvene Full Board for Committee Reports and Board Action

Agenda Item #10 – Continuing Education Committee

a) Strategic Plan Progress Report

Dr. Gallardo referred to Tab 10, agenda item a in the Board packets. Regarding the development of cohesive CE guidelines, we've met several times as a Committee in between formal Board meetings.

Regarding ensuring licensee compliance with continuing education requirement, agenda item B included statistics. Staff indicated that they are auditing about 5% of the renewals each month, with the goal being 10%, which works out to about 70 psychologists per month. Initial contact regarding the audits is through regular mail. There are a few individuals requiring follow-up, but most have been in compliance. Some of the noncompliance has been due to having a hard time tracking down licensees. The challenge has been in the board's personnel power and trying to audit to the degree that it wants to. Dr. Gallardo expressed that he thought it had been a fairly smooth transition and thanked CPA for their assistance in educating licensees. The statistics look good, particularly given the transitions and constraints the Board has had. Regarding the second page of the Strategic Plan Progress Report, the implementation of BreEZe has impacted the Board's capacity to do a 10% audit each month. The board expects that these numbers will start to transition more fluidly. The last item will be discussed later in the committee report.

b) Continuing Education Statistics

See Strategic Plan Progress Report, above.

c) Discuss Implementation of AB 1588 (Atkins) – Military Duty Licensees: Fees and Continuing Education

Dr. Gallardo reported that the CE Committee was going to make this item our next priority. It requires the Board to take a look at its current regulations as the new law is not quite in sync with current regulations. The Board will take some time and integrate these new laws while making sure it's respectful and sensitive to folks who are called to serve in active duty.

d) Review Request to Amend Regulation Requirements Regarding Independent Learning, California Code of Regulations Sections 1397.60 (e) and 1397.61 (a)

Dr. Gallardo reported that an individual had requested that the Board consider that licensed psychologists can meet current CE regulations and allow 100% independent learning. The

committee didn't feel this was in the best interests of the public. The new guidelines, which the CE committee has been working on (see agenda item 10e), were designed to ensure licensees are more mindful and intentional when planning their CE/Continuing Professional Development. The committee was concerned about disconnect and psychologists not having any contact with other people or colleagues. Thus, there is a discrepancy between what the committee is trying to put forward in the new CE guidelines, and this request. Going forward (with the new draft regulations), a total of 18 of their CE units or credits can be met in person online, etc. This is philosophically an important aspect of the new guidelines which is designed to encourage licensees to get out and get connected, in the interest of protecting the consumers of California.

e) Review and Approve Draft Language Regarding Continuing Education/Professional Development/Cultural Diversity Training Regulations including recommendations from the Continuing Education Committee

The Committee took the ASPPB guidelines and modified them. A cultural diversity and social justice requirement was added. Although there is no specific hour requirement for the new cultural diversity and social justice aspect, the Committee thinks that it is important that practitioners keep current not only with laws and ethics, but in cultural diversity and social justice issues as well. The Committee made some minor modifications, particularly addressing the transition period between the current regulations and new ones going into effect. Language was needed to alleviate concerns for the transition, regarding meeting the requirements for two sets of regulations and first time renewal language as well. Also, prior to the effective date of the new regulations, the committee wants to tweak the verification form, specifically change "Name(s) of Activity(s)" to "Name(s) of CPD Activity(s)" on the last page of the log.

Dr. Erickson noted that the regulations look really good. He's participated in at least one of the meetings and can say first-hand that a lot of work has gone into this.

In response to a request for public comments or thoughts, Dr. Linder-Crow responded with "perfect".

Ms. Marks asked for clarification as to whether the Committee is asking the Board to approve the language for noticing. Dr. Gallardo responded that the Committee is asking the Board to approve the regulations and guidelines for noticing.

M(Gallardo)/S(Erickson & Phillips simultaneously)/C to approve the language as discussed today for the Continuing Professional Development Regulations for noticing with the slight modifications discussed.

Vote: 8-0

f) Public Comment for Items Not on the Agenda

None.

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

Vote: 8-0

Agenda Item #11 – Legislation Committee

a) Strategic Plan Progress Report

Ms. Jones referred to section 11 of the Board packets. The Committee is skipping the Strategic Plan Progress Report for now, as it would be redundant to review that in addition to each bill, as outlined in the remainder of the report for the Legislation Committee.

There have been eight pieces of Board-related bills that have gone to Governor Brown for his signature.

b) SB 304 (Price) – Healing Arts: Boards

This bill was mentioned in the Enforcement Committee report. It requires that investigators be transferred from the Medical Board of California to the Division of Investigation and goes into effect July 1st of 2014. Ms. Bayless reported that she will be working with Division of Investigation to ensure a smooth transition and to get things rolling.

c) SB 46 (Corbett) – Personal Information: Privacy

This bill passed and requires that if a security breach occurs, affected individuals must be notified.

d) AB 1057 (Medina) – Professions and Vocations: Licenses: Military Service

This bill passed and will be made effective January 1st, 2014. The bill requires licensing boards under DCA to inquire via each license application, if the applicant has served in the military. To comply with this law, the Board's applications are being revised and updated.

e) AB 258 (Chavez) – State Agencies: Veterans

This bill also relates to veterans. It requires every state agency to request on any written form, or through its Web site, if a person is a veteran.

f) SB 131 (Beall) – Damages: Childhood Sexual Abuse: Statute of Limitations

This bill was vetoed by Governor Brown. It was noted that this did not necessarily apply to public institutions.

g) SB 127 (Gaines) – Firearms: Mentally Disordered Persons

This bill is inactive at this point.

h) AB 393 (Cooley) – Office of Business and Economic Development: Internet Web Site

This bill is related to the "GoBiz" website (<http://www.business.ca.gov/>). It is designed to ensure that the Web site contains information on fee requirements and fee schedules of all state agencies.

Staff will be working with legal counsel to make sure the Board is in compliance. We have until January 1st to be in compliance.

i) SB 666 (Steinberg) – Employment: Retaliation

This bill is regarding employment retaliation. It provides for suspension or revocation of an employer's business license for retaliation based on the citizenship or immigration status of an employee. It establishes a penalty of \$10,000 per violation. Staff will work with legal counsel to make sure the disciplinary guidelines are in compliance.

It would also apply to their psychology license as the language in bill talks about their professional licenses, not just business licenses. Once the board was notified, then it would need to determine if there would be disciplinary action.

Ms. Starr inquired if the Board would notify licensees about this law. Ms. Bayless replied that the Board would notify our licensing population about this as it relates to their professional license.

j) Update Regarding SB 1172 (Lieu) – Sexual Orientation Change Efforts, Chapter 835, Statutes of 2012

This bill was upheld. Recommendations have been made in the regulations regarding disciplinary guidelines.

k) Legislative Status Report & 2013 Legislative Calendar

When reviewing the calendar for legislative session, it was noted that February 21st would be the last day for bills to be introduced which would be the 2nd day of the Board's next meeting. Therefore, the Legislative Committee would like to request that their meeting be held that day.

The chart developed by Ms. Kassis will continue to be updated.

AB 958 is a two-year bill, which means work will be done on this bill in the next legislative session. The Board was approached by BBS as they would like to discuss concerns regarding this bill and include the Association in those conversations.

l) Any Other Bills of Interest

None.

m) Public comment for items not on the agenda

None.

It was M (Erickson)/S(Acquaye-Badoo)/C to accept the Legislation Committee's report and the recommendations contained therein.

Vote: 8-0

The open session meeting adjourned at 5:12 p.m.

Friday, October 25, 2013

Members Present:

Michael Erickson, Ph.D., Board President
Miguel Gallardo, Psy.D., Board Vice-President
Lucille Acquaye-Baddoo
Johanna Arias-Bhatia
Jacqueline Horn, Ph.D.
Nicole J. Jones
Stephen Phillips, Psy.D., J.D.
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Others Present:

Thomas O'Connor, Interim Executive Officer
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Denise Russell, Special Investigator
Nicole Walker, Special Investigator
Colette McDowell, Continuing Education Analyst
Liesel Isadore, Administrative Technician
Joana Castillo, Enforcement Technician

The open session meeting was called to order by Michael Erickson, Ph.D., Board President at 9:09 a.m. A quorum was present and due notice had been sent to all interested parties.

The Oath of Office was administered to Dr. Horn by Dr. Erickson.

CLOSED SESSION – DELIBERATE AND TAKE ACTION ON PERSONNEL MATTERS

Pursuant to Government Code Section 11126(a)(1) the Board will convene in closed session to interview candidates for Executive Officer position and to select an Executive Officer.

Agenda Item #12 – Announcement Regarding Closed Session

Dr. Erickson indicated that the Board had made a decision, but would make an announcement at the subsequent meeting.

Licensing Committee

The Licensing Committee met to discuss and formulate recommendations to the Board. See agenda item #13 for the Board's discussion.

Outreach and Consumer Education Committee

The Outreach and Consumer Education Committee met to discuss and formulate recommendations to the Board. See agenda item #14 for the Board's discussion.

Agenda Item #13 – Credentials & Licensing Committee

a) Strategic Plan Progress Report

This agenda item was deferred to next Board meeting.

b) Satisfaction Survey Results

Dr. Horn reported that one of the things the Committee noticed, due to a delay in processing applications, there has been feedback regarding lack of timely response. Steps are being taken to turn this around and staff feels this has been taken care of and should improve going forward.

c) Discuss Limitations of Exemption Period Granted Under Business and Professions Code Section 2910 and Welfare & Institutions Code Section 5751.2

Dr. Horn stated that everyone should have received an analysis regarding this issue as prepared by Ms. Marks. The Committee would like to address the question of why the exemption is there and how it came about; we would like to take a look at the history and the rationale behind this issue. We've requested some clarification to be brought to the next meeting.

The Committee proposed two changes; the first being clarifying the language in Business & Professions Code Section 2910, by adding language to the effect of "such persons do not provide direct health or mental health services outside of the purview of their exempt mental health setting." The second suggestion is that we want to cross-reference the relevant Welfare & Institutions Code section so there's no confusion. We're hoping that by doing this we stop the different parts of our regulations conflicting with each other.

d) Update Regarding Request for the California Psychological Association (CPA) to Pursue Legislation to Eliminate Subsection (g) from Business and Professions Code Section 2914

This issue was decided at a previous Board meeting and was listed on this agenda in error.

e) Examination Statistics

This agenda item was deferred to next Board meeting.

f) Consider English as a Second Language as a Basis for an Accommodation in Taking the Examination

Dr. Harlem provided some information to staff and that would be available to full Board for next meeting so that this issue can be considered in full. If we continue this accommodation, we need specific criteria to be in place. It has been requested that staff provide some data and statistics for the next committee meeting, including such information as how many applicants

are requesting this accommodation and if it makes a difference in the pass rate when it is granted.

g) Public Comment For Items Not on the Agenda

None.

It was M(Horn)/S(Phillips)/C to accept the Licensing Committee's report and the recommendations contained therein.

Vote: 7-0

Agenda Item #14 – Outreach and Consumer Education Committee

a) Strategic Plan Progress Report

Ms. Arias-Bhatia has indicated that the Committee has a few recommendations. The first is a request for a six-month outreach plan encompassing the third and fourth fiscal quarters, to be provided approximately 30 days prior to the commencement of the third fiscal quarter. The other request that we have is for an update to occur for all stakeholder contacts. The Committee wants to make sure that when doing outreach, there is accurate contact information available. The Committee's last request is that each Board member provide, prior to the end of this fiscal quarter, a brief introduction, as well as any other information that might be of interest to stakeholders, be posted on the Web site.

Ms. Arias-Bhatia continued by indicating that, as can be seen on the Strategic Plan Progress Report, there's been some outreach over the last 12 months, but she hopes to see a plan with an increase in outreach activity. It doesn't have to involve travel, but she would like to see something concrete. Dr. Erickson stated that he shared the view that there is much opportunity and interest for additional outreach to occur.

b) Discuss Web site Enhancements

See Strategic Plan Progress Report above.

c) Public Comment for Items Not on the Agenda

None.

It was M(Arias-Bhatia)/S(Jones & Erickson, simultaneously)/C to accept the Outreach and Consumer Education Committee's report and the recommendations contained therein.

Vote: 8-0

Agenda Item #15 - Regulation Update, Review, and Action as Necessary

a) Regulations Status Report

Staff advised the Board that legal counsel should be present to discuss these items, specifically agenda item 15b. It was a consensus of the Board that there was no significant harm in deferring the regulatory items to the next Board meeting.

b) Update Regarding Proposed Amendments to Title 16, CCR, Section 1397.12 – Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

This agenda item was deferred to next Board meeting.

c) Proposed Amendments To Title 16 CCR, Sections 1388, 1388.6, 1389, & 1392 – Examinations

This agenda item was deferred to next Board meeting.

d) Proposed Amendments to Title 16, CCR, Division 13.1, Article 1 (General Provisions), Article 2 (Applications), Article 3 (Education and Experience), Article 4 (Examination), Article 5 (Registered Psychologists), 5.1 (Psychological Assistants) and Article 6 (Fees)

This agenda item was deferred to next Board meeting.

Agenda Item #16 – Election of Officers for 2014 Calendar Year

Mr. Thomas informed the Board that historically, the Board accepted nominations for one position, votes on that nomination, then onto the next office holder.

Ms. Starr nominated Dr. Erickson as President. The nomination was seconded by Dr. Phillips.

Dr. Phillips nominated Dr. Gallardo for Vice President. The nomination was simultaneously seconded by Dr. Horn and Ms. Starr.

Both motions carried with unanimous votes.

Agenda Item #17 – Recommendations for Agenda Items for Future Board Meetings

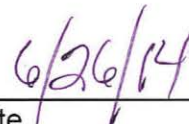
Dr. Phillips indicated that he believed it important that the Board see the budgetary figures at each meeting, as the year unfolds, so that Board Members could see where the money was being spent. Dr. Gallardo added that he would like to see more detail in budget reports than was provided.

Ms. Jones reiterated her request to have the Legislation Committee meeting on the second day of the next board meeting due to the 2014 Legislative Calendar.

The Board adjourned at 4:15 pm.



President



Date