



BOARD OF PSYCHOLOGY – Administration
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BOARD MEETING MINUTES

California School of Professional Psychology Alliant International University
2030 W. El Camino Avenue, Suite 200, Classrooms 3 and 4
Sacramento, CA 95833

Thursday, February 20, 2014

Michael Erickson, Ph.D., Board President called the open session meeting to order at 9:19 am. 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.
Jacqueline Horn, Ph.D.
Nicole J. Jones
Stephen Phillips, Psy.D., J.D.
Linda Starr

Others Present:

Antonette Sorrick, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, DCA Legal Counsel
Gina Bayless, Enforcement Program Coordinator
Lavinia Snyder, Licensing/Registration Coordinator
Jonathan Burke, Administrative Services Coordinator
Colette McDowell, Continuing Education & Renewals Coordinator
Deborah Morales, Enforcement Analyst
Ashley Castleberry, Enforcement Analyst
Russ Heimerich, DCA Deputy Director of Communications
Christine Lally, DCA Board and Bureau Relations Deputy Director
Klint McKay, Deputy Attorney General
Brian Skewis, DCA Budget Analyst
Mike Gomez, DCA Deputy Director for the Division of Investigation Enforcement

1 **Agenda Item #1: President's Welcome and Report of Appointment**

2
3 Dr. Erickson welcomed representatives from the Department and graduate trainees,
4 followed by an introduction of attendees. Dr. Erickson then introduced and welcomed
5 Antonette Sorrick as the newly appointed Executive Officer.
6

7 **Agenda Item #2: Approval of October 24 – 25, 2013 Board Meeting Minutes**

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9 It was M (Starr)/S(Jones)/C to approve the October 24 – 25, 2013, Board meeting
10 minutes with minor corrections.
11

12 Vote: 9-0
13

14 **Agenda Item #3: Budget Report by Brian Skewis, Department of Consumer Affairs**
15 **Budget Liaison**

16
17 Brian Skewis, the Department of Consumer Affairs' (DCA) Budget Liaison for the Board,
18 reported on the condition of the Board's budget. He referred to the first document
19 provided in the Board packets, and explained that of the Board's roughly \$4.5 million
20 budget, approximately \$3.9 million is considered non-discretionary. That includes
21 personal services (permanent staff costs, per diem, and benefits) operating expenses
22 (facilities, departmental distributed, examinations, enforcement, statewide prorated, credit
23 card processing, etc.). Just over \$600,000 is considered general operating expenses
24 (overtime, temporary help, printing, postage, equipment, travel, maintenance contracts,
25 etc.).
26

27 Mr. Skewis then referred to the second document, a simplified fund condition. It showed
28 beginning balance, which carries over from prior years, total revenue (actual or
29 projected, depending on the year), and finally the fund balance (sum of beginning
30 balance plus revenue minus expenditures). If revenue and expenditures are realized,
31 the Board will have a diminishing fund balance. However, that is less cause for concern
32 than it seems upon initial review as the Board has a \$7.5 million outstanding general
33 fund loan and the Board traditionally underspends its budget. The general fund loan
34 repayment is generally triggered at around a three-month reserve.
35

36 Mr. Skewis then referenced the final document provided in the budget session of the
37 Board packets which goes into the under spending of the Board's budget. It shows the
38 prior year and year-to-date expenditures, budget allotment and projections to year-end.
39 At this time, at the very bottom, it shows that the Board is set to revert about a million
40 dollars for this year. In the event the program underspends its budget, the money is not
41 removed from that program's fund.
42

43 Dr. Horn inquired about discretionary spending and the Board's ability to make
44 decisions about how to spend any potential surplus discretionary funds. She gave an
45 example of sending someone to a national psychology meeting, or something similar.
46 Mr. Skewis indicated that, within the policies which provide guidelines regarding out-of-
47 state travel and the like, it is a bottom-line budget, so any money that is reverted at the
48 end of the year would be considered discretionary and can be re-directed to other line
49 items. He reiterated that there are policies which may prove prohibitive depending on
50 the circumstances.

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Dr. Erickson inquired regarding the general guideline for repayment of the general fund loans. There have been conversations about whether to decrease or increase the fees to our licensees. He asked how the Board can tell if it's time to look at reducing the fees. Mr. Skewis clarified that a program is not permitted to "drive their fund into the ground" in order to trigger general fund repayments. However, if you are historically spending less than you're collecting, it would be appropriate to align your budget so that your revenue and expenditures are in line.

Dr. Gallardo asked about the amount the Board is charged by the State for the services it provides, and how it has changed over the past several years. Mr. Skewis indicated that it has increased. He went on to say that generally there are two line items that are affected when we are talking about services that are provided, outside of Board staff. The first is departmental services such as budgets, contracts, and facilities. The second is statewide pro-rata which includes Department of Finance, Department of General Services, State Controller's Office, Employment Development Department, etc. Generally speaking, the cost of doing business in California has gone up. The costs of retirement, health benefits, etc. have increased.

Dr. Phillips requested clarification on the "second" type of services Mr. Skewis referred to. Mr. Skewis indicated that there is department distributed, meaning inside of DCA, and the statewide pro rata, for other items outside of the Department, as an example, the amount were paying the Attorney Generals' Office (AG). Dr. Phillips inquired as to how that amount has changed over the past few years as it seems to have gone up rather rapidly and if the Board's legal activity increasing or if the rate at which the AG's office is reimbursed has increased. Staff agreed to follow up on this item.

Ms. Jones inquired about the procedure for instructing staff to look into decreasing the licensing fees. Dr. Gallardo stated that he understood that the Board is currently charging the statutory minimum. Mr. Skewis stated that legislation would have to be introduced and approved in order to reduce licensing fees and the Board would have to work with the Legislature for that to occur.

Ms. Sorrick asked for the trigger to have the Board look into decreasing the licensing fees. Mr. Skewis explained that the Board is subject to Business & Professions Code §128.5, which requires that the Board fund not have more than 24 months in reserve. He further indicated that we can look at historical expenditures and revenue and see what we can do to align that. Another consideration is to use a third-party vendor to do a fee audit. A contractor would come in and look at the services the Board provides and the processes and based on workload, the vendor would determine an "appropriate" figure for the licensing fees. Dr. Erickson suggested that perhaps the Board might want to consider that option though he is hesitant to recommend that the Board proceed with that right now without a compelling reason to do so. Dr. Horn agreed that it may be premature right now but perhaps in the future it could be a consideration to have a fee audit.

Ms. Sorrick suggested that staff could run a couple of scenarios for presentation at the May Board meeting. Dr. Harlem mentioned that it would be helpful to keep in mind that the perception of value of return for the fee for our licensees; it is greatly affected by the areas in which there have been struggles, such as licensing turnaround times. He feels

1 that there should be a focus on how more value can be delivered, and that the number
2 of the fee is not so much the issue as the perception of the value.

3
4 Ms. Marks reported that a statutory change would be required to lower renewal fees
5 from what they are now. Pursuant to Business & Professions Code §2987(d), the
6 biennial renewal fee shall be \$400 and the Board may increase the fee to an amount
7 not to exceed \$500. Dr. Faltz, Director of Professional Affairs for the California
8 Psychological Association (CPA), commented that he had come away with a different
9 impression than the way Ms. Marks summarized. He inquired about the presence of
10 flexibility in the language of that statute.

11
12 Dr. Faltz then inquired about policies regarding budgeting and why the licensing fees
13 collected by the Board and why they seem to be under the same restrictions as “general
14 fund” monies. Mr. Skewis responded that the budget process is the same for all state
15 agencies, regardless of whether they are special fund or general fund, that there are
16 statutory or governmental policy guidelines set forth to all state programs.

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19 Dr. Erickson thanked Mr. Skewis for his time and graciousness in answering questions.
20

21 **Agenda Item # 4: Public Affairs Report by Russ Heimerich, Department of**
22 **Consumer Affairs Deputy Director of Communications**

23
24 Mr. Heimerich, Deputy Director of Communications, was asked to come give an
25 overview of services they provide, both in general and what they're currently providing
26 to the Board. Mr. Heimerich stated that the Office of Public Affairs (OPA) does media
27 relations, social media policies, webcasts, produces videos, etc. They have also been
28 working with Ms. Sorrick on social media outreach to stakeholder groups, particularly
29 licensees in an effort to provide information more efficiently. In addition, they have a
30 couple of projects underway, including producing some videos for the application
31 process.

32
33 There is also a publications design and editing group. Currently *For Your Peace of Mind*
34 is being updated. The *Consumer's Guide to Healthcare Providers* includes all the
35 healing arts Boards. There are also a number of general DCA publications, including
36 their “bestseller”, *Who We Are & What We Do*, which is a very good reference in terms
37 of what DCA does, which includes all of the things that fall under the purview of DCA.
38

39 The Consumer Information Center (CIC) which is a call center that consists of about 30
40 people and another nine people in the correspondence unit. Board staff will be training
41 CIC staff on answering some of the calls to free staff up to process applications.
42

43 Dr. Horn commented that she's very glad to see that outreach is being done so that the
44 process for applicants can be made easier.

45
46 Ms. Sorrick thanked Mr. Heimerich. He followed up by advising that he will leave some
47 publications for the Board and will work with Ms. Sorrick to determine if there are any
48 additional items that need updating.

49
50 Dr. Erickson thanked Mr. Heimerich.

1
2 **Agenda Item #5: DCA Update by Christine Lally, Deputy Director of Board and**
3 **Bureau Relations, and Michael Gomez, Deputy Director of**
4

5 Ms. Lally, Deputy Director of Board and Bureau Relations, on behalf of Director Brown,
6 welcomed Ms. Sorrick as the new Executive Officer of the Board. She went on to
7 remind everyone that the Annual Form 700, the Economic Statement of Interests, is due
8 April 1st and advised that a reminder from the Department will be forthcoming.
9 Additionally, Board member orientation training is being held on April 2nd at the SOLID
10 (DCA's training division: Strategic Organization, Leadership, and Individual
11 Development) training center in Sacramento. This training is required to be taken within
12 a year of appointment. Another session will be held in August in Southern California, if
13 that is preferable.
14

15 Ms. Lally talked about new DCA Strategic Plan. Mr. Heimerich's team was thanked for
16 putting that together with the SOLID team. She further indicated that they really brought
17 it to life and she feels it is an excellent example of the services the Department is able
18 to provide. The strategic plan is also available on the Department's Web site.
19

20 Dr. Erickson thanked Ms. Lally.
21

22 Mr. Mike Gomez, Deputy Director of the Division of Investigation Enforcement
23 Programs, gave an update on passage of SB 304 which was the sunset bill for both the
24 Medical Board of California (MBC) and the Veterinary Medical Board. Part of the bill
25 requires that on July 1 of this year, the peace officers for both Boards will be transferred
26 to the Division of Investigation (Division) at the Department of Consumer Affairs
27 (Department). The Division is the general law enforcement of the Department and has
28 the authority to investigate and prosecute any violation of any law administered by any
29 of the boards and bureaus under the Department. This transfer will create a Health
30 Quality Investigations Unit (HQIU). It will essentially be a seamless transition in that it
31 creates a unit that provides the services that MBC currently provides to the Board of
32 Psychology. There will not be a moving of staff or casework so that this is as least
33 disruptive as possible. Part of the goal is to assess the cycle times of the actual
34 investigations and the case management systems in terms of how they deliver services
35 and how they work with the Attorney Generals' Office. They're currently revising their
36 procedure manuals to comport to changes that the Division thinks needs to be made for
37 the creation of HQIU, with the goal of making sure that cycle times are improved, not
38 degraded, as well as improving the methodology of the way investigations are
39 performed.
40

41 Dr. Faltz inquired as to specialization among the investigators. Mr. Gomez replied that
42 the Division relies on each Board to train them on their specific Practice Acts along with
43 the Attorney General's Office as each Practice Act has their own nuances. The specialty
44 is there. Ms. Sorrick added that the Board will still be using Expert reviewers, so that will
45 not change. Mr. McKay clarified that everyone is staying at the same locations; their
46 tasks, assignments and specialties will not change. They're trying to make it very
47 seamless. Only the supervisory umbrella will be changing.
48

49 Dr. Erickson thanked Ms. Lally and Mr. Gomez for their updates.
50

1 **Agenda Item #6: Board Procedure Manual**

2
3 Dr. Erickson explained that the draft of the Board Procedure Manual was provided as a
4 hand carry item. He inquired if there was any discussion or comments about manual.
5 Dr. Harlem suggested that this discussion be deferred until Friday so that the Board
6 members could have an opportunity to review the draft. Dr. Erickson clarified that the
7 question is if this is a good starting place for a manual which will be open to constant
8 revision. He stated that the manual won't be set in stone, but rather a work in progress.
9 He then indicated that unless there was any concern, the matter would be deferred to
10 the following day. No concerns were raised.

11
12 **Agenda Item #7: Introduction of Klint McKay, AGO Liaison**

13
14 Ms. Bayless referred to Tab 7 of the Board package, which is a letter of introduction of
15 the Board's new Deputy Attorney General Liaison, Klint McKay, who was assigned to
16 the Board in November. Ms. Bayless noted that Mr. McKay initially received his
17 Bachelor's Degree in psychology and continued with highlights from the introductory
18 letter.

19
20 Mr. McKay indicated that he ran a law firm for about 15 years in Los Angeles and joined
21 the Attorney General's office in 2006 where he works with the Board of Psychology and
22 the Medical Board. He was a psychiatric social worker and drove a cab for five years in
23 Detroit, both of which were great preparation for practicing law.

24
25 Dr. Horn welcomed Mr. McKay and indicated that she was pleased to hear that
26 someone with his background was working with us. Dr. Erickson echoed Dr. Horn's
27 comments.

28
29 **Legislation Committee**

30
31 The Legislation Committee met to discuss and formulate recommendations to the
32 Board. See agenda item #8 for the Board's discussion.

33
34 **Enforcement Committee**

35
36 The Enforcement Committee met to discuss and formulate recommendations to the
37 Board. See agenda item #9 for the Board's discussion.

38
39 **Contemporary & Emerging Issues Committee**

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41 The Contemporary & Emerging Issues Committee met to discuss and formulate
42 recommendations to the Board. See agenda item #10 for the Board's discussion.

43
44 **Continuing Education Committee**

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

48
49 **Licensing Committee**

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1 The Licensing Committee met to discuss and formulate recommendations to the Board.
2 See agenda item #12 for the Board's discussion.

3
4 **Outreach and Consumer Education Committee**

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6 The Outreach and Consumer Education Committee met to discuss and formulate
7 recommendations to the Board. See agenda item #13 for the Board's discussion.

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9 The open session meeting adjourned at 5:29 pm.

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16 **Friday, February 21, 2014**

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18 Michael Erickson, Ph.D., Board President called the open session meeting to order at
19 9:08 am. A quorum was present and due notice had been sent to all interested parties.

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21 **Members Present:**

22 Michael Erickson, Ph.D., Board President
23 Miguel Gallardo, Psy.D., Board Vice-President
24 Lucille Acquaye-Baddoo
25 Johanna Arias-Bhatia
26 Andrew Harlem, Ph.D.
27 Jacqueline Horn, Ph.D.
28 Nicole J. Jones
29 Stephen Phillips, Psy.D., J.D.
30 Linda Starr

31
32 **Others Present:**

33 Antonette Sorrick, Executive Officer
34 Jeffrey Thomas, Assistant Executive Officer
35 Norine Marks, Legal Counsel
36 Gina Bayless, Enforcement Coordinator
37 Lavinia Snyder, Licensing/Registration Coordinator
38 Jonathan Burke, Administrative Services Coordinator
39 Colette McDowell, Continuing Education Analyst

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44 The Board adjourned into closed session pursuant to Government Code Section
45 11126(c)(3) to discuss and vote on disciplinary matters including stipulations and
46 proposed decisions.

47
48 **Agenda Item #6: Board Procedure Manual**

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1 The Board considered for possible ratification the Board Member Manual, as included in
2 the hand-carry packet.

3
4 Dr. Gallardo mentioned that he noticed that the manual indicates that the Enforcement
5 Committee chair must be a public member and was curious about the reason for that.
6 Dr. Erickson responded that he thought it was so that the public would have some
7 representation and oversight into the discipline of the profession. Dr. Horn stated that
8 one of the things that she was told is that it potentially puts a psychologist who is
9 chairing that committee in conflict.

10
11 Ms. Marks noted that she had found a typo at the bottom page 5; the Government Code
12 Section should be 11120, not 1120.

13
14 Ms. Jones suggested that updates to the purpose of the licensing committee (as listed
15 in the manual) might be a good topic of discussion at the upcoming strategic planning
16 session.

17
18 Ms. Marks also noted that at the top of page 6 where closed session is referenced, the
19 verbiage regarding “where public discussion may compromise the integrity of these
20 subjects....” Should be removed as it sounds like that’s a limitation on closed session
21 and there really is no such limitation. Dr. Erickson suggested deleting the rest of the
22 sentence, beginning with “where.” Ms. Marks agreed.

23
24 It was M (Starr)/S(Jones)/C to ratify the Board Procedure Manual as submitted with
25 minor amendments.

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27 Vote: 9-0
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35 **Agenda Item #8: Legislation Committee Report**

36 **a) AB 958 (Jones) or Successor Bill Requesting Access to Child Custody**
37 **Evaluations be Obtainable by the Board**

38
39 Ms. Jones reported the following on behalf of the Legislation Committee.

40
41 AB 1843 is the successor bill to AB 958. It is a bill regarding access to custody
42 evaluations. The committee would like to propose a motion to delegate staff and a
43 licensed Board member to continue to participate in stakeholder meetings to convey the
44 Boards’ desire to obtain reports in a more timely and advantageous way for staff to
45 review enforcement cases.

46
47 The Board isn’t ready to take a firm position to support or oppose such an important
48 piece of Legislation at this time given the complexity of the issue, but the committee
49 would like to see a motion to delegate staff and a licensed Board member to continue to
50 participate in discussions and be a part of the process.

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2 Ms. Madsen, Executive Officer of the Board of Behavioral Sciences (BBS), indicated
3 that they are the catalyst behind this bill and she wanted to be available to answer any
4 questions and would like to thank the Board for their consideration of this issue, as it
5 does affect the enforcement processes for both BBS and the Board of Psychology
6 (BOP). She explained that their intent is to meet with their stakeholders and interested
7 parties to hear their concerns and to develop language that achieves public protection
8 and protection of licensees, as well as the individuals involved in these matters.
9

10 Ms. Jones summarized for Ms. Madsen the committee's discussion, from the previous
11 day, which focused around efficient access to the materials and confidentiality.
12

13 Ms. Madsen provided historical information in that in 2004 the law was revised in such a
14 way that ended up excluding us (BBS and BOP) from having access to those child
15 custody reports. Prior to this change, they were able to access the information, and they
16 believe it was an unintended consequence. The courts rely heavily on the expert
17 opinions of the licensees of BBS and BOP to determine the outcome of a family matter.
18

19 Currently, if a party has a complaint about the way a child custody report was prepared,
20 the Court directs them to file a complaint with the appropriate licensing Board. For a
21 period of time, the consumers were providing the enforcement staff with the reports in
22 question but now it's come about that pursuant to 3025.5 of the Family Code, we (BBS
23 and BOP) aren't allowed to have it, nor are the parties permitted to provide it to us. If the
24 parties do provide it, the court considers it unwarranted disclosure which opens the
25 parties to possible sanctions from the Court.
26

27 This situation is causing the consumers to feel they are in a "Catch 22" where the
28 Courts, which are overburdened, are instructing them to come to the licensing Board
29 who is then advising them that they don't have the legal authority to review the report in
30 question. The end result of this is a lot of frustrated consumers because they can't seem
31 to get anywhere. There are specific entities (the Court, the parties, someone
32 representing the child, etc.) that have access but they aren't allowed to disseminate it
33 without it being considered an unwarranted disclosure and possibly be subjected to
34 sanctions.
35

36 Currently, the mechanism for the Boards to receive a report would be to subpoena the
37 Court and to do so, good cause must be demonstrated. BBS has made attempts and
38 were denied. BBS had taken in several complaints about this one particular individual.
39 They conducted an investigation, which revealed that there were potential violations of
40 law. Their expert determined that there were some ethical and statutory violations, so
41 the matter was referred to the Attorney Generals' Office. The complainant and the
42 licensee both provided the confidential report to enforcement staff. BBS ended up
43 spending close to \$100,000, and that individual is still practicing because they weren't
44 able to use the report in question and the entire case was built around that report.
45

46 Dr. Harlem asked Ms. Madsen some clarifying questions. Ms. Bayless indicated that
47 BOP's Deputy Attorney General has advised that BOP can use the report if it is
48 provided to the Board and that BOP has used such reports successfully in disciplinary
49 matters.
50

1 Ms. Madsen indicated that she has directed her staff not to accept the evaluations as
2 they have been given contradictory advice. She has set up a meeting on March 7th and
3 has extended an invitation to Ms. Sorrick. The intention is to try to find language
4 everyone can live with, while looking at the process not the outcome. The proposed law
5 also gives licensees an opportunity to defend themselves.
6

7 Dr. Erickson inquired about the objections that licensees typically raise with regards to
8 providing the report. Ms. Madsen emphasized that they are simply trying to adhere to
9 their mandate which is to investigate allegations of unprofessional conduct of their
10 licensees. BBS deals with confidential matters every day and are extremely respectful
11 (of what?). Minors are never identified in a pleading document, other than by a single
12 initial or "party 1" or some other confidential manner; they're never disclosed publicly.
13 Where there is behavior that is unethical or biased, as a public entity, BBS and BOP
14 should have the ability to access the reports.
15

16 Ms. Sorrick clarified that the committee would like the Board to participate in the
17 stakeholder meetings and be a part of crafting the language in an effort to make the
18 process expeditious and efficient. Dr. Harlem indicated that the Board wants to help
19 address the problem, with everything on the table. Ms. Jones noted that the committee
20 had engaged in a great deal of conversation and had not agreed to a specific
21 mechanism, but had agreed it was important for the Board to be at the table to be a part
22 of the discussion.
23

24 Ms. Madsen reiterated that she would welcome the Boards' attendance and
25 participation in the meeting on March 7th, which will be held at the DCA building.
26

27 Dr. Faltz expressed his disappointment about the misstatements made in this effort. Ms.
28 Madsen responded that his organization had been invited to participate in the March 7th
29 stakeholders meeting and she looks forward to further communication with him.
30

31 Dr. Faltz continued with comments regarding concerns about organizations that are
32 urging people to file false complaints and he hopes that this is part of the discussion.
33

34 Ms. Madsen responded that the various Boards are very aware of why they get a
35 complaint – somebody's unhappy – and there may be organizations advising people to
36 file a more compelling complaint. However, she has 100% confidence in her
37 enforcement staff, as she's sure the BOP does of theirs, to vet those reports and find
38 the facts. Evidence must be clear and convincing to demonstrate either that a violation
39 of the law occurred or a violation of the law did not occur. No other judgments are
40 made. If an erroneous report is received, it is closed accordingly.
41

42 Ms. Jones reiterated that the Legislation Committee is asking, and the motion has been
43 seconded by Dr. Phillips, that the Board would delegate a member of the staff and a
44 licensed Board member to participate in a stakeholders meeting to convey the Boards'
45 desire to ensure efficient and advantageous access to the materials for licensing. The
46 Committee has not agreed on an actual mechanism for enforcement purposes.
47

48 It was M (Jones)/S(Phillips)/C to delegate staff and Board members to attend the
49 stakeholder meeting and convey the Board's desire to obtain reports in a more
50 expeditious way.

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2 Vote 9-0

3
4 Discussion ensued regarding who would represent the Board for the upcoming
5 stakeholders meeting. It was agreed that Dr. Phillips and Ms. Jones will represent the
6 Board in these matters.

7
8 **b) Senate Business and Professions Omnibus Bill Proposal**

9
10 The Omnibus Bill Proposal relates to changes in the psychology licensing law related to
11 fictitious name permits, posting of notice to consumers, basically changing our address
12 and contact information, as well as changes regarding initial renewal and delinquency
13 fees.

14
15 The recommendation from the Legislation Committee was that the Board approve the
16 bill proposal as was presented and written by staff.

17
18 It was M(Jones)/S(Horn)/C to approve the bill proposal as was presented and written by
19 staff.

20
21 Vote: 9-0

22
23 **c) Legislative Status Report & 2014 Legislative Calendar**

24
25 Ms. Jones indicated that she will not, for sake of time, read through all of the bills. She
26 would like to acknowledge staff for the great summary provided in the Board books.
27 There is a summary of all bills that were chaptered into law, two of which will be
28 highlighted in the spring newsletter, SB 127 and SB 666 to provide information to
29 stakeholders. There was also a summary of bills that were not passed. No action was
30 necessary but the summaries were provided for informational purposes.

31
32 **d) Any Other Bills of Interest**

33
34 None

35
36 **e) Public comment for Items Not on the Agenda**

37
38 None

39
40 **Agenda Item 9: Enforcement Committee Report**

41 **a) Enforcement Report**

42
43 Ms. Acquaye-Badoo refererred to tab 9 in the Board packets and deferred to Ms.
44 Bayless to provide a summary.

45
46 Ms. Bayless indicated that an Enforcement overview had been provided in the Board
47 packets. Ms Bayless reported that going live with BreEZe staff is continuing to work with
48 BreEZe staff to complete improvements and resolve issues. Currently, reports are not
49 available in BreEZE but are in development and should be available in the next several
50 months. The statistics provided were gathered manually by staff. Until reports are

1 available in BreZE the performance measures statistical data will not be posted on
2 DCA's Website.

3 Ms. Acquaye-Badoo welcomed Ashley Castleberry as a new Enforcement Analyst and
4 thanked Ms. Bayless for all of her hard work.

5
6 **b) Public comment for items not on the agenda**

7
8 None

9
10 It was M(Acquaye-Badoo)/S(Erickson)/C to accept the Enforcement Committee's report
11 and the recommendations contained therein.

12
13 Vote: 9-0

14
15 **Agenda Item 10: Contemporary & Emerging Issues Committee Report**

16
17 **a) Review American Psychological Association (APA)/Association of State and
18 Provincial Psychology Boards (ASPPB) Guidelines for the Practice of
19 Telepsychology**

20
21 Dr. Harlem reported that items a and b are very closely related, so they would be
22 generally discussed together. Both items relate to the emerging practice area of
23 telepsychology and being able to guide and inform our stakeholders as to the various
24 practice and regulatory issues involved in that area.

25
26 It was reported that there was follow up from the previous meeting where we had
27 agreed to post a link on our Web site to the recently published APA/ASPPB Guidelines
28 for the Practice of Telepsychology. Those guidelines are aspirational. The link has been
29 posted to the Board's Web site and the Committee would like to encourage all of our
30 stakeholders to refer to them. The Committee also discussed that the topic of
31 telepsychology will be discussed at the upcoming strategic planning session.

32
33 Dr. Erickson asked for direction regarding what to do in the event a licensee inquires
34 about this issue. Dr. Harlem responded that, as he understands it, at this time, as there
35 is no regulatory language, the only thing to do at this time is to direct people to the
36 guidelines. ASPPB is in the process of drafting language and once those are complete,
37 the Board should be able to shape those to fit California. However, there could still be
38 unprofessional conduct. So while the methodology is not regulated, it is still under the
39 jurisdiction of the Board as the practice of psychology.

40
41
42 **b) Update Regarding Review of Association of State and Provincial Psychology
43 Boards (ASPPB) Draft E.Passport Guidelines established by the ASPPB Task
44 Force on Telepsychology**

45
46 This item pertains directly to the regulatory language that ASPPB is in the process of
47 finalizing. Dr. Horn has been involved in that process so she gave an update to the
48 Committee. The first item in development is what is being referred to as a compact
49 between states which will allow for telepsychology practice and then the second is an
50 E,Passport for individual practitioners to apply for. Dr. Horn explained that the intra-

1 jurisdictional language is being worked on and will be much simpler. However, model
2 language for an inter-jurisdictional compact is also being pursued. ASPPB is
3 considering these items in development to be model language.
4

5 **c) Discussion Regarding the California Child Abuse and Neglect Reporting Act**
6 **(CANRA) and Mandated Reporting - Penal Code Sections 261.5, 288, and**
7 **11165.1**
8

9 Dr. Harlem explained that there have been parties that have interpreted the current law
10 that sodomy and oral copulation among minors should be treated differently in terms of
11 mandated reporting. He reported that the BBS attorney opined that there was no
12 distinction between those acts and therefore no need to seek a change in CANRA. The
13 Board has been asked whether they will adopt that interpretation of the law. Dr. Harlem
14 thanked Ms. Marks for her time in researching this issue. There are a lot of secondary
15 sources that do interpret the law to require differential treatment and as such, there is
16 an area of confusion.
17

18 Ms. Marks indicated that she agreed with the opinion of BBS counsel but there is a
19 great deal of history of secondary sources that conflict with the opinion of BBS counsel.
20 Therefore, she expressed concerns about putting that message out there, because the
21 reporting requirements are in the Penal Code, not in this Boards' licensing law, so there
22 may be other implications for changing the message, such as being practitioners
23 becoming potentially criminally liable for failure to report. She expressed the safest
24 course would be to seek an AG opinion to confirm what BBS counsel has opined. At
25 that point, there would be more legal support to tell practitioners about the opinions on
26 CANRA, as an AG opinion would likely be given great weight if someone were to be
27 charged with a misdemeanor for failure to report.
28

29 Ms. Helms, Legislative Analyst for BBS, reported that they had the issue come before
30 them starting last February. There was concern that some individuals had interpreted
31 the law that it required reporting for certain sexual acts and not others. BBS sought a
32 legal opinion and also obtained input from different legislators' offices. The consensus
33 was consistent with the opinion of BBS counsel. Ms. Madsen indicated that she would
34 be very interested in reviewing any AG opinion on this issue and emphasized that
35 consistency is key, especially when talking about mandated reporting.
36

37 Dr. Phillips commented that one of the reasons this is a particularly sensitive issue is
38 because the popular interpretation of CANRA has been having a differential impact in
39 the enforcement of child abuse reporting as it relates to sexual minority youth as
40 opposed to other youth and this has been a real concern in the community of mental
41 health professionals that serve sexual minority youth.
42

43 Dr. Harlem asked Ms. Madsen if she shared the concern about criminal prosecution in
44 the absence of an AG's opinion. Ms. Madsen agreed that she believed it was a valid
45 concern. She believed we're all here to try to do the right thing and she wants to make
46 sure that all constituents are informed. If there is a missing piece of information that
47 might provide that much more clarity, then she would absolutely disseminate it, as it is
48 so important.
49

1 Ms. Marks agreed with Dr. Harlem that a motion will be required to request an opinion
2 from the AG regarding CANRA, as it will require the expenditure of funds. Discussion
3 ensued regarding the Board requesting the opinion directly from the AG's office or
4 asking a legislator to request the opinion.

5
6 It was M(Harlem)/S(Jones)/C to request an opinion from the AG about the interpretation
7 of CANRA as it pertains to whether there is a distinction between sexual acts for minors
8 in terms of mandated reporting.

9
10 Vote: 9-0

11
12 **d) Public comment for items not on the agenda**

13
14 None

15
16 It was M(Harlem)/S(Phillips/Starr)/C to accept the Contemporary & Emerging Issues
17 Committee's report and the recommendations contained therein.

18
19 Vote: 9-0

20
21 **Agenda Item 11: Continuing Education Committee Report**

22
23 **a) Continuing Education Statistics**

24
25 Dr. Gallardo referred to Tab 11, item a, in the Board packets for statistics, which
26 reported the internal audits that have been conducted through a new process that was
27 implemented January 1 of 2013. This has been a transition from the MCEPAA
28 (Mandatory Continuing Education for Psychologists Accrediting Agency) process to
29 licensees maintaining their own CE records each renewal cycle. Most folks are in
30 compliance. At the last Board meeting, about 5% of licensees were being audited, with
31 the target being 10%. At this time, the target is being met. There are approximately 700
32 renewals per month, so 10% is about 70 licensees per month being audited. The
33 percentage of those who pass is really high. Some of the reasons they're not in
34 compliance is that they may be missing the "live" hours, or their certificates are
35 insufficient. For the most part, they are responding but there are some folks who need
36 second reminders. They tend to follow up once they've received that second notice. The
37 auditing process has been fairly effective and the target that was set when this was
38 implemented is being met.

39
40 **b) Discuss Implementation of AB 1588 (Atkins) – Military Duty Licensees: Fees
41 and Continuing Education**

42
43 Ms. Marks presented draft language for the Board to consider, regarding AB 1588,
44 which was the bill that allows a licensee called to active military duty to request a waiver
45 from the renewal requirements. Ms. Marks indicated that many of the other Boards have
46 also struggled with this, due to the complexity of the issue. This would be part of the
47 language already being worked on, on page 12 [section 1397.62(a)] of the CE/CPD
48 regulations, upon discharge and return, or reactivation, pursuant to section 114.3 of the
49 Code, or renewal, as applicable, the Board shall grant an exemption to a psychologist
50 who documents, in writing, that during the renewal period prior to their reactivation, or

1 renewal, he or she was called to active military duty. Such a psychologist shall be
2 exempt from accruing the equivalent of 1.5 hours of continuing education for each
3 month he or she was on active military duty and for two months following his or her
4 discharge.

5
6 The Board agreed to defer the CE aspect of this issue to the next meeting with potential
7 scenarios to be provided by staff.

8
9 The fees were also discussed, with a consensus that pro-rating the fee made the most
10 sense when the relevant statutes and regulations were read together. Dr. Harlem
11 expressed his concern that if these two aspects of this issue were not considered
12 together, it might create additional confusion.

13
14 **c) Review and Approve Modifications to Draft Language Regarding Continuing**
15 **Education/Professional Development/Cultural Diversity Training Regulations**
16

17 Dr. Gallardo referred to the packet of hand-carry items, and indicated that some
18 language was added to the draft continuing professional development (CPD) guidelines.
19 One of the changes was to change the dates from 2013 to 2016. This process will likely
20 take a couple of years. Some language was added regarding first-time renewals in
21 section 1397.61(a), in the second paragraph to address that particular issue. There was
22 also a change to the pro-ration on page 12, section 1397.62(a)(1), which is also related
23 to item b on the Board's agenda. This may need to be further modified depending on
24 the decisions made with relation to AB 1588 implementation. Also, on page six, sections
25 1397.61(b) and (c), to eliminate confusion and provide more structure, the Committee
26 decided to put a four hour minimum to both the law and ethics and the cultural
27 diversity/social justice requirements. The four hours do not have to come from any
28 specific category or method (i.e. a traditional continuing education [CE] course), but of
29 the 36 total hours, eight need to come from law and ethics and cultural diversity/social
30 justice. The licensee will be able to specify how they have met each of those
31 requirements on the verification logs.

32
33 Additionally, the Committee made some changes to the matrix (pages seven and eight).
34 Some of the feedback received indicated that some licensees may be more privileged in
35 having more viable options to accrue their hours under the proposed CPD model. In
36 practice, some licensees may only be able to use areas C10 (Sponsored CE), and A3
37 (Professional Activities) and A4 (Conferences/Conventions), which would mean they
38 could only get 31 units and still need five more which could be quite challenging. In
39 response to this discussion, the Committee changed the maximum hours on A3
40 (Professional Activities) from nine to 12 hours and A4 (Conferences/Conventions) from
41 four to six hours. With these changes, if a licensee only had those three options, they
42 could accrue all 36 required hours.

43
44 Dr. Horn commented that she feels it important that the Board not be unfair depending
45 on area of practice. If a licensee isn't your typical practicing licensee and isn't an
46 academic (who may be using psychology but not delivering direct services), but want to
47 maintain their license, are they going to be disadvantaged? Dr. Phillips responded that
48 he believed those folks should still make a concerted effort to maintain their professional
49 development if they wish to maintain their license. Dr. Harlem expressed that in order to
50 stay current in the field the Committee wants them to be more involved. They may have

1 to reach further out of their regular routine to do so. Dr. Erickson indicated that he
2 believes that the sample guidelines developed by ASPPB allow 75% of the hours to be
3 “traditional CE” and he believes that we’re trying to promote a new way of thinking as it
4 pertains to CPD. Dr. Gallardo summarized that it seems clear that everyone believes
5 they should have to stay current and meet the unit requirements and that we do want to
6 have licensees push themselves in new ways to do so. Further discussion ensued
7 regarding the new requirements being a challenge for some licensees. Ms. Marks
8 reminded everyone that renewing as inactive is always an option, and just because
9 someone is not engaging in the delivery of psychological services right now, doesn’t
10 mean that won’t change at any moment.

11 12 13 **d) Public comment for items not on the agenda**

14
15 None

16
17 It was M(Gallardo)/S(Jones)/C to approve noticing the language as approved by the CE
18 Committee.

19
20 Friendly amendment to the motion, by Gallardo (S-Jones): under section A3
21 (Professional Activities), include program development and evaluation, and relevant
22 administrative activities in service of psychology and/or mental health.

23
24 Vote 9-0

25
26 It was M(Starr)/S(Jones)/C to delegate to the Executive Officer to make any technical,
27 non-substantive changes.

28
29 Vote: 9 – 0

30
31 It was M(Gallardo)/S(Acquaye-Baddoo)/C to accept the Continuing Education
32 Committee’s report and the recommendations contained therein.

33
34 Vote: 9-0

35 36 **Agenda Item 12: Licensing Committee Report**

37 38 **a) Examination Report**

39
40 Ms. Snyder stated that the value entered for the Number of First Timers that passed for
41 the month of March 2013 was entered incorrectly. The Board instructed staff to correct
42 this value.

43 **b) Satisfaction Survey Results**

44
45 Due to the backlog in Licensing, the satisfaction survey results and comments have
46 room for improvement. Improvements in the processing times are already being
47 reflected in the comments received since this information was compiled (approximately
48 three weeks prior to the Board meeting). It is hoped that the satisfaction results will also
49 begin to turn around as the processing times improve.

50

1 **c) Initial Application Timeframe**
2

3 As of the Board meeting, processing times for psychologist license applications was at
4 approximately 13 ½ weeks, psychological assistant applications at 3 weeks and
5 registered psychologist applications at 4 ½ weeks. Ms. Snyder added that we still have
6 a vacant position in licensing which Ms. Sorricks hopes to have filled by the beginning of
7 March. Filling the vacancies will help decrease the processing times as additional staff
8 is trained and can process the applications.
9

10 **d) Discussion of Supervised Professional Experience – Proposed Statutory and**
11 **Regulation Changes to 2914 (c) and 1387 (b) (10)**
12

13 Previously the Board had given staff the authority to take a look at Section 1387 (b) (10)
14 and Section 1387 (b) (11) the Board expressed its desire to amend that motion to give
15 staff the authority to combine those sections so as there were no repeats, and create
16 one section, and proceed with a statutory change to 2914 (c) regarding the verification
17 of experience form.
18

19 It was M(Horn)/S(Phillips)/C to accept the changes.
20

21 Vote: 9:0
22

23 **e) Discussion of Supervised Professional Experience Plans in Private Practice**
24 **Settings -- Proposed Regulation Changes to 1387 (b) (11)**
25

26 This item was discussed in item (d), above.
27

28 **f) Discuss Limitations of Exemption Period Granted Under Business and**
29 **Professions Code Section 2910 and Welfare & Institutions Code Section**
30 **5751.2**
31

32 The Committee recommends that the Board direct staff to look at the history of Exempt
33 Settings as well as the number of complaints received from exempt settings and provide
34 additional information at the May Board meeting.
35

36 **g) Consider English as a Second Language as a Basis for an Accommodation in**
37 **Taking the Examination**
38

39 The Committee discussed redefining the Board's policy for assessing if a person needs
40 an accommodation due to English not being the applicant's first language. Staff has
41 been instructed to contact Office of Professional Exam Services (OPES) to specifically
42 ask about specific English proficiency exams that they might be aware of or use, and to
43 get any recommendations regarding how much time to add to the exam.
44

45 The Board wants to evaluate how we're assessing if a person needs this or not. Staff is
46 going to take a look at this and look at what other Boards are doing.
47

48 Dr. Harlem voiced that he believes this is a very important issue in this state in
49 particular. The way this is currently being decided is confounding immigration status
50 with English proficiency. He thinks the way to determine the need for such an

1 accommodation is the use of TOEFL (Test of English as a Foreign Language) or an
2 equivalent measure. Perhaps evidence of prior accommodation, such as through the
3 applicant's school, would be something to consider. If someone has been schooled in
4 English, there should be evidence of that person having used an accommodation
5 previously. Another option, rather than, or in addition to, extra time, an applicant may be
6 allowed to use a bilingual dictionary.
7

8 **h) Licensing Action Plan – Proposed Improvements to the Licensing Process**

9

10 Provided in the Board packets was a Licensing Action Plan. The Plan was presented for
11 informational purposes only. Improvements to the licensing unit includes: Statutory
12 changes, regulatory changes, filling vacancies, using DCA call center for general
13 licensing questions, updating forms/publications, and increasing outreach and
14 education.
15

16 **i) Public comment for items not on the agenda**

17

18 None
19

20 It was M(Horn)/S(Erickson)/C to accept the Licensing Committee report and the
21 recommendations contained therein.
22

23 Vote: 9-0
24

25 **Agenda Item 13: Outreach and Consumer Education Committee Report**

26

27 **a) Discuss Upcoming Strategic Planning Session**

28

29 Ms. Arias-Bhatia reported on the upcoming Strategic Planning session. Board members
30 and staff have participated in meetings and interviews. Information is being compiled
31 and the meeting will be held in Riverside in March. The final plan should be available for
32 the Board to adopt at the May meeting.
33

34 **b) Social Media Update**

35

36 The Board now has a Facebook page as well as a Twitter account. Our stakeholders
37 are encouraged to like the Board's Facebook page and follow the Board on Twitter.
38

39 **c) Web site Changes/Additions**

40

41 New Web site is in development and is expected to go live on March 1st.
42

43 **d) Newsletter**

44

45 The newsletter is also expected to be distributed in March. The newsletter highlights the
46 current Board members. The last time a newsletter was published was in 2011. Board
47 members were encouraged to submit articles
48

49 **e) Stakeholder Meetings**

50

1 An update on stakeholder meetings was provided in the materials. Executive Officer
2 Sorrick met with Ed Howard, Senior Counsel for Center for Public Interest Law on
3 12/12/13. Sorrick and President Erickson met with California Psychological Association
4 on 1/10/14.

5
6 **f) Public comment for items not on the agenda**

7
8 None

9
10
11
12 It was M(Arias-Bhattia)/S(Phillips)/C to accept the Outreach & Consumer Education
13 Committee's report and the recommendations contained therein.

14
15 Vote: 9-0

16
17 **Agenda Item #14: Bagley Keene Open Meeting Act Training**

18
19 Ms. Sorrick introduced Ms. Anita Scuri as a retired Supervising Senior Counsel with the
20 Legal Affairs Department of the Department of Consumer Affairs. She joined DCA in
21 1978 after practicing general civil law, and retired July 1, 2012. She is a graduate of
22 Hastings School of Law and specializes in state privacy and public records law, the
23 rulemaking process and the Open Meetings Act.

24
25 Ms. Scuri began by thanking the Board for the opportunity to aid them by providing a
26 refresher on the duties and responsibilities of Board members under the Open Meetings
27 Act.

28
29 Bagley Keene is a state law that was inspired by the Brown Act, which covers local
30 governments. Bagley Keene governs the meetings of a state agency and requires
31 openness, access and input from the public. The Open Meetings Act imposes three
32 duties on you as a Board, both collectively as a body and individually. Those duties are:

- 33 ▪ to provide adequate notice of meetings that will be held (typically done by staff
34 and they are aware of the requirements),
- 35 ▪ to conduct meetings in open session except where you're authorized to meet in
36 closed session (there is a very specific list of exceptions), and
- 37 ▪ to provide the public with an opportunity to comment.

38
39 The rationale for these duties is to enable members of the public to have meaningful
40 input. What we're really talking about here is transparency and the public's right to
41 participate. Ms. Scuri quoted Government Code section 11120, which states "the
42 people, in delegating authority, do not give the right to their public servants the right to
43 decide what's good for the people to know and what is not good for them to know." That
44 is, in a nutshell, why you have the Open Meetings Act; people have the right to
45 participate in the decision-making process and to know what was going to be discussed.
46 The legislature has authorized closed sessions for specific matters; primarily (as
47 applicable to the Board of Psychology):

- 48 ▪ disciplinary matters,
- 49 ▪ preparing, approving, or grading examinations,
- 50

- 1 ▪ pending litigation,
- 2 ▪ matters affecting personal privacy, and
- 3 ▪ the appointment, employment, dismissal or evaluation of an Executive Officer.

4
5 What goes on in closed session stays in closed session. Ms. Scuri used a fictional
6 Board to illustrate some common troublesome scenarios with the Open Meetings Act.
7 Ms. Scuri then provided a brief history of Bagley and Keene.

8
9 Board members may communicate with staff as much as they want, provided they
10 aren't using staff as an intermediary to communicate with other Board members, and as
11 long as there was not a majority of either the full Board or any given committee.
12 Additionally, Ms. Scuri recommended that if there was an "informational" e-mail to be
13 sent out, that it would be advisable for the Executive Officer, rather than the Board
14 President, to author that e-mail. Discussion ensued regarding availability of locations as
15 listed on the official agenda for any meeting.

16
17 The Board members thanked Ms. Scuri.

18 **Agenda Item #15: President's Report**

19 **a) Discussion Regarding Strategic Planning**

20
21
22
23 Arrangements have been made for the location, travel, facilitators, etc. Dr. Erickson
24 expressed that he is confident that the Board will get a lot accomplished at the
25 upcoming strategic planning meeting.

26 **b) Committee Assignments**

27
28
29 Dr. Erickson explained that it was discovered that, as the Board now full, with nine
30 members, and four members being assigned to each Committee, it became a quorum
31 issue with the President sitting on each Committee as an ex officio member. He expects
32 the Committee organization to be discussed at the Strategic Planning meeting which he
33 hopes will resolve this issue. Dr. Erickson went on to express his opinion that he
34 believed the way the Committee meetings were held at this meeting proved to have
35 more lively conversations and he believes everyone is pleased with the results.

36 **c) Meeting Calendar and Locations**

37
38
39 The next meeting will be held at the Pepperdine West L.A. Campus. Dr. Gallardo
40 explained that the campus is very close to LAX.

41 **d) Other Informational Items**

42
43
44 Dr. Erickson indicated that he had been asked to mention as a reminder that each
45 Board member should take a look at whether they've completed all the required training.
46 If anyone is unsure about where they stand on that, or what is required, they may check
47 with Ms. Sorrick, Ms. Crosby, or Ms. Isadore.

48
49 Dr. Erickson stated that the Form 700 is due by April 1st.

50

1 Recently, Ms. Sorrick and Dr. Erickson met with Dr. Linder-Crowe of CPA. He felt it was
2 a great chance to connect. There is a hearing at the Capitol, that he has been asked to
3 attend as a Board member, and it has to do with fake service dogs, and whether they're
4 a problem or not, over which there is quite a bit of controversy. The Legislative hearing
5 was scheduled for February 24, 2014. The Senate Business, Professions, and
6 Economic Development Committee sent out a background paper that laid out the
7 issues, including the medical issue of prescribing service dogs.

8
9 Director Brown holds a conference call quarterly with Board Presidents and Executive
10 Officers. Topics include BreEZe, travel claims, and the like.

11
12 As everyone knows, the Board has a new Executive Officer. Dr. Erickson and Ms.
13 Sorrick have been meeting an hour or two most weeks and he feels they have been
14 very productive, in terms of looking at agenda items, handling problems, etc.

15 16 **Agenda Item #16: Regulation Update, Review and Action, as Necessary**

17 18 **a) Regulations Status Report**

19
20 Ms. Sorrick referred to the Regulations tab in the Board packets. The information is as
21 of January 24th. Amending articles 1 through 6 has been on the table since 2011 and
22 Ms. Sorrick requested it be given a fresh perspective. She recommended that staff re-
23 visit and have the Board review at a following meeting.

24 25 **b) Proposed Amendments to Title 16, CCR, Section 1397.12 – Uniform Standards** 26 **Related to Substance Abuse and Disciplinary Guidelines**

27
28 The draft language for the Uniform Standards Related to Substance Abuse and
29 Disciplinary Guidelines has been included in the hand carry packet, agenda item 16(b).
30 Ms. Sorrick stated that she sat down with Ms. Bayless, Mr. Thomas, and Ms. Marks and
31 went through the entire document. The changes made as a result of that meeting are
32 laid out in the corresponding memo. No other substantive changes have been made in
33 the document itself. Ms. Marks indicated that the majority of the changes were for
34 consistency and grammar.

35
36 The changes that are considered substantive are:

- 37 ▪ Formerly term 5, on page 16, "Notification to Employer" has now been moved to
38 be a standard term and condition instead of an optional term and condition. It's
39 become term 14; which is the first standard term and condition on page 24.
 - 40 ▪ Changed language of the exam, if the exam will be required, it was changed from
41 the CPSE to the CPLEE since that is what the Board will be doing.
 - 42 ▪ Substituted EPPP for the CPSE as an optional term, if the basis for discipline
43 involved a serious deficiency in the body of knowledge required to be minimally
44 competent to practice.
 - 45 ▪ Require respondent to undergo a clinical diagnostic evaluation within 30 days of
46 the effective date of the decision, instead of the 20 days that it had been, so it's
47 consistent with the rest of the language.
 - 48 ▪ Language removed regarding SOCE (sexual orientation change efforts) as a
49 challenge to the statutory language is pending Supreme Court appeal.
- 50

1 Ms. Sorrick indicated that a motion to move forward (and set for hearing) with the
2 language as presented, and give the EO authority to make any non-substantive
3 changes was needed. Erickson – so moved. Seconded by Jones. Vote 9-0. Motion
4 carried.

5
6 **c) Proposed Amendments to Title 16 CCR, Sections 1388, 1388.6, 1389, & 1392 –**
7 **Examinations**

8
9 The Board approved draft language in October 2013. Ms. Sorrick indicated that she
10 took a look at it and made some minor grammatical changes. The modifications can be
11 found in the hand carry packets.

12
13 Ms. Sorrick asked for a motion to approve the language and delegate authority to the
14 EO to make any non-substantive changes and notice for hearing. Erickson – so moved.
15 Seconded by Phillips. Dr. Horn moves to amend the motion that was on the table to take
16 out the scaled test reference "of 500" and replace with "the scale score as recommended
17 by ASPPB" (in case that changes). Amendment seconded by Erickson. Vote: 8-0.
18 Amended motion carried.

19
20 **Agenda Item #17: Executive Officer's Report**

21
22 **a) BreEZe Update**

23
24 Ms. Sorrick briefly discussed BreEZe go-live and working closely with DCA to work out
25 the kinks; staff is in constant communication with them as it BreEZe functionality is a top
26 priority.

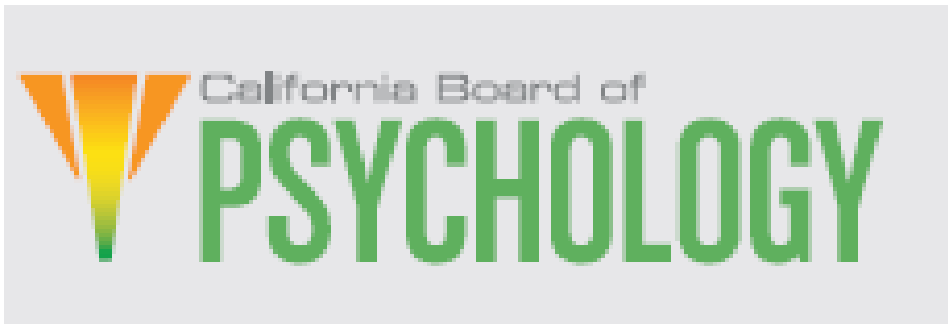
27
28 **b) Organizational Update**

29
30 A copy of current organizational chart was included in the Board packets. New staff
31 reported as hired were: Ashley Castleberry, in Enforcement, and Audrey Watkins and
32 Rob Loyola in Licensing. Both of the Licensing Analysts are Permanent Intermittent
33 employees. Also, Jon Burke joined the Board as the new Administrative Services
34 Coordinator. The Board is working on filling the SSA position in licensing and hope to
35 have someone in that position by early March. The 24th of February is the final filing
36 date for the PTII (Program Technician II) vacancy in the licensing unit. The Board had
37 also been approved for three SSA's in licensing through the BCP process. DCA
38 reported that job announcements for the BCP positions could be posted pending
39 approval of the budget by the legislature

40 **c) Selection of a New Board Logo**

41
42 The Board discussed selection of a new logo. The top three staff favorites were
43 presented and the Board voted on the staff favorite. Web site, materials and other
44 collateral will in the future reflect the new logo.

45



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12

Agenda Item 18: Recommendations for Agenda Items for Future Board Meetings

None.

The Board adjourned at 4:03 p.m.

President

Date

13