Thursday, August 21, 2014

Michael Erickson, PhD, Board President called the open session meeting to order at 9:30 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:
Michael Erickson, Ph.D., President
Lucille Acquaye-Baddoo, Public Member
Johanna Arias-Bhatia, Public Member
Andrew Harlem, Ph.D.
Jacqueline Horn, Ph.D.
Nicole J. Jones, Public Member
Stephen Phillips, PsyD.
Linda Starr, Public Member

Others Present:  Antonette Sorrick, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Sandra Monterrubio, Enforcement Program Manager
Karen Johnson, Licensing Coordinator
Jonathan Burke, Administrative Coordinator
Colette McDowell, Continuing Education/Renewals Coordinator
Norine Marks, DCA Legal Counsel
President Joseph L. Subbiondo, PhD, President California Institute of Integral Studies (CIIS)
Raymond J. Trybus, PhD, Walden University and San Diego Psychological Association
Danen Adelson, PsyD
Adam Alban, PhD
Emery Ayers-Greenridge, PsyD
Siobhan Hart, PsyD
Gia DiNicola, PhD, The Ann Martin Center
Caitlin Andrews, PsyD, The Wright Institute
Gilbert Newman, The Wright Institute
Charles Faltz, PhD, California Psychological Association
Jo Linder-Crow, PhD, California Psychological Association
Pamela McCrory, PhD, Los Angeles County Psychological Association
A. Steven Frankel, PhD, JD
Michael Lindsay, PhD

**Agenda Item #1: President’s Welcome**

Dr. Erickson welcomed the public, Board members, and Board staff and thanked the California Institute of Integral Studies (CIIS) for hosting the meeting. Dr. Erickson invited CIIS President Joseph L. Subbiondo, PhD to speak to the Board.

Dr. Subbiondo stated that the California Institute of Integral Studies is delighted to host the Board meeting, provided a brief history of the Institute, and thanked Dr. Harlem for arranging the Board meeting.

**Agenda Item #2: Swearing In of Board Members**

Ms. Jones was sworn in by Dr. Erickson with the assistance of Ms. Sorrick.

Dr. Erickson was sworn in by Ms. Sorrick with the assistance of Dr. Horn.

**Agenda Item #3: Approval of Minutes: May 15-16, 2014 Board Meeting**

Dr. Horn noticed a missing title for Dr. Rallo on page 6, line 7 and also on a missing "and" between New Hampshire and Nevada on line 13 of the same page.

Ms. Jones asked that a sentence on page 8, lines 39 and 40 be re-worded to clarify that the Board had not actually taken a position on CANRA. Dr. Erickson suggested changing the word "position" to "understanding" in order to fix the issue.

Ms. Jones requested the phrase "historically persecuted" on page 16, line 4 be changed to "historically disadvantaged" to more accurately reflect the public comment. Ms. Jones asked whether the ad hoc committee and Sunset Review were included in the minutes.

Ms. Jones asked for reference to the ad hoc committee, ABA Task Force, and Sunset Review Committee in agenda item 16.

Mr. Burke stated that the ad hoc committee and ABA Task Force are included in the minutes on page 17, but the Sunset Review Committee was not.

Dr. Erickson stated that a few people listed in the minutes did not have proper titles and mentioned Dr. Miller, but did not reference any page numbers. On page 11, line 42 Dr. Erikson noticed that a name was missing after the title "Ms." and on line 28 of the same page, Jamie Miller is not listed as having a PhD. On page 9, line 45, Dr. Julie Hayden is not listed as having a PhD.

Ms. Jones asked that a sentence on page 2, line 47 and 48 be re-worded to clarify that she was not speaking for the Board, but was instead making a suggestion based on the Board’s discussion.
Ms. Sorrick stated that the phrase on page 9, line 4 “and some extra work” be removed in addition to “extra work for staff” on line 13 of the same page.

It was M(Horn)/S(Starr)/C to approve the minutes as revised.

Vote: 8-0

**Agenda Item #4: Approval of Minutes: June 17, 2014 Board Meeting**

Dr. Horn noticed the phrase “oppose if amended” on page 3, line 40 and Mr. Burke stated that the position taken was actually “oppose unless amended.”

Dr. Horn pointed out missing quotation marks around a few of the Board’s positions without referencing a page number and the addition of an extra letter in Dr. Linder-Crow’s name on page 6, line 47.

Dr. Erickson noticed that on page 1, line 36, Dr. Melody Schaeffer is listed without a title in addition to Dr. Pamela McCrory on line 37 and Dr. Raymond Trybus on line 38.

It was M(Acquaye-Baddoo)/S(Phillips)/C to approve the minutes as revised.

Vote: 8-0

**Agenda Item #5: Petition for Early Termination of Probation – Michael A. Lindsay, Ph.D.**

Administrative Law Judge Ruth S. Astle presided. Deputy Attorney General Karolyn Westfall was present and represented the people of the State of California. Michael A. Lindsay, Ph.D. was present and was represented by Stephen Frankel, Ph.D.

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

**Return to Open Session**

Dr. Erickson called the meeting back to order and stated that he would like to have public comment before continuing on to the budget report.

Dr. Adam Alban stated that he was coming before the Board to discuss the issue of volunteer practice. He thanked the Board members and staff for hearing his comments on the issue. Dr. Alban acknowledged that the issue of volunteer practice is listed on the November agenda, but he will not be able to attend would like to speak about it now.

This issue came to Dr. Alban’s attention while legally representing a psychologist. Dr. Alban reported that the Board determined that because the services were being provided on a pro bono basis, the practicing psychologist would not be deemed to be engaging in the practice of psychology. Thus, the probation was tolled and the license was placed on inactive status until he or she received payment from a client. Dr. Alban
noted that Mr. Thomas stated he did not believe the Board or Board staff has ever addressed a distinction between pro bono or volunteer services.

Dr. Alban stated that psychologists in California frequently provide services for no fee and the Board’s interpretation is problematic for at least 5 reasons. These reasons include: (1) confusion as to whether or not these volunteer practices are covered under the psychologist malpractice policies, (2) question as to the jurisdiction of the Board for standards of care and substantial relationships, (3) creation of a disincentive for the psychologists providing volunteer services, (4) disadvantage of psychologists who do not know about this interpretation although they should, and (5) the potential to rob the public of action for professional negligence should they receive harmful services.

As a final statement, Dr. Alban suggested that the Board adopt an interpretation of the definition of the practice of psychology to include services that are provided on a volunteer basis and stated that adopting such would benefit all involved.

Dr. Erickson thanked Dr. Alban and stated that he would like to engage in dialogue with the other Board members. Dr. Erickson stated that he would make sure the issue would be discussed further at the November Board meeting.

**Agenda Item #6: Budget Report**

Mr. Burke presented the budget report.

Mr. Burke, Administrative Coordinator for the Board, presented on the condition of the Board’s budget. A graph was presented in relation to the Board’s discretionary, nondiscretionary, and total budget amounts.

Dr. Horn asked Mr. Burke what the reserve amount is when the loan repayment is triggered. Mr. Burke replied that it is addressed in the governor’s provisional memo and once the general fund has been paid in full, a fee decrease would be triggered.

Dr. Erickson said that the fee decrease is required if the Board’s fund has more than 24 months in reserve.

Ms. Sorrick stated that the repayment is scheduled regardless of the health of the reserve amount in the Budget for 2016-2017.

Dr. Erickson thanked Mr. Burke for his report.

**Agenda Item #7: Enforcement Report**

Ms. Monterubbio presented the enforcement report.

Ms. Monterubbio stated that the Board is looking to hire two new enforcement analysts and hope to have these positions filled by the end of the month. Once these positions are filled, the Board will have one Enforcement Program Manager, four Enforcement Analysts, one Special Investigator, one Probation Coordinator, and one Enforcement Technician.
Enforcement staff will be taking a three-day course to enhance investigative skills when performing desk investigations and the ability to provide concise written reports to the Medical Board and management.

Joshua Templet, JD, had been assigned as the Board's Deputy Attorney General liaison.

The Board has received 78 complaints as of July 1st, 2014 and that all complaints are opened within eight days. Once received, complaints are then forwarded to an Enforcement Analyst for desk investigation.

The Enforcement Unit is looking to provide expert training in 2015 and currently has 87 applications for new Board experts. She stated that the Enforcement Unit is also currently looking for experts in the fields of neuropsychology and child custody evaluations.

The Board has currently served two citations as of FY 2014-15. The discipline program currently has 61 cases pending at the AG's office and six cases have been sent since July 1st, 2014.

Ms. Monterubbio directed the attention to the sample Results of Mail Ballot memo provided in the Board packets and stated that she would like to have this memo mailed to each Board member informing them about the results of the mail votes of each case.

Ms. Monterubbio reported that the probation program currently has 34 probationers of which eight are out of compliance. Additionally, staff is working with the AG's office to file accusations and petitions to revoke probation.

Ms. Starr welcomed and commended Ms. Monterubbio on her work with the ballot vote. Dr. Erickson thanked Ms. Monterubbio for her report and welcomed her to the Board. He praised Ms. Monterubbio for her excellent article included in the most recent Board Journal.

Ms. Acquaye-Baddoo welcomed Ms. Monterubbio and stated that she appreciates the work she has completed.

**LICENSING COMMITTEE**

The Licensing Committee met to discuss and formulate its recommendations to the Board.

**Agenda Item #8: Licensing Committee Report – Dr. Jacqueline Horn**

a) Application Report
Ms. Johnson referred the Board to the application statistics provided in the Board packets.

b) Examination Report

Dr. Horn reported that the Committee had received comments from the Office of Professional Examination Services (OPES) regarding problems in the February through August 2014 version of the CPSE, and the Committee would like to look into the issue further. The Board had received complaints from those who took that version of the examination who believed the pass rate was too low in comparison with other years.

Ms. Sorrick suggested that a Committee member work with staff and OPES to follow up on the issue of the validity of the CPSE administered from February 1, 2014 to July 31, 2014.

Dr. Harlem stated that if the data is correct, there may be an anomaly that does not accurately reflect the performance of those who took the CPSE that resulted in harm and expressed his desire to find a solution to the situation. He commented that one immediate remedy would be the ability to retake the CPSE exam prior to the current six month wait since a new version of the exam became available August 1st.

Dr. Erickson expressed agreement with Dr. Harlem and concern about the harm that had been caused. Dr. Erickson suggested that applicants be allowed to retest as soon as possible.

Ms. Arias-Bhatia asked when the Board initially knew about the results from February. Dr. Horn replied that the information was reported at the last Board meeting.

Ms. Arias-Bhatia asked about the response time during the similar situation which occurred in 2007. Ms. Johnson and Mr. Thomas stated that the anomaly to the 2007 CPSE was discovered by the OPES and recognized early in the administration of that exam, allowing individuals to retake another form of the examination the following month.

Dr. Horn inquired if BreEZe was the cause of the six month waiting timeframe and Mr. Thomas confirmed that it is a result of the programming of BreEZe.

Dr. Harlem stated that the use of any and all resources, including human resources, is appropriate to solve this issue. He added that waiting six (6) months before taking another exam should not be because of technical reasons.

Ms. Sorrick stated that staff and Dr. Horn will go to DCA for assistance in identifying a resolution to the six month wait requirement.

Ms. Marks stated that whether or not someone takes the exam is dependent upon the applicant information that is input and it would be up to the staff to determine whether or not it can be done outside of the BreEZe system. Ms. Marks also said that there is little information about whether or not this particular examination was of questionable validity.
Dr. Horn summarized the two issues under discussion, whether or not the exams can be taken prior to the six month timeframe and if there is an anomaly within the examination items.

Ms. Jones asked if the Board staff had spoken to OPES. Ms. Sorrick commented that staff was recently made aware of the concerns from the test takers about the low passing rate and contacted OPES on providing a response.

Ms. Jones pointed out Attachment 2 of agenda item b, which appeared to state that the Board members should not be involved in the development of administration of the examination process. Ms. Marks stated that she interpreted the language of Attachment 2 to mean that Board members could not serve as Subject Matter Experts in examination development, but that Board members are able to inquire about examination validity.

Ms. Marks stated that the six (6)-month waiting period is a policy for coding into the BreEZe system and not a regulation which would require a vote to correct.

Ms. Johnson commented that it may be possible to manually enter applicant eligibility for the exam in the BreEZe system for those who need to retake the exam without the six (6)-month wait.

It was M(Erickson)/S(Horn)/C to direct staff to use all reasonable efforts to allow applicants who took the exam between February 1st and July 31st to be made eligible to retake a new form of exam as soon as possible.

Vote: 8-0

It was M(Horn)/S(Starr)/C to have staff and OPES review the form of the CPSE examination that was administered from February 1, 2014, to July 31, 2014.

Vote: 8-0

c) Renewal Report

Ms. McDowell referred to her informational PowerPoint presentation and the renewal statistics provided in the Board packets.

d) Continuing Education Report

Ms. McDowell referred to her informational PowerPoint presentation and the continuing education statistics provided in the Board packets.

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

Dr. Horn referred to the draft language provided in the Board packets and recommended that the Board pursue a legislative change to Section 2910 to include the
amended language, which would allow the practice of psychology while unlicensed for five years while, primarily, accruing the supervised hours required for licensure.

It was M(Horn)/S(Phillips)/C to delegate staff to make changes to the proposed language to include in the legislative proposal.

Vote: 8-0.

f) Licensing Action Plan – Proposed Improvements to the Licensing Process – Update

Ms. Johnson referred to the Licensing Action Plan provided in the Board packets.

g) ASPPB Update

1) ASPPB Annual Meeting Agenda

Dr. Horn gave an informational update regarding ASPPB and referred to the ASPPB Annual Meeting Agenda.

h) Regulation Update, Review and Action, as Necessary

1) Title 16, CCR, Sections 1397.60, 1397.61, 1397.62, 1397.67 – Definitions, Continuing Education Requirements, Continuing Education Exemptions and Exceptions, Renewal after Inactive or Delinquent Status

Dr. Horn reported on the regulation update.

In response to a stakeholder meeting held on July 24th and a follow-up teleconference on August 5th, modifications to the draft language regarding continuing education/professional development/cultural diversity training regulations has been included as hand-carry items for review.

She noted that in the modified language, on page 10, in the first line of section (f), the word “these” was changed to “sponsored” for consistency and section (D) was updated to reflect reference to section 1397.61(f)(2), replacing the placeholder “xxx” that had been previously listed.

Dr. Under-Crow pointed out a formatting error [number (2) should have been (5)] at the top of page 12 and indicated that she believed that section (E) was unnecessary. Ms. McDowell responded that it needed to be rephrased but was necessary in order to accommodate those licensees whose renewal cycles do not fall neatly into one set of regulations or the other (current vs. proposed). Dr. Under-Crow concurred. Ms. McDowell indicated that staff would work with legal counsel to address this modification.

It was M(Horn)/S(Phillips)/C that the Board approve the language as presented for noticing, to set it for hearing at the November Board meeting, and to delegate to staff the authority to make non-substantive changes.
Vote: 8-0.

i) Public comment for items not on the agenda

Dr. Horn invited the Committee members and public for comments or questions.

Dr. Emery Ayers-Greenridge introduced herself and thanked the Board for allowing the public to participate in the discussion. Dr. Ayers-Greenridge invited her colleagues in attendance to introduce themselves. Dr. Siobhan Hart, Dr. Danen Adelson, Dr. Gia DiNicola, Dr. Caitlin Andrews, and Dr. Gilbert Newman introduced themselves to the Committee.

Dr. Ayers-Greenridge then proceeded with her presentation. She noted that the passing rates for the CPSE administered February 1, 2014 to July 31, 2014 was close to 30% lower than what it has been in the past five years. Dr. Ayers-Greenridge stated that any professional examination which has a passing rate around 30% lower than previous exam data suggests fundamental problems with that test version. She said there was a similar time in 2007 when the Board noticed an anomaly with a form of the examination, and allowed those who had taken that test to retake it a second time. Dr. Ayers-Greenridge pointed out that the Board has taken no such action in this 2014 case and thus, many qualified candidates were denied a passing score. Dr. Ayers-Greenridge stated that she believes this issue warrants immediate attention due to the impact on the clinicians who have taken the test. She commented that the low scores impact job eligibility causing financial hardship for those who received a low score and that this effect lasts the entirety of the six-month timeframe between the available examination dates. Dr. Ayers-Greenridge stated that the scores should be retroactively adjusted to a cut-off score that would keep this version of the CPSE equivalent to previous forms rather than requiring a retest. She requested that if a retest is required, that the same DSM-4 information from the previous test be included.

Dr. Ayers-Greenridge then commented on the fluctuation of the scores from previous examinations. From 2009 to 2013, she pointed out a fluctuation of about 9% between the passing rates for the CPSE. For the bar exam, she noted a passing rate change of about 7% and the Medical Board exam had a 6% fluctuation. Dr. Ayers-Greenridge stated that the 30% fluctuation of the CPSE is significantly greater than the previously listed exams and is not comparable to what seems to be the standard rate in similar professions.

Dr. Ayers-Greenridge then invited others in the public to comment on the issue.

Dr. Adelson thanked the Committee for allowing the public to give insight into the matter. Dr. Adelson gave a personal narration of how the low passing rate has affected her. Dr. Adelson stated that she had missed the cutoff to pass by one point and, as a result, lost her job at UC Davis.

Dr. Newman stated that a significant difference in scores requires the Board to review the standard deviation of scores and to consider criteria validity problems with the examination. Dr. Newman stated that such a difference should require immediate
attention and encouraged the Committee to readjust the scores to save many people
the hardship of waiting six months to retake the exam.

Dr. Linder-Crow stated that she wanted to clarify the action the Committee was going to
take in regards to the exam.

Dr. Horn stated that the Committee work with staff and bring the subject back to the
November Board meeting.

Dr. Linder-Crow asked whether or not there would be a follow-up between now and the
November Board meeting. Dr. Horn stated that the Committee would be following up.

j) Closed Session – the Licensing Committee will meet in Closed Session
Pursuant to Government Code Section 11126 (c) (2). Review Request for
Exemption of the Human Sexuality Pre-Licensing Course Requirement.

Dr. Horn reported that the Licensing Committee voted to recommend granting an
exemption of the human sexuality pre-licensing course requirement for an applicant.

Dr. Harlem noted the importance of Human Sexuality training and its involvement in
various cases.

Dr. Erickson asked for a stronger argument for the support of the applicant exemption.
Dr. Horn stated that she was in favor of the exemption because the applicant has
probably maintained his competence in the field.

Dr. Harlem stated that it seemed as though Dr. Horn’s argument was in opposition to
continuing education. Dr. Horn clarified that she is not in opposition against continuing
education. Dr. Harlem questioned why Dr. Horn is making the assumption that the
applicant keeps up with continuing education without knowing for certain.

Dr. Phillips and Dr. Harlem explained the content covered in Human Sexuality courses
including gender identity, sexual identity, and correct terminology and physiology at the
request of Ms. Aquaye-Baddoo.

It was M (Horn)/S (Arias-Bhatia) to grant the exemption for the applicant.

Vote: 2 Ayes – 6 Noes

Motion Defeated.

It was M (Horn)/S (Harlem)/C to accept Committee discussion, comments, and
decisions for Sections a, c, d, f, and g. Sections b, e, and h were voted on separately by
the whole Board.

Vote: 8-0.

Policy and Advocacy Committee
The Policy and Advocacy Committee met to formulate its recommendations to the Board.

Agenda Item #9: Policy and Advocacy Committee Report – Nicole Jones

1) AB 186 (Maienschein) – Professions and Vocations: Military Spouses: Temporary Licenses

Ms. Jones thanked Mr. Burke for his work.

Ms. Jones reported that the Board took an “oppose” position on AB 186. The bill is currently being read for the third time in the Senate. Mr. Burke stated that the bill is moving forward and was recently amended. Mr. Burke recommended the Board withdraw its “oppose” position because the amended bill no longer relates to the Board. It was M(Jones)/S(Phillips)/C for the Board to withdraw its opposition to AB 186.

Vote: 8-0

2) AB 790 (Gomez) – Child Abuse Reporting

Ms. Jones reported that AB 790 was not progressing and required no further discussion or action.

3) AB 809 (Logue) – Healing Arts: Telehealth

Ms. Jones reported that the Board took a “support if amended” position on AB 809. The Board wanted the phrase “at the originating site” removed from the bill language. Ms. Jones stated that this amendment has now been made and the bill has continued to concurrence. As a result of the bill being amended, it was suggested that the Board adopt a “support” position.

It was M(Jones)/S(Erickson)/C to change the Board’s position to “support” AB 809.

Vote: 8-0

4) AB 1505 (Garcia) – Child Abuse: Mandated Reporters

Ms. Jones reported that AB 1505 was pulled by the author and required no further discussion or action.

5) AB 1640 (Jones/Sawyer) – Sex Offenders: Registration

Ms. Jones reported that AB 1640 was removed and required no further discussion or action.

6) AB 1702 (Maienschein) – Professions and Vocations: Incarceration
Ms. Jones reported that the Board took an "oppose" position on AB 1702 and the bill is currently on the governor's desk to be signed. Ms. Jones stated that the letter of position from the Board had been sent to the Governor.

7) AB 1758 (Patterson) – Healing arts: License Renewal Fees
Ms. Jones reported that AB 1758 is held in committee and required no further discussion or action.

8) AB 1843 (Gordon/Jones) – Child Custody Evaluations
Ms. Jones reported that the Board took a "support" position on AB 1843 and the bill is now at the governor's desk.

9) AB 2041 (Jones) – Developmental Services: Regional Centers
Ms. Jones reported that AB 2041 was removed and required no further discussion or action.

10) AB 2058 (Wilk) – Open Meetings
Ms. Jones reported that the Board took a "watch" position on AB 2058 and the bill is currently headed back to the Assembly for a concurrence vote.

11) AB 2198 (Levine) – Mental Health Professionals and Suicide Prevention
Ms. Jones reported that the Board took a "oppose" position on AB 2198 and the bill has moved to the governor's desk.
Dr. Erickson expressed concern for this important topic and stressed that the Board's position did not diminish the importance of the issue.
Ms. Jones commented that the Board's explanation of the position and concern for the topic was expressed in the Board's most recent journal.

12) AB 2396 (Bonta) – Convictions: Expungement: Licenses
Ms. Jones reported that the Board took an "oppose" position on AB 2396.
Mr. Burke stated that the bill was amended and is currently being read for the second time with the amended language. Mr. Burke added that the bill was put in the suspense file after because of its large fiscal impact, but the bill left the Appropriations Committee and is now on the floor of the Senate.

13) SB 570 (DeSaulnier) – Advanced Alcohol and Drug Licensing Act
Ms. Jones reported that the Board took a "support if amended" position on SB 570.
Mr. Burke stated that the Board suggested three amendments be made regarding concern for the potential opportunity to become a licensed Alcohol and Drug Counselor without an advanced degree, concern for the insufficient training standards, and the thought that this Board would best be housed under the DCA rather than the Department of Healthcare Services. Mr. Burke added that this bill was held in the Senate Appropriations Committee and he does not foresee the bill moving forward.

Dr. Erickson asked whether or not the DCA and Department of Health Care Services amendment had been made. Mr. Burke confirmed that the bill was amended to house the Board under the DCA.

14) SB 1159 (Lara) – License Applicants: Federal Tax Identification

Ms. Jones reported that the Board took a “watch” position on SB 1159 and the bill is currently in the third reading at the Assembly.

15) SB 1466 (DeSaulnier) – Health Care Coverage

Ms. Jones reported that the Board took a “support” position on SB 1466 and the bill will pass to concurrence if it passes the third reading.

Mr. Burke added that there have been amendments to the bill, but these amendments had no impact upon the Board’s omnibus language.

16) 2014 Legislative Calendar

b) Update Regarding the California Child Abuse and Neglect Reporting Act (CANRA) and Mandated Reporting - Penal Code Sections 261.5, 288, and 11165.1

Ms. Jones summarized the history and current situation of issues surrounding CANRA. The Board voted at its February Meeting to request Senator Steinberg’s Office send a request for clarification to the Office of the Attorney General as to whether or not a psychologist who becomes aware of consensual acts of sodomy and oral copulation between minors is reportable as abuse. There is a body of case law that says no, but the language in the law and training manuals say that it is. This is causing confusion regarding this very sensitive issue.

Board Member Linda Starr submitted the request to Senator Steinberg’s staff and they have indicated that the Office of the Attorney General has not yet released the opinion.

c) Public Comment for Items Not on the Agenda

There was no public comment.

Dr. Phillips thanked Mr. Burke for sending summaries to the Board members and consistently keeping the Board informed.

The open session meeting was adjourned at 4:45 p.m.

Friday, August 22, 2014
Michael Erickson, PhD, Board President called the open session meeting to order at 9:00 a.m. A quorum was present and due notice had been sent to all interested parties.

**Members Present:**
- Michael Erickson, PhD, President
- Lucille Acquaye-Baddoo, Public Member
- Johanna Arias-Bhatia, Public Member
- Andrew Harlem, PhD
- Jacqueline Horn, PhD
- Nicole Jones, Public Member
- Stephen Phillips, PsyD
- Linda Starr, Public Member

**Others Present:**
- Antonette Sorrick, Executive Officer
- Jeffrey Thomas, Assistant Executive Officer
- Sandra Monterrubio, Enforcement Program Manager
- Karen Johnson, Licensing Coordinator
- Jonathan Burke, Administrative Coordinator
- Colette McDowell, Continuing Education/Renewals Coordinator
- Norine Marks, Legal Counsel
- Raymond J. Trybus, PhD, Walden University and San Diego Psychological Association
- Josh Templet, Deputy Attorney General
- Gregory L. Gayle, The Wright Institute
- Pamela J. McCrory, PhD, Los Angeles County Psychological Association
- Jo Linder-Crow, PhD, California Psychological Association
- Michael DeSousa, CPS HR Solutions

**Agenda Item #10: Regulatory Hearing – Title 16, CCR, Section 1397.12 – Uniform Standards Related to Substance Abuse and Disciplinary Guidelines**

Dr. Erickson called the hearing to order and summarized the proposal. He stated that the regulation proposal was filed with the Office of Administrative Law and has been duly noticed to interested parties. He indicated that no written comment had been received regarding the proposal.

No public testimony was given, and Dr. Erickson closed the hearing.

**Agenda Item #11: Adoption of Amendments to Title 16, CCR, Section 1397.12 – Uniform Standards Related to Substance Abuse and Disciplinary Guidelines**

It was M(Erickson)/S(Starr) to adopt the regulation to amend §1397.12 as proposed.

Vote: 8-0.
Agenda Item #12: Regulatory Hearing - Title 16, CCR, Sections 1388, 1388.6, 1389, 1392 – Examinations, License Requirements and Waiver of Examination, Reconsideration of Examinations, Psychologist Fees

Dr. Erickson called the hearing to order and summarized the proposal. He stated that the regulation proposal was filed with the Office of Administrative Law and has been duly noticed to interested parties. He indicated that three written comments were received.

No public testimony was given, and Dr. Erickson closed the hearing.

Agenda Item #13: Adoption of Amendments to Title 16, CCR, Sections 1388, 1388.6, 1389, 1392 – Examinations, License Requirements and Waiver of Examination, Reconsideration of Examinations, Psychologist Fees

Dr. Phillips, Dr. Horn, and Dr. Harlem expressed concern for the redacted identities of people who gave written testimony.

Ms. Marks explained that the redaction of personal information must be in compliance with the Information Practices Act and is determined on a case by case basis. With one of the comments received, it did not appear to actually be a comment on the proposed regulatory amendment, and therefore was redacted accordingly, although still provided to the Board since the regulatory proposal was mentioned and seemed to inspire the comment. In the future, staff will attempt to determine if a similar comment is actually addressed to the proposed change.

The Board discussed the modified text that was proposed by staff to delete the specific scaled score of the exam referenced in section 1388(e), and provide that the Board would apply a scaled score as recommended by ASPPB, and modify section 1392 to refer to “the” licensing exam, rather than “either” exam, since the CPSE is being eliminated.

The Board discussed the letter dated August 18th, 2014. Ms. Arias-Bhatia commented that the letter addresses a concern with the CPSE rather than the regulation.

The Board discussed a comment dated July 16th, 2014. Dr. Erickson commented that the email expressed hope that the Board establishes a pass level for the CPSE.

Dr. Horn stated that the OPES follows a standard accepted test protocol and does not believe any changes are required based on the Board’s prior discussion. Dr. Erickson and Dr. Harlem agreed.

The Board discussed a third written comment dated August 15th, 2014. Dr. Harlem stated that the letter appears to advocate the action the Board is taking.

It was M(Erickson)/S(Starr)/C to approve the modified text as presented for a 15-day public comment period and to delegate the authority to the Executive Officer, absent any negative comments, to adopt the modified text.
Vote: 8-0

It was M(Erickson)/S(Horn)/C to delegate the authority to the Executive Officer and staff to make any required non-substantive changes, and to complete the rulemaking file and submit to the Office of Administrative Law.

Vote: 8-0

Dr. Erickson welcomed Mr. Joshua Templet on behalf of the Board and expressed appreciation for his presence.

**Agenda Item #14: Licensing Presentation**

Dr. Horn thanked Ms. Marks and the DCA Legal Unit, for their assistance in requesting BreEZe system to allow applicants who took the CPSE between February 1, 2014, to July 31, 2014, to register retake the exam as soon as possible. She added that the six (6) month waiting period will be removed.

a) **Overview of the Psychological Assistant Application Process**

Ms. Johnson provided an overview of the Psychological Assistant Application Process.

b) **YouTube Video – Psychological Assistant Application**

Ms. Johnson stated that staff is developing an informational YouTube video on how to apply for psychological assistant registration. She stated that this video will be available for the November 2014 Board meeting.

Ms. Johnson then presented a slideshow to explain what will be included in the YouTube video.

c) **Q&A**

Dr. McCrory complemented staff for the presentation and creation of the helpful YouTube videos.

**Agenda Item #15: Outreach and Education Committee**

Ms. Acquaye-Baddoo summarized the goals of the Committee.

a) **Strategic Plan Update**

Ms. Sorrick stated that the staff met to discuss and create timeframes to complete the action steps listed in the Strategic Plan.

Dr. Horn expressed appreciation for the plans in place for the completion of each goal.
Ms. Sorrick stated that this item will be a standing agenda item for future Board meetings which will allow the Board members to be aware of the timeframes and statuses of the goals.

Dr. Harlem asked for more information about the Telehealth Committee and the role the Board will play in the formation of the Committee. Ms. Sorrick said that the Committee will be established by the end of the 2014 calendar year.

Dr. Erickson stated that he would announce the membership of the Telehealth Committee in his upcoming President’s Report.

b) Communications Plan Update

Ms. Sorrick stated that the communications plan was ratified at the May meeting and that a Communications Plan update will be an ongoing agenda item.

Ms. Jones asked about staff discussion in regards to the annual legislative report because it was not addressed in the Policy and Advocacy Committee.

Ms. Sorrick stated that there is an annual statistical report compiled by the DCA boards each year and the Board is currently working on their own report. She added that she and Dr. Erickson discussed adding the annual report in the November meeting packet to provide a fiscal year synopsis.

Ms. Jones indicated that this is helpful in advancing the goals of the Policy and Advocacy Committee.

c) Social Media Update

Mr. Burke referred the Board to the Social Media Update document that was provided in the Board packets.

d) Website Update

Mr. Burke referred the Board to the Website Update document that was provided as a hand-carry item.

e) Newsletter

Ms. Sorrick referred the Board to the Summer Journal that was included in the Board packets. Ms. Arias-Bhatia suggested including information about the Board history in the newsletter for the Board’s upcoming 60th anniversary. She also suggested inviting past Board members to the next Board meeting to take a picture and celebrate the Board’s history.

Dr. Erickson asked if there was a section on the Board’s website that included the past Board members’ names. Ms. Sorrick and Mr. Thomas confirmed that there is a section dedicated to past members.
f) Outreach Activities Update

Ms. Sorrick referred the Board to the Outreach Activities Update document that was included in the Board packets.

Ms. Jones pointed out the missing December 15th meeting and asked it be included in the update to more accurately reflect the Board's work.

g) Public comment for items not on the agenda

Dr. Linder-Crow commended the Board on the journal and appreciated the update. She stated that the CPA would be happy provide the link to the journal to educate others. In addition, Dr. Linder-Crow suggested trying to draw a distinction between the responsibilities of the Board and the CPA by providing clarifying information to decrease confusion.

Ms. Starr asked if the journal was sent out to all the licensees and Mr. Burke replied that the emails are opt-in, and therefore the list does not include all licensees.

Dr. Harlem asked if there was a reason the emails sent were opt-in rather than the traditional opt-out option.

Ms. Sorrick stated that she was under the impression that the emails were being sent to everyone in the BreEZe system.

Agenda Item #16: President's Report

a) Ad Hoc Committee Update

Applied Behavioral Analysis (ABA) Task Force:

Dr. Erickson stated that the ABA Task Force consists of Ms. Arias-Bhatia and Dr. Gallardo. He said that a letter discussing ABA Task Force was sent out and the Board had received replies from five organizations.

Mr. Burke added that the response to the ABA Task Force was overwhelmingly positive. He stated that the interested parties will choose a representative and the meetings will be teleconferenced. Mr. Burke stated that the provisional date for the beginning of the ABA Task Force is September.

Sunset Review Committee:

Dr. Erickson stated that the Sunset Review Committee consists of himself and Dr. Horn.

Ms. Sorrick stated that the Board would receive questions from the Business and Professions Committee in March of 2015 and the Committee will be meeting between the November and February Board meetings.
Mr. Thomas stated that the questions are given a timeframe of about 9 months to be completed.

Ms. Jones asked if she could see a copy of what the Board submitted for the Sunset Review Committee and Ms. Sorrick stated that staff would be able to send out the report to interested Board members.

b) Executive Officer Evaluation

Dr. Erickson asked Mr. Thomas for comment about the annual evaluation of the Executive Officer.

Mr. Thomas stated that Office of Human Resources would send out the performance appraisal survey to the Board members who should complete them and send directly to Dr. Erickson prior to the November meeting to allow him to compile the results for discussion in closed session at that meeting.

c) 2014-15 Meeting Calendar and Locations

Dr. Erickson referred the Board to the 2014 and 2015 calendars that were provided in the Board packets.

d) Other Informational Items

None.

Agenda Item #17: Executive Officer’s Report

a) Organizational Update

Ms. Sorrick discussed the Organizational Update document that was provided in the Board packets.

b) CPS Program Analysis Update

Ms. Sorrick stated that she invited members from CPS to provide a brief overview of the scope of work and the steps in starting the process.

Mr. Michael DeSousa introduced himself to the Board and expressed excitement about working on the comprehensive program analysis with the Board. Mr. DeSousa stated that the key objectives of the program analysis are to document the appropriateness of workload and current classifications. He added that this program will begin in mid-September. The program will provide the Board with a comprehensive, transparent baseline which will address how work is being completed, as well as the technology usage.

Mr. DeSousa stated that the first step of the analysis is to begin team review, documentation, and creation of a detailed schedule with a work plan. A position description questionnaire will be provided to employees for completion to collect
additional information on individual employees’ duties and workload before employee interviews.

Mr. DeSousa stated that this project will provide insight into where the Board is currently before continuing to further steps.

Dr. Erickson asked for clarification about the Board members’ involvement in the program. Mr. DeSousa stated that the program will not directly involve the Board members.

Ms. Sorrick stated that this analysis will be an ongoing agenda item.

Ms. Jones expressed appreciation for the way CPS had clearly written page 3 of the update.

Ms. Sorrick thanked Mr. DeSousa for his presentation.

c) Other Informational Items

Ms. Sorrick thanked Ms. McDowell, Mr. Burke, and Kelli Okuma for compiling the information in the new Administrative Procedure Manual, as well as the Publications Unit of DCA.

Ms. Sorrick added that staff is working on a new Laws and Regulations book and is looking to have it published in March of 2015. She stated that the Disciplinary Guidelines and APA Code of Ethics will also be added to the new Laws and Regulations book.

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

Dr. Erickson stated that Dr. Alban had given a recommendation the previous day, but no further recommendations were given.

Agenda Item #19: Public Comment for Items not on the Agenda

There was no public comment.

Agenda Item #20: Adjournment

The Board adjourned at 12:17 p.m.
McEriska

President

12-10-14

Date