Thursday, November 20, 2014

Michael Erickson, PhD, Board President called the open session meeting to order at 9:37 a.m. A quorum was present and due notice had been sent to all interested parties.

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

Others Present:
   Antonette Sorrick, Executive Officer
   Jeffrey Thomas, Assistant Executive Officer
   Sandra Monterrubio, Enforcement Program Manager
   Karen Johnson, Licensing Coordinator
   Colette McDowell, Continuing Education/Renewals Coordinator
   Norine Marks, DCA Legal Counsel
   Raymond J. Trybus, PhD, President, Walden University, & San Diego Psychology Association
   Erin Parks, PhD, University of California, San Diego
   June Liang, PhD, University of California, San Diego
   Jo Linder-Crow, PhD, California Psychological Association (CPA)
   Talia Cortese, University of San Diego Center for Public Interest Law
   Pamela McCrory, PhD, Los Angeles County Psychological Association

Agenda Item #1: President’s Welcome

Dr. Erickson welcomed the public, Board members, and Board staff and gave a brief statement about the mission of the Board of Psychology.
Dr. Erickson stated that while public comment is welcome, issues brought before the Board would not be addressed, if not related to an item on the agenda.

**Agenda Item #2: Approval of Minutes: August 21-22, 2014 Board Meeting**

Dr. Horn noticed the word "mailed" was used twice on line 24, page 5 and suggested removing the second word.

Ms. Jones asked that the sentence on page 17, line 25 be re-worded to more accurately reflect the comment that she had made at the last Board meeting. Line 25 was changed to “this is helpful in advancing the goals of the Policy and Advocacy Committee.”

Ms. Jones also pointed out that “Advocacy Committee” should be listed as “Policy and Advocacy Committee” on page 17, line 18.

Dr. Horn asked that a sentence stating that she suggested an educational program for Administrative Law Judges be removed on page 18, line 3.

It was M (Phillips)/S (Arias-Bhatia)/C to approve the minutes as amended.

Vote: 9 yea (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay.

**CLOSED SESSION**

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

**Return to Open Session**

Dr. Erickson called the meeting back to order and invited Mr. Thomas to begin the budget report.

**Agenda Item #3: Budget Report**

Mr. Thomas presented the budget report and referred to the budget materials provided in the Board packets.

Ms. Arias-Bhatia asked about licensing fee reductions and Mr. Thomas stated that once the loan from the general fund is repaid, the Board would then be able to consider licensing fee reductions.

Dr. Phillips asked why the revenue has decreased and expenditure has increased. Mr. Thomas stated that the chart is only a projection and will probably not reflect the same trend later in the year. Ms. Sorrick added that the chart only reflects the spending of the governor’s budget that is allotted to the Board each year in the Board’s budget rather than its fund.
Dr. Linder-Crow asked whether the budget for salaries and wages would allow the Board to increase staffing.

Mr. Thomas stated that the Board is fully staffed and that a Budget Change Proposal would need to be submitted to further augment the staff.

Dr. Erickson thanked Mr. Thomas for his report.

**Agenda Item #4: Enforcement Report**

Ms. Monterrubio presented the enforcement report and referred to the materials provided in the Board packets.

Dr. Erickson asked how target dates are established. Ms. Monterrubio replied that the Department of Consumer Affairs determines the established target dates.

Dr. Erickson thanked Ms. Monterrubio for her report.

**LICENSING COMMITTEE**

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

**Agenda Item #5: 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**

Ms. Johnson referred the Board to the examination statistics provided in the Board packets.

c) **Overview of the Examination Development Process (Office of Professional Examination Services)**

Dr. Horn invited the Office of Professional Examination Services (OPES) to provide an overview of the examination development process.

Amy Welch-Gandy and Heidi Lincer-Hill from OPES personnel provided an overview of the examination development process and referred to an informational PowerPoint presentation that addressed the recent problems associated with the CPSE.

d) **Discussion and Consideration of Questions Regarding the February CPSE Examination**
Dr. Linder-Crow, Executive Director, California Psychological Association (CPA), thanked the OPES for its presentation. She asked if it was acceptable for less than half of participants to fail the examination and how such a phenomenon could be explained. She also asked if the results have been correlated in any way with the participants’ descriptive statistics or individual educational background.

The OPES representatives replied that the pass rate on an exam can fluctuate due to variables, such as applicant populations and educational qualifications, even though the examination process has remained constant. She added that the pass rates vary across the other boards and it is hard to pinpoint factors that directly affect the pass rates.

Dr. Raymond Trybus asked to what extent that they examine the demographic information of the examination applicants and if that is taken into account.

The OPES representatives stated that they do not have access to that information because it is not collected. Therefore, they are unable to analyze or establish a correlation between demographics and passing rates.

Dr. Linder-Crow pointed out that if the exam is measuring “minimal competence” as OPES has previously stated, then the student training programs may interpret that information as an indicator that something is wrong with their program when no problem is actually present.

The OPES representatives stated that from their perspective, the passing rates are not low because the exams are made to differentiate between competent applicants and those who are not competent.

Dr. Erin Parks suggested that the distribution of scores be examined by OPES.

Dr. Parks also asked if a change in the examination location could be looked into due to her own negative testing experience. She added that Dr. June Liang also had a negative testing experience.

Dr. Liang asked how a repeat of the low passing scores can be avoided in the future.

The OPES representatives stated that making comments at the end of the testing session would have been the best way to provide input, but writing a letter to the Board and having it forwarded to OPES would now be the best way to provide public input.

Dr. Horn thanked the OPES representatives for providing information about the examination process.

Dr. Horn stated that the Committee believes the examination process was fair and that sufficient efforts were made to assist participants who did not pass the exam.

Dr. Gallardo asked what the Board’s role is in trying to impact the curriculum or process of training programs. He expressed concern for possible discrepancies between what students are being trained to do in graduate programs and what skills are needed in real-world applications.
Dr. Horn suggested making the issue an agenda item for the Outreach and Education Committee.

Ms. Sorrick stated that the Board staff can provide the occupational analysis to training programs which would help prepare test applicants.

Ms. Jones thanked OPES for the helpful presentation on the examination development process and agreed that providing the occupational analysis would be helpful for test applicants.

Dr. Harlem asked at what point the variations in the examination passing rates become statistically significant and expressed desire to have that information provided.

Dr. Linder-Crow asked if the Board receives any trend information from OPES, such as the types of questions missed. She expressed concern that OPES would consider a passing rate of 10 percent to be not out of the ordinary.

Dr. Trybus indicated that from a training program perspective, he is very supportive of the Board communicating what they should be teaching their students based on the evolution of the profession.

Dr. Erickson thanked OPES for the presentation and the public for their comment.

It was M(Erickson)/S(Arias-Bhatia)/C to send an e-mail to OPES regarding “what is a significant variation (Applicant pool/something wrong with the test, various over threshold that shows trends, etc.).” Ms. Sorrick was given the authority to work with Dr. Harlem on the e-mail to OPES.

Vote: 9 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay.

e) Renewal Report

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

f) Continuing Education Report

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

g) Discussion and Consideration of Supervised Professional Experience (SPE) 16, CCR Section 1387 – accruing SPE for the Activity of “Supervision”

Dr. Horn summarized the issue of accruing SPE for the activity of “supervision” and referred to the draft proposed language provided in the hand carry items.
Dr. Horn reported the Licensing Committee’s recommendation to approve the language for agenda item G.

It was M/(Horn)/S(Phillips)/C that the Board approve the language for noticing.

Vote: 9 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay.

It was M/(Phillips)/S(Starr)/C to delegate the authority to staff to make technical non-substantive changes.

Vote: 9 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay.

Board Approved Language

1387. Supervised Professional Experience.

This section applies to all trainees, pre- or post-doctoral, who intend for hours of supervised professional experience (SPE) to count toward meeting the licensing requirement stated in section 2914(c) of the Business and Professions Code. Those trainees accruing hours of supervised experience in areas of psychology that do not include direct mental health services should refer to section 1387.3 for information on establishing an alternate plan for SPE. SPE is defined as an organized program that consists of a planned, structured, and administered sequence of professionally supervised comprehensive clinical applied training experiences. SPE shall have a logical training sequence that builds upon the skills and competencies of trainees to prepare them for the independent practice of psychology once they become licensed. SPE shall include socialization into the profession of psychology and shall be augmented by integrated modalities including mentoring, didactic exposure, rolemodeling, enactment observational/vicarious learning, and consultative guidance. SPE shall include activities which address the integration of psychological concepts and current and evolving competencies, scientific knowledge, principles, and theories to the professional delivery of psychological services to the consumer public. SPE shall include only the time spent by the trainee engaged in psychological activities that directly serve to prepare the trainee for the independent practice of psychology once licensed. SPE shall not include custodial tasks such as filing, transcribing, or other clerical duties. The term “trainee” as used in these regulations means a psychology
trainee working under one of the conditions listed in subsections (a)(1) and (a)(2) of this section.

h) Licensing Action Plan – Proposed Improvements to the Licensing Process - Update

Ms. Johnson presented the Licensing Action Plan and referred to the informational statistics and survey results provided in the Board packets.

Ms. Sorrick referred to an informational PowerPoint to explain the online process of application that will be provided for consumers on the Board’s website.

i) Discussion and Consideration of Business & Professions Code Section 2903 - Rendering Services for a Fee

Dr. Horn summarized the issue of rendering services for a fee and referred to the proposed language changes provided in the hand carry items.

Dr. Harlem expressed concern about individuals being perceived to be providing services when that was not the intention. He suggested modifying the language “professional relationship” for clarification. Dr. Phillips expressed agreement with Dr. Harlem’s concern.

Drs. Erickson and Harlem suggested adding pro bono language rather than removing the fee language.

Ms. Jones suggested reviewing Dr. Alban’s language that he presented at the August Board meeting.

Members of the public then commented.

Dr. Trybus suggested adding the term “formal” to the language in order to help define psychological services.

Dr. Linder-Crow expressed agreement with Ms. Jones’s suggestion to review Dr. Alban’s language.

Dr. McCrory stated that she provides pro bono services and expressed concern that her patients would not have recourse. She thanked the Board for addressing the issue.

It was M/(Horn)/S(Erickson)/W to pursue legislative changes to section 2903 regarding psychology fee for services.

It was M/(Horn)/S(Erickson)/C to withdraw the motion and that the language for section 2903 regarding psychology fee for services be brought back to the Board at the January Meeting.
Vote: 9 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay.

j) YouTube Video – Psychological Assistant Application

Dr. Horn presented the psychological assistant application YouTube video. Ms. Johnson stated that the video is now available on the Board’s website.

k) Public comment for items not on the agenda

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

It was M(Horn)/S(Phillips)/C for the Board to accept the informational items of the Licensing Committee including a, b, e, f, h, and j.

Vote: 9 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay.

l) Closed Session – the Licensing Committee will meet in Closed Session Pursuant to Government Code Section 11126 (c)(2)

Dr. Horn reported that the Committee had received an application from E.V. to accrue SPE in the area of non-mental health services. The attachment was provided describing the plan for accruing the supervision hours.

Dr. Horn reported that the Committee recommends the Board approve the plan.

It was M/(Horn)/S(Phillips)/C to approve the plan for SPE in non-mental health area.

Vote: 9 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay.

Dr. Horn reported that an individual (E.M.) requested an extension of the thirty (30) consecutive months required to accrue SPE.

It was M/(Horn)/S(Acquaye-Baddoo)/C to not extend the time past thirty (30) months.

Vote: 8 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Phillips, Starr) – 1 nay (Jones).

Dr. Horn reported that an individual (J.G.) is requesting that the Board accept his or her doctorate degree in Applied Behavioral Sciences from Union Institute and University as a degree in psychology. The Committee recommends that the Board accepts the doctorate degree as a degree in psychology because this specific doctorate degree was previously accepted by the Board.
It was M/(Horn)/S(Erickson)/C to accept the degree to qualify for licensure as a psychologist.

Vote: 8 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips) – 1 nay (Starr).

Dr. Horn reported that an individual (J.R.) is requesting exemption from the continuing education requirements. The Committee determined that the individual is providing direct mental services and recommends that the Board does not approve the request.

It was M/(Horn)/S(Erickson)/C to accept the Committee's recommendation to not approve the request.

Vote: 9 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay.

Dr. Horn reported that an individual (L.O.) is seeking approval for a plan to accrue SPE. The Committee recommends that the plan is not accepted due to a lack of information and specificity.

It was M/(Horn)/S(Erickson)/C to accept the Committee's recommendation.

Dr. Gallardo suggested to the Board that the plan includes enough specificity and information to be approved.

Dr. Horn withdrew her motion and Dr. Erickson withdrew his second.

It was M/(Horn)/S(Phillips)/C to approve the plan to accrue SPE.

Vote: 9 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay.

Dr. Gallardo asked that the Board readdress the closed session Licensing Committee's item concerning the individual requesting an extension of the 30-consecutive months allowed for the accrual of SPE.

It was M/(Gallardo)/S(Jones)/C to reconsider the vote on E.M.'s request of the thirty (30) month extension.

Vote: 8 aye (Erickson, Gallardo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay, 1 abstaining (Acquaye-Baddoo).

Dr. Gallardo stated that the individual's reasons for not completing the SPE hours are legitimate. He added that the individual is asking to include accrued SPE hours from five years ago and he does not see that circumstance being any different from the Board allowing individuals in exempt settings five years to accrue hours for licensure. He expressed desire for granting the individual's request.
Dr. Horn stated that she agrees with Dr. Gallardo.

Ms. Acquaye-Baddoo expressed concern regarding the fairness in allowing the individual more time to gain knowledge that would help him or her pass examinations to become licensed.

Dr. Phillips stated that the individual requesting the extension made the decisions that led to her situation and does not appear to be a victim of circumstance.

Mr. Thomas stated that the 30- consecutive month policy is also applied to exempt settings.

It was M/(Gallardo)/S(Erickson)/C to accept the request to grant the extension.

Votes: 6 aye (Harlem, Arias-Bhatia, Gallardo, Jones, Horn) – 2 nay (Phillips, Starr), 1 abstaining (Acquaye-Baddoo).

Agenda #6: Policy and Advocacy Committee Report – Nicole J. Jones

a) Legislation Update, Review and Action, as Necessary

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

Ms. Jones stated that she would be presenting each bill from the past legislative session during the full Board meeting.

Dr. Linder-Crow stated that she wanted to update the Board on AB 1775 that added language to CANRA in an attempt to modernize it and accommodate new technologies by adding terms such as “download” and “stream.” She stated that the authors do not believe that adding language changed the reporting mandate of the bill. The governor signed this bill and, as a result, CPA has been receiving questions regarding the new law. She stated that there appears to be confusion regarding the law and differing opinions on whether or not there has been a change to mandated reporting. She added that CPA will be seeking the opinions from legislative counsel and encouraged the Board to do so as well.

Ms. Jones thanked Dr. Linder-Crow for the update and suggested analyzing AB 1775.

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

Ms. Jones reported that the Board voted to take an "Oppose" position on AB 186 at the August Board meeting and this bill was signed by the Governor.

2) AB 809 (Logue) – Healing Arts: Telehealth
Ms. Jones reported that the Board voted to take a “Support” position on AB 809 at the August Board meeting and this bill was signed by the Governor.

Ms. Sorrick stated that AB 809 was an urgency bill and, therefore, became effective immediately after it was signed on September 18th. The Board put out a notice regarding AB 809 which was posted on the Board’s website.

3) AB 1702 (Maienschein) – Professions and Vocations: Incarceration

Ms. Jones reported that the Board voted to take an “Oppose” position on AB 1702 and the bill was signed by the Governor.

4) AB 1843 (Gordon/Jones) – Child Custody Evaluations

Ms. Jones reported that the Board voted to take a “Support” position at the June Board meeting on AB 1843 and the bill was signed by the Governor.

5) AB 2058 (Wilk) – Open Meetings

Ms. Jones reported that the Board voted to take a “Watch” position on AB 2058 and the bill was vetoed by the Governor.

6) AB 2198 (Levine) – Mental Health Professionals and Suicide Prevention

Ms. Jones reported that the Board voted to take an “Oppose” position on AB 2198 and the bill was vetoed by the governor. She summarized the Governor’s veto letter.

7) AB 2396 (Bonta) – Convictions: Expungement: Licenses

Ms. Jones reported that the Board voted to take an “Oppose” position on AB 2396 and the bill was signed by the Governor.

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

Ms. Jones reported the Board voted to take a “Watch” position on SB 1159 and the bill was signed by the Governor.

9) SB 1466 (DeSaulnier) – Health Care Coverage

Ms. Jones reported that the Board voted to take a “Support” position on SB 1466 and the bill was signed by the Governor.

b) Exempt Settings Legislative Proposal (Business and Professions Code Sections 2909, 2909.5, and 2910)

Ms. Jones invited Mr. Thomas to present the legislative proposal to the Committee.

Mr. Thomas reported that the Board is seeking a legislative proposal that would ensure that employees in exempt settings are working towards accruing supervised...
professional experience for licensure as a psychologist. He stated that the proposal would also limit the exemption period to five (5) years. He added that the requested motion is that the Committee recommends approving the bill proposal as written.

It was M/(Phillips)/S(Acquaye-Baddoo)/C to approve the bill proposal as written.

Vote: 9 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay.

c) Submission of Supervised Professional Experience Legislative Proposal (Business and Professions Code Section 2914)

Mr. Thomas referred to the hand carry items and reported that this legislative proposal seeks to change the way that Supervised Professional Experience (SPE) forms are submitted to the Board.

It was M/(Erickson)/S(Starr)/C to approve the language to seek a legislative change.

Vote: 9 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay.

d) 2014/15 Legislative Calendar

Ms. Jones referred to the informational Legislative Calendar provided in the Board packets.

e) 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 stated that 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 it is not, 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.

Ms. Jones reported that the Board is still waiting to hear a response regarding the Board’s request.

f) Regulation Update, Review, and Action as Necessary

1) Title 16, CCR, Section 1397.12 – Uniform Standards Related to Substance Abuse and Disciplinary Guidelines
Mr. Thomas reported that the Board received input from the DCA legislative counsel and the action request is that the Committee recommends approving the modified text.

Ms. Jones advised the Board that it is possible for psychology evaluations to come from optional term to standard and suggested that this could be added as a future agenda item.

Dr. Erickson suggested that the Board proceed with the standards as written and reevaluate later, perhaps with an ad hoc committee.

It was M/(Jones)/S(Phillips)/C to adopt the modified text for the uniform standards related to substance abuse and disciplinary guidelines.

Vote: 9 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay.

It was M/(Jones)/S(Erickson)/C to delegate authority to the Executive Officer to make any non-substantive or technical changes in completing the rulemaking file.

Vote: 9 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay.

2) Title 16, CCR, Sections 1388, 1388.6, 1389, 1392 – Examinations, License Requirements and Waiver of Exemption, Reconsideration of Examinations, Psychologists Fees

Ms. Jones reported the Board voted to allow staff to make non-substantive changes at the regulation hearing in August and that the Executive Officer was delegated authority by the Board to approve the amended language in the absence of negative comments and referred to the revised language provided in the Board packets. She added that this agenda item is informational and no action is requested.

g) Discussion and consideration of amending Title 16, CCR, Section 1380.5 – Filing of Addresses

Ms. Jones reported that the proposed regulatory amendments would require licensees to provide their email addresses to the Board if applicable.

It was M/(Jones)/S(Starr)/C to approve the language for noticing and set for a regulatory hearing.

Approved Language

§ 1380.5. Filing of Address.

(a) Each person holding a license as a psychologist shall file with the board his or her residential address and proper and current mailing address, if different and shall report immediately to the board at its Sacramento office any and all changes of address, giving both his old and new address. In addition to the
residential and mailing addresses, the licensee may provide the Board with an alternative address of record. If an alternative address is the address of record, the licensee may request that his or her residential address not be disclosed to the public.

(b) Each applicant and licensee who has an electronic mail address shall report to the board that electronic mail address no later than July 1, 2015, and shall maintain a current electronic address with the Board. The electronic mail address shall be considered confidential and not subject to public disclosure.

(c) Within 30 days after a change of any address, the applicant or licensee shall report to the Board any and all changes, giving both his or her old and new address(es).

h) Public Comment for Items Not on the Agenda

There was no public comment.

Agenda Item #7: Applied Behavior Analysis (ABA) Task Force Report – Johanna Arias-Bhatia

Ms. Arias-Bhatia began her report of the Applied Behavior Analysis (ABA) Task Force by summarizing the goals of the Task Force. She stated that the ABA Task Force meeting was held on October 13th and specifically thanked Drs. Don Crowder, Elizabeth Winkleman, Jim Carr, Gina Green, and Daniel Shabani for attending the meeting.

Ms. Arias-Bhatia reported that the Task Force determined that the goal of the Task Force was to identify where Behavioral Analysis licensure would be housed. She added that the California Association for Behavior Analysis (CalABA) submitted a Sunrise Application and a response questionnaire would be published in mid-December.

Ms. Arias-Bhatia stated that the Task Force will address how the licensure of Behavioral Analysis will impact boards and provide input during the process.

Dr. Gallardo stated that he believes consumers, psychologists, and behavioral analysts would benefit from the Board housing the licensure of Behavioral Analysis.

Dr. Harlem expressed concern in showing too much support for the ABA issue early in the process when it may evolve into a situation that the Board no longer supports.

Dr. Gallardo commented that this issue is gaining momentum and that it is important for the Board to be at the table and participating when the discussion is happening. Dr. Horn expressed agreement with Dr. Gallardo’s comment.

It was M/(Starr)/S(Acquaye-Baddoo)/C to approve the Task Force recommendation that its goal be to determine where ABA practitioners be housed.

Vote: 9 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay.
Dr. Erickson thanked the Board members, Board staff, and public.

The open session meeting was adjourned at 6:01 p.m.

Friday, November 21, 2014

Michael Erickson, Ph.D, 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
Miguel Gallardo, PhD, Vice-President
Lucille Acquaye-Baddoo, Public Member
Johanna Arias-Bhatia, Public Member
Andrew Harlem, PhD
Jacqueline Horn, PhD
Nicole J. Jones, Public Member
Stephen Phillips, PsyD, JD
Linda Starr, Public Member

Others Present:
Antonette Sorrick, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Sandra Monterrubio, Enforcement Program Manager
Karen Johnson, Licensing Coordinator
Colette McDowell, Continuing Education/Renewals Coordinator
Norine Marks, DCA Legal Counsel
Raymond J. Trybus, PhD, President, Walden University, San Diego Psychology Association
Jo Linder-Crow, PhD, California Psychological Association
Talia Cortese, University of San Diego Center for Public Interest Law
Pamela McCrory, PhD, Los Angeles County Psychological Association
Hugh Pates, PhD, San Diego Psychological Association
Katherine Quinn, San Diego Psychological Association

Agenda Item #8: Regulatory Hearing – 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. Erickson commenced the regulatory hearing. He stated that the regulation proposal was filed with the Office of Administrative Law and has been duly noticed to interested parties.

Dr. Trybus commended the Board for their attention to the matter. He stated that he was planning to comment on the definitions regarding academic course provided in previously drafted language, but the official language has his concerns addressed.
Dr. Linder-Crow commended the Board for their work and stated that other regulatory boards are also looking into the matter, but acknowledged that California is moving very quickly on this. She stated that CPA has been very happy to attend meetings and discussions.

In the final review, CPA noticed one inconsistency in the language of section 1397.61(f)(2). Dr. Linder-Crow stated that the language in 1397.61(f)(2)(b) describes how a person becomes approved as a provider. She points out that the narrowed language differs from the broader definition of 1397.61(d). She added that the language is not used in earlier versions and is inconsistent. She stated that CPA recommends that the language of 1397.61(f)(2)(b) be deleted and the 1397.61(d) language be used in place of subsection (b) and in later parts of the document.

Dr. Horn stated that she does not see any discrepancies or narrowing in language between the two sections. She added that one of the issues the Board was concerned about was CE being relevant to clinical practice.

The Board agreed on clarifying the language by adding the phrase “relevance to practice” and adding a slash (/) between “CE” and “CPD” to decrease confusion and indicate that the two terms are related.

Dr. Hugh Pates stated that the San Diego Psychological Association finds the document to be encouraging and productive. He asked about who would be approving CEUs for the activities that would be considered peer consultation and when peer consultation can take place.

Dr. Horn stated that peer consultation would not necessarily be considered a sponsored continuing education program, although it is allowed if people are a part of a consultation group in which activities are logged. Each licensee would have to demonstrate that he or she has taken part in peer consultation rather than an agency. She added that January 1st, 2016, is when the new regulations regarding CE would go into effect.

Dr. Horn addressed the submitted written comments.

Dr. Horn reported that the first written comment expressed concern for requiring a person to receive credit in two (2) out of four (4) areas and asked what peer consultation would require on the part of the licensee. She continued to the second written comment which addressed the allowance of 75% of CE to be accumulated through technological means and asked if that would be impacted by what the Board now requires.

Dr. Gallardo stated that it appears as if the individuals are concerned about the limitation of sponsored CE units and whether or not that will hinder their ability to earn CE units.

Ms. Jones stated that providing a rationale and explanation of the Board’s decisions would prove to be helpful.
Dr. Linder-Crow stated that when the change in ethics was made, there was a surprising amount of opposition regarding the broadening of what an individual could do. She added that the ethics situation is very similar to this CE situation. She offered the help of CPA to educate other psychologists about what these changes mean. She encouraged the Board to maintain a strong stance regarding their changes to CE.

Dr. Erickson thanked the staff, public, and Board members before closing the hearing.

**Agenda Item #9: Adoption of Amendments to 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**

It was M/(Erickson)S/(Jones)/C to approve the modified text for a 15-day public comment period in which 1397.61(f)(2)(B) reads “programs that focus on non-traditional or emerging practice or theory and can demonstrate relevance to practice,” “approving agencies” is changed to “approving organization” in 1397.61(f)(2), 1397.61(d) reads “CE/CPD,” and 1397.61(b) was amended to incorporate the CE Verification Log by reference to read “incorporated herein by reference.”

Vote: 9 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay.

It was M/(Starr)S/(Erickson)/C to delegate authority to the Executive Officer to make non-substantive changes.

Vote: 9 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay.

**Agenda Item #13: Outreach and Education Committee – Dr. Miguel Gallardo**

a) **Strategic Plan Update**

Ms. Sorrick referred the Board to the informational Strategic Plan Update provided in the Board packets and stated that the status of completion for each goal has also been provided.

b) **Communications Plan Update**

Ms. Sorrick referred the Board to the Communications Plan Update and stated that the update will be an ongoing, informational item provided at each Board meeting.

c) **Social Media Update**

Ms. Sorrick referred the Board to the Social Media Update document that was provided in the Board packets.

d) **Website Update**
Ms. Sorrick referred the Board to the Website Update document that was provided in the Board packets.

e) Newsletter

Ms. Sorrick referred the Board to the Fall Journal that was provided as a hand-carry item.

f) Outreach Activities Update

Ms. Sorrick referred the Board to the Outreach Activities update document that was included in the Board packets. She summarized the discussion at the ASPPB meeting and stated that she, Dr. Erickson, and Dr. Horn were present.

She added that she, Dr. Erickson, and Dr. Gallardo also had a meeting with CPA and then asked Dr. Gallardo to summarize discussion topics of the meeting.

Dr. Gallardo stated that the goal of the meeting with CPA was to discuss and collaborate on education and outreach, such as the implications and meaning of the CE model. He summarized the discussion that took place during the meeting.

g) Public Comment for Items Not on the Agenda

Dr. Linder-Crow suggested the possibility of CPA and the Board working together to create a full-day, professional development workshop that would address ethical practice. She stated that other states have done this and the workshops have been very well received.

Dr. Gallardo summarized the Committee report with input from Ms. Sorrick as applicable.

Ms. Jones suggested adding suicide resources and statistics in the next newsletter in regards to AB 2198. She also expressed desire to ensure that the Board includes various ethnic and cultural groups and organizations in outreach.

Dr. McCrory stated that the feedback for the Board’s newsletters have been very positive. In addition, she reported that LACPA receives many questions regarding telepsychology and suggested adding facts or frequently asked questions regarding telepsychology to the newsletter.

It was M/(Starr)S/(Acquaye-Baddoo)/C to accept the Outreach and Education Committee report.

Vote: 9 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay.

Agenda Item #14: President’s Report

a) Ad Hoc Committee Update
1) **Telepsychology Committee**

Dr. Erickson stated that the Telepsychology Committee will consist of Dr. Phillips as the Chair and Dr. Harlem.

2) **Sunset Review Committee**

Dr. Erickson stated that he and Dr. Horn will comprise the Sunset Review Committee with Dr. Erickson serving as the Chair.

b) **2014-15 Meeting Calendar and Locations**

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

c) **Other Informational Items**

None.

**Agenda Item #14: Executive Officer’s Report**

a) **Organizational Update**

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

Ms. Sorrick thanked public affairs and publications for their work with the newsletter, website, videos, and other items.

b) **Annual Statistical Profile (ASP Report to the State Legislature)**

Ms. Sorrick referred the Board to the Annual Statistical Profile that was provided in the Board packets.

Dr. Pates asked about the Board’s income and allocation of funds and Ms. Sorrick directed Dr. Pates to the Budget Report that was discussed the previous day.

c) **CPS Program Analysis Update**

Ms. Sorrick referred the Board to the CPS Program Analysis Update that was provided in the Board packets.

d) **Other Informational Items**

None.

**Agenda Item #15: Election of Officers**
Dr. Erickson indicated that he was willing to continue as President of the Board and Dr. Gallardo expressed his willingness to see another Board Member serve as Vice President.

Ms. Arias-Bhatia indicated that the Board may want to consider giving others an opportunity to serve.

Ms. Starr asked Dr. Erickson how long he has served as President of the Board and Dr. Erickson replied that he has served two and a half (2.5) years.

Dr. Phillips nominated Dr. Erickson for President and Ms. Arias-Bhatia nominated Ms. Jones for President.

Ms. Jones nominated Dr. Harlem for Vice President; however, Dr. Harlem declined the nomination.

Dr. Phillips nominated Ms. Jones for Vice President.

Dr. Gallardo indicated that he likes the idea of having a public member in one of the elected positions.

It was M (Horn)/S (Erickson)/C to accept the nominations by acclamation (9-0).

Vote: 9 aye (Erickson, Gallardo, Acquaye-Baddoo, Arias-Bhatia, Harlem, Horn, Jones, Phillips, Starr) – 0 nay.

There was a vote and another motion as follows: It was M (Erickson)/S (Phillips)/C that the terms of office become effective January 1, 2015, for one year.

1) Closed Session – The Board will meet in Closed Session Pursuant to Government Code Section 11126(a)(1) to conduct its annual evaluation of its Executive Officer.

The Board adjourned into closed session pursuant to Government code Section 11126(a)(1) to conduct its annual evaluation of its Executive Officer.

Agenda Item #16: Recommendations for Agenda Items for Future Board Meetings

Ms. Arias-Bhatia asked if the Board could provide information regarding passage rates by demographic categories. Ms. Sorrick stated that the Board may not have authority to do so.

Dr. Gallardo indicated that he did not believe that the role of the Board is to help people pass the exam.

Dr. Phillips stated that it is a primary purpose of the Board to make sure that individuals are competent to practice.
Ms. Jones requested that the Board members receive an advance copy of the draft minutes in order to refresh their memories prior to reviewing the agenda.

Dr. Horn clarified that grammatical corrections could be provided to the Executive Officer ahead of time. Ms. Marks indicated that this is allowed as long as it was to the Executive Officer and not the full Board.

**Agenda Item #17: Public Comment for Items not on the Agenda**

There was no public comment.

**Agenda Item #18: Adjournment**

The Board adjourned at 12:50 p.m.

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President                          Date