BOARD MEETING MINUTES
Friday, January 9, 2015 1:00 p.m.

Department of Consumer Affairs
1625 N. Market Blvd., Room N-220 (El Dorado Room)
Sacramento, CA 95835

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Members Present:
Michael Erickson, PhD, President
Nicole J. Jones, Public Member, Vice-President
Johanna Arias-Bhatia, Public Member
Jacqueline Horn, PhD
Stephen Phillips, PsyD, JD
Linda Starr, Public Member

Others Present:
Antonette Sorrick, Executive Officer
Sandra Monterrubio, Enforcement Program Manager
Karen Johnson, Licensing Coordinator
Jonathan Burke, Administrative Coordinator
Colette McDowell, Continuing Education/Renewals Coordinator
Claire Yazigi, DCA Legal Counsel
Jo Linder-Crow, PhD, CEO, California Psychological Association
Melodie Schaffer, PhD
Pamela McCrory, PhD
Raymond Trybus, PhD, Walden University and San Diego Psychological Association
Marilyn Immoos, PhD, California Department of Corrections and Rehabilitation
Korey Landry, DCA Human Resources
Michael Erickson, PhD, Board President called the open session meeting to order at 1:10 p.m. A quorum was present and due notice had been sent to all interested parties.

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

Dr. Erickson welcomed the public, Board members, and Board staff to the meeting and reminded the Board that the next Board meeting is scheduled to occur at the State Capitol in Sacramento, California. He added that Nicole J. Jones was elected Vice President and he was reelected President at the November Board meeting.

Dr. Erickson gave a summary of AB 2720 which mandates a new process of recording votes of Board members.

Dr. Erickson presented the mission of the Board of Psychology.

**Agenda Item #2: Applied Behavioral Analysis (ABA) Task Force Report**

**Recommendations to the Board of Psychology Regarding Feedback to the Senate Business, Professions, and Economic Development Committee for the Sunrise Hearing for ABA Regulation**

Dr. Erickson invited Ms. Arias-Bhatia to update the Board on the Applied Behavior Analysis (ABA) Task Force meeting.

Ms. Arias-Bhatia asked Ms. Sorrick to summarize as necessary.

Ms. Sorrick gave a brief summary of the motions that were made at the ABA Task Force. She stated that all motions, if ratified, would be compiled into a letter and sent to the Senate Business & Professions Committee. Ms. Sorrick summarized the four (4) motions:

1. that any licensure bill will have an exemption for licensed psychologists and their supervisees;
2. to exclude diagnosis in the scope of practice;
3. for the Board to recognize that behavior analysis is within the scope of practice of psychology; and
4. that the Board will examine its capacity to house ABA licensure.

Ms. Arias-Bhatia suggested discussing the motions one at a time.
Ms. Arias-Bhatia summarized the discussion regarding the first motion regarding exemption for licensed psychologists and their licensees.

It was M(Arias-Bhatia)/S(Erickson)/C that the Board accept the motion that an exemption of psychologists and their supervisees from the Behavior Analyst Practice Act.

Vote: 6 aye (Jones, Arias-Bhatia, Horn, Phillips, Starr, Erickson) – 0 Nay

Ms. Sorrick summarized the second motion of the Task Force: to exclude diagnosis in scope of practice.

It was M(Arias-Bhatia)/S(Starr)/C to accept the recommendation of the Task Force that diagnosis be excluded from the ABA licensure language.

Dr. Melodie Shaffer asked for clarification regarding whether or not the language would be excluded in the Board’s regulations or in the Sunrise application.

Dr. Linder-Crow stated that the Board does not have draft language at this point. She added that these recommendations are suggestions that the Board would send to the Senate B&P Committee.

Vote: 6 aye (Jones, Arias-Bhatia, Horn, Phillips, Starr, Erickson) – 0 Nay

Ms. Sorrick summarized the third motion of the Task Force: that the Board recognize that behavior analysis is within the scope of practice of psychology.

M(Arias-Bhatia)/S(Horn)/C that the Board accept the motion that the practice of behavior analysis is within the scope of psychology.

Ms. Sorrick stated that emails were received from psychologists that have been restrained in trying to provide behavior analysis services. Therefore, Dr. Elizabeth Winkleman stressed this issue at the Task Force meeting.

Ms. Yazigi stated that both ABA specific practitioners and psychologists may practice ABA and reminded the Board that an individual doesn’t need to be licensed to practice ABA based on the language of the documents.

Vote: 6 aye (Jones, Arias-Bhatia, Horn, Phillips, Starr, Erickson) – 0 nay

Ms. Sorrick summarized the fourth motion of the Task Force which recommended that the Board examine the capacity to house ABA licensure.

It was M(Arias-Bhatia)/S(Erickson)/C that the Board analyze the capacity to house ABA licensure.

Ms. Sorrick stated that the implications of housing ABA would be brought to the attention of the Board after an analysis by staff.
Vote: 6 aye (Jones, Arias-Bhatia, Horn, Phillips, Starr, Erickson) – 0 nay

Dr. Horn asked if the Task Force will be examining other states that house ABA licensure under the state’s Board of Psychology.

Ms. Arias-Bhatia stated that the Task Force would be examining all of models adopted by the states regardless of where licensure if housed.

Dr. Linder-Crow stated that the Board should examine educational requirements and explore various possibilities.

**Agenda Item #3: Telepsychology Committee Report**

**Recommendations to the Board of Psychology Regarding Feedback to the Association of State and Provincial Psychology Boards (ASPPB) draft Interjurisdictional Telepsychology Compact**

Dr. Phillips summarized the discussion of the Telepsychology Committee. He stated that the Committee’s meeting occurred on December 16th to examine the E.Passport and proposed Interjurisdictional Telepsychology Compact. He stated that the E.Passport would be issued by ASPPB and a non-governmental institution would be created to monitor licensees who hold an E.Passport.

Dr. Phillips added that several questions were raised during the Committee’s discussion. This includes that each state that decided to join the Compact would be responsible for contributing to the creation and maintenance of a Commission. No additional funds would be coming to Board. The Committee questioned whether it is realistic to take on these additional costs and responsibilities.

In addition, the Commission would be able to promulgate regulations. Dr. Phillips added that the non-governmental Commission would be in charge of the Compact and Commission. The Committee expressed concern about the amount of power that would be given to the non-governmental body.

Dr. Phillips also stated that the Committee found the Compact lacking in explanation about how the database of information would work. He added that due to the outlined process and required information provided to the Commission, investigations and enforcement would be made difficult. In addition, the Committee expressed concern regarding providing confidential information.

The Committee also expressed concern regarding educational requirements, which are inadequate for practice between states. Specifically, the Committee noted that licensed psychologists could provide services for California consumers even when they have had almost no Continuing Education hours accumulated based on the Home State’s laws.

Dr. Phillips reported that the Committee decided that a letter should be written conveying these concerns to ASPPB.

It was M(Phillips)/S(Erickson)/C to authorize staff to write a letter to ASPPB addressing concerns outlined in the telepsychology meeting.
Dr. Horn asked whether the Committee would be examining intrajurisdictional telepsychology practice as well as interjurisdictional practice. Dr. Phillips replied that it makes sense that the Committee would also look at intrajurisdictional telepsychology, but for the first meeting, the Committee addressed only the Interjurisdictional Compact.

Dr. Phillips thanked ASPPB for the work that was put in in order to craft the proposal, and emphasized that the Committee’s concerns should not viewed as belittlement of their hard work.

Vote: 6 aye (Jones, Arias-Bhatia, Horn, Phillips, Starr, Erickson) – 0 nay

**Agenda Item #4: Discussion and Consideration of Business and Professions**

**Code Section 2903 - Licensure Requirement; Practice of Psychology; Psychotherapy; Fee**

Ms. Jones asked whether the Board examined if “pro bono” language works well and is appropriate.

Ms. Yazigi gave some legislative history regarding the introduction of section 2903. She stated that in 1973, there was no discussion about why “for a fee” language was introduced to BPC 2903.

Dr. Linder-Crow stated that the word “formal” seems ambiguous and vague. She suggested changing the language to “for a fee or pro bono.”

Dr. Horn and Dr. Erickson agreed with Linder-Crow’s suggestion.

Dr. Marilyn Immoos suggested leaving the term “formal” in the language to emphasize the relationship and definition.

Dr. Horn stated that “formal” was not needed in the language. Dr. Horn also suggested defining “fee” in the language and address concerns regarding “pro bono” if they arise later in time.

It was M(Horn)/S(Phillips)/C that line 6 keeps “for a fee”, and “or pro bono,” on line 18 delete “formal,” and add lines 22, 23 and 24 back into the language in addition to granting staff the authority to proceed with the legislative proposal as amended.

Vote: 6 aye (Jones, Arias-Bhatia, Horn, Phillips, Starr, Erickson) – 0 nay

**Approved Language**

**Licensure Requirement; Practice of Psychology; Psychotherapy; Fee**

§ 2903. No person may engage in the practice of psychology, or represent himself or herself to be a psychologist, without a license granted under this chapter, except as otherwise provided in this chapter. The practice of psychology is defined as rendering or offering to render for a fee or pro bono, to individuals, groups, organizations or the public any psychological service involving the application of psychological principles,
methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, emotions, and interpersonal relationships; and the methods and procedures of interviewing, counseling, psychotherapy, behavior modification, and hypnosis; and of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivations.

The application of these principles and methods includes, but is not restricted to: assessment, diagnosis, prevention, treatment, and amelioration intervention in order to increase effective functioning of individuals, groups, and organizations of psychological problems and emotional and mental disorders of individuals and groups.

Psychotherapy within the meaning of this chapter means the use of psychological methods in a professional relationship to assist a person or persons to acquire greater human effectiveness or to modify feelings, conditions, attitudes and behavior which are emotionally, intellectually, or socially ineffectual or maladjustive.

As used in this chapter, “fee” means any charge, monetary or otherwise, whether paid directly or paid on a prepaid or capitation basis by a third party, or a charge assessed by a facility, for services rendered.

**Agenda Item #5: Discussion and Consideration of Business and Professions Code Section 2982 – Expiration of License/Birth Date Renewal**

Ms. Sorrick stated that the proposal would make the expiration date of an initial license be exactly two (2) years after the date of issuance. There would be no proration and this would be equal for all applicants.

It was M(Starr)/S(Erickson)/C to approve the language as written and give staff the authority to proceed with a legislative proposal.

Vote: 6 aye (Jones, Arias-Bhatia, Horn, Phillips, Starr, Erickson) – 0 nay

**Agenda Item #6: AB 1775 (Melendez) – Child Abuse and Neglect Reporting Act – Mandatory Reporting of Electronic Viewing of Child Pornography Discussion of Impact**

Ms. Jones referred to the analysis by staff and the language of the law. She stated that Board staff forwarded the provided information to DCA Legal Counsel, who agreed with the Board staff’s analysis. She added that this information is for informational purposes.

Dr. Linder-Crow thanked the staff for the information provided. She pointed out that “obscene” is used in the language without a definition and the term “sexting” was not addressed in the staff analysis.

Dr. Phillips stated that CANRA was initially created to protect children against abuse. He added that, historically, child abuse was only reported if you knew who the victim was, but now in the case of child pornography, a psychologist is not aware of who the victim is.
Ms. Jones expressed agreement with Linder-Crow’s statements. She suggested watching this process closely on the policy level.

Dr. Erickson suggested writing an advisory on the Board’s webpage and in the Board’s newsletter addressing the changes made to CANRA.

Dr. Immoos thanked the Board for attending to this matter.

**Agenda Item #7: Executive Officer Duty Statement – Revisions**

Ms. Korey Landry from DCA Human Resources presented and summarized the amended duty statement for the Board’s Executive Officer.

Ms. Jones asked if the Board is able to change the language provided in the duty statement. Ms. Landry stated the Board had the authority to make appropriate changes.

Due to the latest draft being sent to the Board last minute, Dr. Erickson suggested waiting to make a motion until the Board had more time to review the draft duty statement.

**Agenda Item #8: Regulation Update, Review, and Action as Necessary**

a) **Title 16, CCR, Section 1397.12 – Uniform Standards Related to Substance Abuse and Disciplinary Guidelines**

Mr. Burke reported that the hearing took place on August 22, at 9 a.m., at the Board meeting. Subsequent to the Hearing, the Department of Consumer Affairs Legislative and Regulatory Review Division requested that some language be added. The Board conducted a 15 Day Notice and the new language was submitted to the Board for approval at the November Board Meeting.

Staff will now prepare the Final Statement of Reasons for the final submission to the Office of Administrative Law in the first quarter of 2015.

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

Mr. Burke reported that the hearing took place on August 22, at 10 a.m., at the Board meeting. The Board voted to modify the text to correct an error in the noticed language. A 15 Day Notice was published and the amended language was approved.

Staff will now prepare the Final Statement of Reasons for the final submission to the Office of Administrative Law in the first quarter of 2015.
c) 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

Mr. Burke reported that the Board voted at the August Board meeting to accept the final language changes in order to approve the continuing educational requirements for approved sponsors and to include them in the Continuing Professional Development/Continuing Education Regulations. The hearing took place at the Board’s November Board Meeting and some modifications to the language were requested by the Board. The 15 Day Notice is being prepared by Board staff and will be promulgated as soon as possible. If there are no negative comments, the Executive Office will approve the changes and the Final Statement of Reasons will be prepared and submitted to the Office of Administrative Law.

d) Title 16, CCR, Section 1380.5 – Filing of Addresses

Mr. Burke updated the Board on the 1380.5 regulatory proposal. The language will need to be brought back to the Board for consideration at the February Meeting.

**Agenda Item #9: Recommendations for Agenda Items for Future Board Meetings**

Ms. Jones asked that a draft version of the minutes be provided before the next meeting.

Ms. Monterrubio stated that the next Board meeting is scheduled for the end of January.

**Agenda Item #10: Public Comment for Items not on the Agenda**

There was no public comment.

**Agenda Item #11: Adjournment**

The Board adjourned at 3:50 p.m.