Thursday, February 26, 2015

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

Others Present:
- Antonette Sorrick, Executive Officer
- Jeffrey Thomas, Assistant Executive Officer
- Sandra Montrubio, Enforcement Program Manager
- Karen Johnson, Licensing Coordinator
- Jonathan Burke, Administrative Coordinator
- Norine Marks, DCA Legal Counsel
- Kurt Heppler, DCA Legal Counsel
- Julie Hayden, PsyD, Southern California Seminary
- Raymond J. Trybus, PhD, Walden University, San Diego Psychological Association
- Penelope McAlmond-Ross, PsyD, Sacramento Valley Psychological Association
- Talia Cortese, Center for Public Interest Law
- Shawn McCall, PsyD, San Francisco Psychological Association, Santa Clara County
- Jorge Wong, PhD, California Psychological Association, San Francisco Psychological Association
- Pamela McCrory, PhD, Los Angeles County Psychological Association
- Jo Linder-Crow, PhD, California Psychological Association
Agenda Item #2: President’s Welcome

Dr. Erickson welcomed the public, Board members, and Board staff to the California State Capitol and thanked everyone for their attendance.

Agenda Item #3: Public Comment for Items not on the Agenda

No public comments were received.

Agenda Item #4: Approval of Minutes: November 20-21, 2014, Board Meeting

It was M(Erickson)/S(Starr)/C to approve the minutes.

Vote: 7 aye (Horn, Phillips, Erickson, Jones, Harlem, Starr, Acquaye-Baddoo) – 0 nay.
(2 Members not present).

Agenda Item #5: Approval of Minutes: January 9, 2015, Board Meeting

Dr. Horn pointed out a statement on page 7, lines 15-16 regarding the Executive Officer’s duty statement and asked that it be removed.

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

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

Agenda Item #6: Applied Behavioral Analysis (ABA) Task Force Report

Ms. Arias Bhatia referred to the items that were provided in the Board packets and summarized the three motions that were passed during the meeting on January 26th, 2015. The motions passed were: 1) that any licensure bill will contain an exemption for
psychologists and their supervisees, 2) that any licensure bill exclude diagnosis in the
ABA practitioner scope of practice, and 3) that it be communicated that ABA is within
the scope of practice for licensed psychologists. In addition, a fourth motion was passed
for the staff to make a report on the potential impact to the Board of housing ABA. Ms.
Arias-Bhatia referred to the hand carry fiscal analysis that elaborated on the impact.

Dr. Horn asked about the fiscal IT impact and if the expenditure and revenue would
even out. Mr. Burke explained that the IT cost would be a one-time fee and that the
expenditure and revenue would even out as time progresses.

Ms. Sorrick stated that the fiscal analysis was to be included in the legislative analysis
when the bill was proposed.

Ms. Jones asked if there was any update from Senator Bates' office regarding
legislation. Ms. Sorrick stated that the Board heard from Senator Bates' office that this
will be a bill and asked Dr. Linder-Crow for more information.

Dr. Linder-Crow stated there is no bill yet, but CPA's Director of Government Affairs has
provided language that was agreed upon at the meeting. She stated that the language
will not be seen until after the deadline which is Friday, February 27, 2015.

**Agenda Item #7: CLOSED SESSION**
The Board met in closed session pursuant to Government Code Section 11126(c)(3) to
discuss and vote on disciplinary matters including stipulations and proposed decisions,
and pursuant to Government Code Section 11126(e)(1) to discuss pending litigation
(Weiss v. Board of Psychology, Case No. CPF-14-514011)

**Return to Open Session**
Dr. Erickson called the meeting back to order and invited Dr. Horn to present the
Licensing Committee report.

**Agenda Item #8: Presentation of Licensing Committee Report and Consideration
of Committee Recommendations – Horn**
Dr. Horn provided a summary of the Licensing Committee's meeting.

a) **Application Report**
Dr. Horn referred the Board to the application report provided in the Board packets.

b) **Examination Report**
Dr. Horn referred the Board to the examination report and statistics for the examinations
provided in the Board packets.

c) **Renewal Report**
Dr. Horn referred the Board to the renewal report provided in the Board packet.

d) Continuing Education Report

Dr. Horn referred to the Continuing Education (CE) report regarding audits and compliance provided in the Board packets.

e) Discussion and Consideration of Comments to Association of State and Provincial Psychology Board (ASPPB) Draft Supervision Guidelines

Dr. Horn referred to the guidelines provided in the Board packets and stated that ASPPB is looking for comments from the Board.

Dr. Harlem discussed issues surrounding the guidelines of supervisors personally observing a videotaped or live session in supervision settings and the mechanics of how videotaping sessions takes place. In addition, he addressed patient dignity and the intrusiveness of a video recording device during a session. Dr. Harlem also stated that almost all facilities do not have the necessary means to protect patient dignity during a videotaped session. He also stated that the Board should not assume that videotaping would facilitate better services.

Dr. Harlem stated that the guidelines for allowing payment of supervision at the postdoctoral level may be a good idea from a consumer protection standpoint. He added that he believes quality supervision is vital for quality consumer protection and services.

Dr. Horn said that the Committee will be reviewing the Draft Guidelines at its next meeting.

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

Dr. Horn referred to the Licensing Action Plan provided in the Board packets.

g) Public Comment for Items Not on the Agenda

No public comment was received.

It was M(Horn)/S(Phillips)/C that the Board approve the Licensing Committee's recommendations on items A through G.

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

h) Licensing Committee Report on Closed Session Items
(1) Request from N.P. for an extension of the 30-consecutive month requirement to accrue 1500 hours of post-doctoral supervised professional experience pursuant to section 1387(a) of the California Code of Regulations.

Dr. Horn summarized N.P.'s request for an extension of the 30-consecutive month requirement to accrue 1500 hours of post-doctoral supervised professional experience. She stated that the Licensing Committee recommends that the Board approve N.P.'s request for the extension.

It was M(Horn)/S(Acquaye-Baddoo)/C to approve N.P.'s request for an extension of the 30-consecutive month requirement.

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

(2) Request from A.M. for an extension of the 30-consecutive month requirement to accrue 1500 hours of post-doctoral supervised professional experience pursuant to section 1387(a) of the California Code of Regulations.

Dr. Horn summarized A.M.'s request for an extension of the 30-consecutive month requirement to accrue 1500 hours of post-doctoral supervised professional experience. She stated that the Licensing Committee recommends that the Board approve A.M.'s request for the extension.

It was M(Horn)/S(Phillips)/C to approve A.M.'s request for an extension of the 30-consecutive month requirement.

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

(3) Request from J.M. for an extension of the 30-consecutive month requirement to accrue 1500 hours of post-doctoral supervised professional experience pursuant to section 1387(a) of the California Code of Regulations.

Dr. Horn summarized J.M.'s request for an extension of the 30-consecutive month requirement to accrue 1500 hours of post-doctoral supervised professional experience. She stated that the Licensing Committee recommends that the Board approve J.M.'s request for the extension.

It was M(Horn)/S(Acquaye-Baddoo)/C to approve the extension of the 30-consecutive month requirement.

Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr, Acquaye-Baddoo) – 0 nay.
(4) Request from S.M. for an exception from the Continuing Education requirements
pursuant to section 1397.62(b) of the California Code of Regulations.

Dr. Horn summarized S.M.'s request for an exception from the CE requirements.
She indicated that in order to qualify for an exception, the licensee must not be
engaged in the direct delivery of mental health services, there must be an absence
of available CE courses relevant to the specific area of practice, and the coursework
submitted to fulfill the CE requirements must be acceptable. She stated that S.M.
received the required CE hours in other ways, mostly pedagogical, and reported that
the Licensing Committee recommends approving the exception.

It was M(Horn)/S(Phillips) to approve the exemption from the CE requirements.

Dr. Harlem questioned the evidence behind the claim that CE courses are
unavailable regarding teaching neuroscience and psychology. Dr. Horn stated that
she appreciates Dr. Harlem’s concerns, but stated that S.M. is teaching
neuroscience rather than neuropsychology, therefore, the CE courses in
neuroscience appear sufficient.

Dr. Gallardo stated that this person’s CE hours appear to relate more to being a
professor rather than a licensee of the Board.

Dr. Phillips stated that the scope of a license does not have to relate only to mental
health practices, but also neuroscience and other areas of the practice of
psychology.

Ms. Acquaye-Baddoo stated that this person does not appear to be practicing
psychology as it applies to her understanding of the scope of practice.

Dr. Gallardo pointed out that although S.M. does not provide therapy, he or she
could start practicing psychology at any moment. He stated that this is problematic
when he or she has not taken proper CE courses related to that kind of practice.

Dr. Harlem also pointed out that by granting this person the license exception, the
Board is assuming that he or she is up to date with laws and regulations.

Dr. Horn amended her motion to state that the Board will contact S.M to receive
more information regarding this person’s profession.

It was M(Horn)/S(Phillips)/C to contact this person to get more information about two
specific areas: 1) clarification regarding the nature of S.M.’s profession; and 2) the
unavailability of CE courses in S.M.’s specific area of practice, and to bring back
issue to the full Board.

Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
Acquaye-Baddoo) – 0 nay.
Agenda Item #9: Introduction of Licensing Staff

Ms. Johnson introduced the following Licensing staff including Annette Parino, Audrey Watkins, Liezel Isadore, Julie Brown, Molly Olson, Kelli Okuma, and Tammey Bailey.

Dr. Erickson thanked all of the Licensing staff for their work and commended them on their turnaround of the licensing timeframes.

Agenda Item #10: Overview of Sunset Review Process – Le Ondra Clark, PhD, Chief Consultant, Assembly Committee on Business and Professions

Dr. Erickson invited Dr. Clark to speak about the sunset review process.

Dr. Clark stated that about every four (4) years, the Committee reviews all entities under DCA. She added that hearings for each board are scheduled in March. During the hearing, four or five issues are addressed with the Board President and/or Executive Officer. After the hearing, the Board has 30 days to address issues addressed in the background paper before reporting to either the Senate or Assembly. In addition, she stated that statutory changes are also addressed in the sunset legislation.

Ms. Jones asked how it is decided to which branch of the legislature the report after 30 days is sent. Dr. Clark stated that there is no formula, but consultants on the Committee and the House chairpersons provide input.

Dr. Erickson thanked Dr. Clark for her overview and presentation.

Agenda Item #11: Overview of the Legislative and Regulatory Process – Justin Paddock, Assistant Deputy Director, Legislative and Policy Review Division, Department of Consumer Affairs

Dr. Erickson invited Mr. Paddock to speak. Mr. Paddock provided an overview of a board’s role in the legislative and regulatory process. He stated that statutory changes are a lot of work and require Board approved language the autumn before the session where it is planned to be introduced. Technical changes to a Practice Act are most easily made during the Sunset Review process. The Board may also adopt formal positions on proposed legislation and lobby legislators, provide technical guidance, and Committee testimony. Regulatory changes are simpler, but require compliance with Office of Administrative Law (OAL) standards.

Mr. Paddock asked if there were any questions or comments from the Board Members.

Dr. Erickson thanked Mr. Paddock for his presentation.

Agenda Item #12: Presentation of Policy and Advocacy Committee Report; Consideration of Committee Recommendations – Jones
Ms. Jones provided a summary of the Policy and Advocacy Committee’s meeting.

a) Legislation Update and Review; Recommendations to Full Board

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

Ms. Jones summarized the bill and reported that the language in the bill was approved by the Board in August. She indicated that it has since been submitted to Legislative Counsel and is being authored by Assemblymember Susan Eggman. She stated that the bill was introduced on February 25th as AB 705.

Ms. Jones stated that the Policy and Advocacy Committee is recommending that the Board adopt a Support position for this bill.

2) Senate Business, Professions, and Economic Development Proposal Regarding Submission of Supervised Professional Experience (Business and Professions Code Section 2914(g))

Ms. Jones summarized the bill and reported that this item concerns the Board's Omnibus bill proposal for the Senate B&P Committee. She stated that it was accepted by the Senate B&P Committee.

Ms. Jones stated that the Policy and Advocacy Committee is recommending that the Board adopt a Support position for this bill.

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

Ms. Jones summarized the proposal and stated that it was deemed too substantial for the Omnibus legislation by the Senate B&P Committee. Therefore, the Board turned it into a legislative proposal that was submitted to Legislative Counsel before the deadline by Assemblymember Catherine Baker.

Ms. Jones stated that the Policy and Advocacy Committee is recommending that the Board adopt a Support position for this bill once it is introduced contingent upon it being introduced as it was approved by the Board and submitted to the author.

4) Discussion and Consideration of Business and Professions Code Section 2903 - Licensure Requirement; Practice of Psychology; Psychotherapy; Fee

Ms. Jones stated that Legal Counsel expressed concern with the language that was approved by the Board at the January meeting. She referred to the new proposed language provided in the meeting packets.
Ms. Jones stated that the Policy and Advocacy Committee is recommending that the Board approve the proposed language as written and to give staff the authority to seek a legislative change.

5) Expiration of License/Birth Date Renewal Legislative Proposal (Business and Professions Code Section 2982)

Ms. Jones summarized the proposal and stated that it had been introduced by Assemblymember Catherine Baker as AB 773.

Ms. Jones stated that the Policy and Advocacy Committee is recommending that the Board adopt a Support position for this bill once it is introduced contingent upon it being introduced as it was approved by the Board and submitted to the author.

6) SB 128 (Wolk) – End of Life

Ms. Jones reported that the Board staff began watching this bill because it is based on the Death with Dignity Law that is in place in the state of Oregon that allows a licensed psychologist to counsel a person wishing to end his or her life and determine if he or she is competent to make the decision. She indicated that no position is required because the legislation does not directly impact psychologists. Board staff will continue to watch this bill.

7) AB 2198 (Levine) – Suicide Prevention – Update

Ms. Jones summarized the history of AB 2198 from the previous legislative session. She stated that some of the surveys the Board distributed were returned and collected. She indicated that Dr. Linder-Crow offered CPA’s assistance in distributing the surveys and collecting additional responses. Dr. Gallardo asked what kind of action the Board needs to take to meet the issues raised in the Governor’s veto letter. Ms. Jones responded that the Committee is going to work with the other stakeholders and interested parties in formulating a response to the Governor’s veto message. Mr. Burke stated that the Board is collecting data to show whether suicide prevention is already being taught and will be continually providing this information to the Board. Public comment was then requested.

Mr. Gordon Dowdy thanked and applauded the Board for taking action, as well as the Board of Behavioral Sciences. He stated that the responses to the survey appeared to show gaps and inconsistency. He pointed out that those advocates of suicide awareness and supporters of AB 2198 (Levine) were left out of the discussion.

Victor Ojakian asked how many questions the Board asks on examinations for licensure regarding suicide prevention. He also asked about the progress on the work group/task force and what the Board will do with the list of coursework that has been collected. He pointed out that the suicide rates have been increasing and it is a huge public health problem. In addition, he pointed out that he refers people who are at risk for committing suicide to psychologists and that these psychologists should be highly competent.
Craig Lomax thanked the Board for their work and following through with a survey. In his own experience, he has come across numerous mental health practitioners, some of whom were competent and others not. He asked if the Board knows whether the psychologists are competent at the point of licensing.

Dr. Tabackin suggested programs that start suicide awareness and prevention in schools from the beginning.

b) Update regarding the California Child Abuse and Neglect Reporting Act (CANRA) and Mandated Reporting – Penal Code Sections 281.5, 288, and 11165.1

Ms. Jones provided a summary of the Policy and Advocacy Committee CANRA report. The item was informational and no action was requested.

c) Regulation Update, and Review; Recommendations to Full Board

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

Ms. Jones provided a summary of the Policy and Advocacy Committee Uniform Standards Related to Substance Abuse and Disciplinary Guidelines report. The item was informational and no action was requested.

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

Ms. Jones provided a summary of the Policy and Advocacy Committee Examinations regulation. The item was informational and no action was requested.

3) 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 invited public comment and testimony regarding the continuing education regulatory changes.

Mr. Heppler gave a brief overview of the modification of regulations process and how the public comments have been and will be handled. He stated that the Board would need a motion to reconsider the proposal if the Board wishes to do so.

Dr. Horn argued in favor of the motion of reconsideration due to public comment and concern. She welcomed public comment and expressed appreciation for it.
Dr. Gallardo expressed concern for public comment that is being provided now rather than having it being provided along the way. He pointed out that the Board has been transparent in the process and some of the comments have demonstrated a lack of knowledge as to what the proposed regulation actually does.

Ms. Acquaye-Baddoo stated that people should have been aware of the proposal. She stated that reconsidering would be wise because the process has led to this.

It was M(Phillips)/S(Harlem)/C for reconsideration of the vote in the November meeting to move forward with the regulations.

Dr. Harlem expressed agreement with Dr. Gallardo. He stated that this project is very ambitious and that it is a major culture change.

Ms. Jones expressed agreement with Dr. Gallardo. She pointed out that not everyone will agree with monumental change, and the Board should respect comments while also respecting the Board’s work.

Ms. Arias-Bhatia stated that she views this situation as a part of the process.

Dr. Phillips stated that some of the reaction has made it appear as if the Board has attempted subterfuge against the public and its licensee population. He added that he thinks that some legitimate concerns were raised, as well as many others that are unrelated.

Ms. Starr and Dr. Erickson expressed agreement with the other Board members.

Dr. Linder-Crow urged the Board to reconsider and allow public comment on the guidelines.

Dr. Immoos thanked the Committee for their work, but supports reconsideration.

Dr. Schaefer thanked the Board for their work and supports the reconsideration.

Dr. Heibert strongly supports the Board voting yes on this motion.

Dr. McCall stated that he supports the motion for reconsideration.

Dr. Wong stated that he supports the motion for reconsideration.

Dr. Trybus stated that he supports the motion to reconsider.

Dr. McCrory stated that she supports the motion to reconsider.

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

Discussion ensued. Members of the public commented on the proposed regulations.
Dr. Linder-Crow stated that she wanted to let the Board know that many positive messages were provided to CPA. Many individuals thanked the Board for allowing comments and for paying attention to concerns that have been raised. She stated that there is confusion about what people are reading. She stated that there needs to be a lot of education after any regulatory change. There is lack of clarity in some aspects of the proposal and she suggested clarifying these aspects during discussion and through outreach.

Dr. Erickson summarized the chronology and timeline concerning what the Board has done with regard to this project.

Ms. Jones expressed concern with the level of the Board’s communication with the public.

Dr. Erickson stated that the options are to either continue the process, allowing the proposal move forward, or stop the process and completely reconsider. He added that a 15-day notice could be done if there are changes that need to be made which would allow the proposal to be completed within the one-year window.

Dr. Harlem stated that the original intent is generally reflected in this proposal; however, he stated that the part where the original intent was lost is with the cap of 18 hours. The 18-hour cap has detracted from the original intent. He stated that he thinks if the Board removed the cap, the Board would achieve its aims. He proposed raising the cap from 18 hours to 36 hours. In addition, he remained concerned about a lack of clarity in some areas.

Dr. Phillips thanked Dr. Harlem. He acknowledged that licensees felt that they had not received adequate notice, but he stated it is their own responsibility to keep up with the processes of the Board. He stated that change is difficult, but in order to teach the public about the new system, the regulation needs to be in place first. He added that there needs to be an incentive to be involved and that he is not sympathetic to licensees that are not interested in maintaining competency. He pointed out that it is not all about the licensees, but it is also more about the protection of the consumers in California. He suggested maintaining a cap of traditional CE hours.

Dr. Gallardo expressed strong agreement with Dr. Phillips. To add to his comments, he stated that given the comments, he thinks that the Board should pull back and do more work on the proposal. He stated that there still needs to be a cap on the amount of traditional CE units that are allowed. He stated that traditional education process is not serving the consumers in the best way and that he will not personally support leaving it at 36 hours. He stated that the Board also advocates for psychologists as consumers, as well as the public. He agreed with Harlem’s point regarding the beginning intent of the proposal.
Dr. Horn stated that she strongly agrees with both Dr. Gallardo and Dr. Phillips. She stated that she is the one who brought the ASPPB guidelines to the Board. She directed the audience to the website which addresses the guidelines and the intent behind them. She stated that this change will help improve and evolve competency, but recognizes that the proposal is a major change in the established way of doing things. She stated that she doesn’t believe the cap should be removed completely.

Ms. Starr stated that she agrees with Dr. Phillips and acknowledged that change is difficult.

Ms. Acquaye-Baddoo stated that she agrees with Dr. Harlem. She expressed desire to gain the approval of the psychologists and keep everyone informed.

Ms. Jones stated that she agrees with Dr. Gallardo, Dr. Horn, and Dr. Phillips. She stated that they should maintain what the changes are and extend the public comment period. She suggested educating the public, perhaps with a synopsis. She expressed concern regarding whether or not the Board is communicating effectively with its stakeholders and the public.

Dr. Gallardo stated that he is okay with shifting the capped hour amount a little bit, but not leaving it at 36 hours.

Dr. Harlem stated that he does not believe the Board has to impose requirements down for licensees to do the right thing. He added that he is seeking to get people to work together rather than providing something for them to create resistance around.

Dr. Phillips stated that there is a group of people who would only choose to do the 36 hours. He added that that group is the one that concerns him.

Mr. Thomas pointed out that the regulations would not take complete effect until two years after they have been adopted.

It was M(Phillips)/S(Gallardo)/C to modify the text to increase the cap of Sponsored Continuing Education from 18 hours to 27 hours.

Ms. Marks stated that a 15-day notice would be sufficient with this motion.

Dr. Harlem stated that he believes that the proposal conveys some flexibility, but it is inadequate.

Dr. Phillips expressed concerns with becoming more specific in regulations in fear of psychologists feeling like the Board is micromanaging their activities.

Ms. Jones asked if the Board could have a 15-day period, hold a committee meeting, and then come back to the Board. She pointed out that it is the Board’s responsibility to take all of the comments into account.
Dr. Phillips stated that the Board is addressing the primary concern. He suggested the formation of a committee to determine if additional changes are necessary and for ongoing evaluation of their impact. He pointed out that changes can be made later, especially after people start working with the regulation as it is newly implemented.

Mr. Heppler stated the Board can offer interpretive guidance, but specificity is provided in regulations.

Dr. Linder-Crow offered a caution about drawing a conclusion about CE and how it affects practice. She stated that there is evidence that didactic CE is the least effective way. She also stated that she does not think that the majority of comments raised by CPA’s members were concerns about convenience. She stated that most psychologists will not be inconvenienced. She stated that it is a false assumption that changing to 27 hours rather than 36 hours will solve the problem, but it is an issue of trust between Board and licensees.

Vote: 7 aye (Gallardo, Horn, Phillips, Erickson, Jones, Arias-Bhatia, Starr) – 2 nay (Harlem, Acquaye-Baddoo)

It was M(Harlem)/S(Starr)/C to delegate the authority to the executive officer to adopt the text in the absence of any negative comments after the public comment period.

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

It was M(Jones)/S(Acquaye-Baddoo)/C to direct staff to compile the feedback that was provided at this Board meeting and others regarding information that could possibly be forwarded to the Licensing Committee to consider for future changes.

Dr. Gale suggested enabling two-way comments via his website.

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

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

Ms. Jones summarized the discussion that was held during the Policy and Advocacy Committee’s meeting regarding the proposed language for filing of addresses. She indicated that many concerns were raised, including safety concerns about accessibility of home addresses of licensees to the public. She recommended that revised language be brought back to the Board at its May Board meeting.

It was M(Starr)/S(Arias-Bhatia)/C to adopt the recommendations of the Committee.
Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr, Acquaye-Baddoo) – 0 nay.

The Board adjourned at 5:54 p.m.

**Agenda Item #13: Roll Call and Establishment of Quorum**

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.

**Friday, February 27, 2015**

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

**Others Present:**
- Antonette Sorrick, Executive Officer
- Jeffrey Thomas, Assistant Executive Officer
- Sandra Monerrubio, Enforcement Program Manager
- Karen Johnson, Licensing Coordinator
- Jonathan Burke, Administrative Coordinator
- Norine Marks, DCA Legal Counsel
- Kurt Heppler, DCA Legal Counsel
- Jo Linder-Crow, PhD, California Psychological Association
- Pamela McCrory, PhD, Los Angeles County Psychological Association
- Melodie Schaefer, PsyD, California Psychological Association Division I, II,
- California Psychology Internship Council
- Talia Cortese, Center for Public Interest Law
- Raymond J. Trybus, PhD, Walden University, San Diego Psychological Association
- Christina Versari, PhD, San Diego University for Integrative Studies

**Agenda Item #14: Budget Report**
Mark Ito and Robert De los Reyes referred to the simplified fund condition and the fund condition in which the 2013 fiscal year data is shown.

Dr. Horn asked what a healthy reserve is.

Mr. Ito stated that it is three (3) months. Mr. De los Reyes stated that a program can stay twenty-four (24) months in reserve, but three (3) months in reserve is traditional in the program.

Dr. Erickson said some money is put into the general fund and asked what the Board does when they get the money back.

Mr. Ito stated that an annual assessment is conducted on the funds to find out if a loan repayment needs to be paid at that point.

Mr. De los Reyes stated that nothing is scheduled in the conceivable future based on the status of the fund currently.

Ms. Sorrick stated that the Governor said they would repay loans, but there is no concrete schedule in place. In addition, the Governor has made a statement that doing so was his goal.

Mr. Ito referred to a third attachment with information regarding staff and operating fees.

Ms. Jones stated that more money should be spent on postage and communication generally.

Mr. Ito stated that they could reallocate the extra dollars to address that issue.

**Agenda Item #15: Introduction of Administrative Staff**

Mr. Burke introduced the following Administrative staff Diana Crosby, Chris Siepert (Not present), and Taylor Hattersley.

Dr. Erickson thanked Mr. Burke and the Administrative staff for their hard work and the materials they provide for the meeting.

**Agenda Item #16: Enforcement Report**

Dr. Erickson invited Ms. Monerrubio to begin the Enforcement Report.

Ms. Monerrubio referred the Board to the informational items provided in the Board packets.

Dr. Harlem asked if, in the last two years and based on the provided data, more complaints are resulting in open investigations.
Ms. Monterrubio stated that the data is based off of BreEZe and that the number of complaints is still the same.

**Agenda Item #17: Introduction of Enforcement Staff**

Ms. Monterrubio introduced the following Enforcement staff: Joana Castillo, Ashley Castleberry, Deborah Morales, Rob Loyola, Corey Brasier, Denise Russell, and Barbara Tanner.

Dr. Erickson thanked Ms. Monterrubio and the Enforcement staff for their work.

**Agenda Item #18: Bureau for Private Postsecondary Education -- Update on Requirement for Accreditation of Degree-granting Institutions -- Joanne Wenzel, Chief, Bureau for Private Postsecondary Education**

Dr. Erickson invited Ms. Wenzel to begin her presentation.

Ms. Wenzel reported that new legislation went into effect that changed the minimum operating standards of private postsecondary institutions in California. She stated that BPPE had a mandate to adopt emergency regulations that went into effect on February 1st of 2015.

She summarized the timelines and mandates of the Bureau that were provided in the Board packets. Dr. Harlem asked if it was true that degree-granting institutions need BPPE approval. Ms. Wenzel replied that they do, unless they are exempt. Dr. Harlem asked what the conditions are for an exemption. Ms. Wenzel stated that an exemption can be approved for about eight (8) or nine (9) reasons. The requirements for the ability to claim an exemption has been counterbalance due to federal regulations that require state authorization. Dr. Harlem asked for clarification regarding whether or not these changes are affecting the exemption process. Ms. Wenzel replied that these changes do not affect the exemption process or requirements. Public comment was then invited.

Steve Arthur requested that the Board take a more passive stance on what the BPPE is doing. He stated the Bureau has not protected institutions in the past, such as his own. He added that the proposed August legislation was not fact-based and institutions were provided little time for hearing. He expressed concern that institutions, such as his own, would be discontinued within a three (3) month period, similar to a previous situation involving the Board that he cited from 2007 or 2008. Mr. Arthur provided letters to the Board members concerning the issue.

Dr. Horn clarified that the Bureau, as it existed at the time, had come under scrutiny because they were not actually requiring the approved schools to do what they needed to do in statute. She stated the Board had concerns about the approved schools and the BPPE was going through the sunset process. The Board voted to allow students who were in the approved programs to have five or six years from the date of the closure to finish out their programs. At that time, the Board had decided to not allow the schools to admit any new students due to the fact that those schools would have no oversight once the BPPE was sunsetted.
Mr. Arthur claimed that Dr. Horn is incorrect and that they had to rush their previously current students through their coursework before the given deadline. He stated that he would direct the Board to the minutes where this discussion was captured.

**Agenda Item #19: Outreach and Education Committee**

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

**Agenda Item #20: Sunset Review Committee Report**

Dr. Erickson presented the Sunset Review Committee Report and referred to informational items provided in the Board packets.

**Agenda Item #21: President’s Report**

a) Ad Hoc Committee Update

1) Telepsychology Committee

Dr. Erickson referred the Board to the update provided in the Board packets. He stated that the Committee will meet again on March 23rd, 2015, at 10:00 a.m.

2) Sunset Review Committee

Dr. Erickson referred the Board to the update provided in the Board packets. He stated that the Committee met on January 20th, 2015, to consider the questions from the Senate Business, Professions, and Economic Development Committee.

3) ABA Task Force

Dr. Erickson referred the Board to the update provided in the Board packets. He stated that the next Task Force meeting is scheduled for April 27th, 2015, from 1:00 - 5:00 p.m.

4) Enforcement Committee

Dr. Erickson referred the Board to the update provided in the Board packets. He stated that the new ad hoc Enforcement Committee will consist of Ms. Acquaye-Baddoo as Chairperson as well as Dr. Phillips.

b) Draft Executive Officer Duty Statement

Dr. Erickson invited Human Resources to present about the Executive Officer Duty Statement. Betty Saeteun referred the Board to the draft of the Executive Officer Duty Statement included in the Board packets. Ms. Marks pointed out that “classification title”
was used in the duty statement and wanted to make sure that Executive Officer is recognized as not a civil position. Ms. Saeteun stated that “Executive Officer” is a type of classification, but it is not a civil service position. Ms. Marks noted that “lobbyist” is used to describe the Executive Officer when it is requires registration, and instead suggests using different language. Board members and Ms. Sorrick agreed on the term “advocate” rather than “lobbyist.”

It was M(Starr)/S(Jones)/C to adopt the amended Executive Officer Duty Statement.

Vote: 7 aye (Horn, Phillips, Erickson, Jones, Harlem, Starr, Acquaye-Baddoo) – 0 nay. (2 Members not present).

c) 2015 Meeting Calendar and Locations

Dr. Erickson referred the Board to the informational meeting calendar provided in the Board packets and summarized the scheduled dates and locations of future Board meetings.

d) Other Informational Items

Dr. Erickson presented Ms. Marks with a certificate of appreciation on behalf of the Board.

Agenda Item #22: Presentation of Outreach and Education Committee Report; Consideration of Committee Recommendations) - M. Gallardo

Dr. Gallardo provided a summary of the Outreach and Education Committee’s meeting.

a) Strategic Plan Update

Dr. Gallardo referred to the Strategic Plan Update provided in the Board packets.

b) Communications Plan Update

Dr. Gallardo referred to the Communications Plan provided in the Board packets.

c) Social Media Update

Dr. Gallardo referred the Board to the Social Media Update document that was provided in the Board packets. Ms. Jones asked that regulations be included with the Top 5 Page Hits on the Website Update memo.

d) Website Update

Dr. Gallardo referred the Board to the Website Update document that was provided in the Board packets.
Dr. Gallardo referred the Board to the newsletter that was included in the Board packets.

Dr. Gallardo referred the Board to the Outreach Activities Update document that was included in the Board packets.

It was M(Gallardo)/S(Starr)/C that that the Board accept the Agenda Items A through F of the Outreach and Education Committee report with the minor modification to the Communications Plan.

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

g) California Psychological Association Ethics Training Program

Dr. Linder-Crow informed the Committee that she is inviting the Board to partner with CPA to host a workshop on the topic of diverse perspectives on everyday ethics. She stated that this type of workshop has been done in several states. She explained that the intent of these workshops is to have a joint program between the psychological association and the licensing board. She summarized the topics and learning objectives that the workshop would address.

Mr. Heppler expressed concern about Board members providing ethical advice and stated that sponsorship might not be an option for the Board. Ms. Sorrick stated that she will work with Legal Counsel to examine the possibility of the Board’s participation in the workshop. Dr. Linder-Crow committed to submitting a proposal to the Board to be shared with legal counsel and then presented to the Board at the next meeting.

Dr. McAimond-Ross asked what advantage there is to CPA and the Board to engage in the partnership, as well as the disadvantages. Dr. Horn replied that it is not the advantage to the Board or CPA, but it is to help the consumers and licensees.

Dr. Erickson stated that he is in favor of the workshop happening.

Dr. Gallardo referred the Committee to the draft Outreach Campaign Plan provided as a hand-carry item. He indicated that this was drafted to be a two-year plan rather than an annual plan. Dr. Horn expressed appreciation for the intent behind the Campaign Proposal and commended the Board staff for addressing different ways to reach out to the public. Ms. Sorrick asked that an amendment be made to the Campaign Proposal that changes the dates to “2015-2017.”
It was M(Gallardo)/S(Acquaye-Baddoo)/C to accept the Outreach Campaign Plan as slightly amended to reflect the 2015-2017 implementation dates for approval and acceptance to move forward.

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

i) Public Comment for Items not on the Agenda

No public comment was offered.

Agenda Item #23: Executive Officer’s Report

Dr. Erickson invited Ms. Sorrick to begin the Executive Officer Report.

a) Organization Update

Ms. Sorrick referred the Board to the informational update items provided in the Board packets.

b) CPS Program Analysis Update

Ms. Sorrick referred the Board to the informational update items provided in the Board packets.

c) Other Informational Items

None.

Agenda Item #24: Recommendations for Agenda Items for Future Board Meetings

Ms. Jones asked if the Board would be inviting OPES back to a future Board meeting for more data and an opportunity for the public to comment.

Ms. Sorrick stated that, at the last meeting, Dr. Harlem raised an issue with the statistical significance of the passing rates. A letter was then drafted to OPES, which was responded to by OPES, and distributed to Board members.

Agenda Item #25: Adjournment

The Board adjourned at 4:05 p.m.

President

Date 6/10/15