Tuesday, June 23, 2015

Michael Erickson, PhD, Board President, called the open session meeting to order at 10:00 a.m. A quorum was present and due notice has 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 (via teleconference)
Miguel Gallardo, PsyD (via teleconference)
Jacqueline Horn, PhD
Stephen Phillips, PsyD
Linda Starr, Public Member

Others Present:
Antonette Sorrick, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Sandra Monterrubio, Enforcement Program Manager
Karen Johnson, Licensing Coordinator
Jonathan Burke, Administrative Coordinator
Jacquelin Everhart, Continuing Education and Renewals Coordinator
Norine Marks, DCA Legal Counsel
Kurt Heppler, DCA Legal Counsel

Agenda Item #2: President’s Welcome

Dr. Erickson welcomed the public, Board members, and Board staff, and thanked everyone for their attendance. Board members Dr. Horn and Ms. Arias-Bhatia, having been reappointed to the Board by Governor Jerry Brown, were sworn into office by Dr. Erickson.
Agenda Item #3: Public Comment for Items not on the Agenda

No public comments were received.

Agenda Item #4: ASPPB Mid-Year Meeting Report

Dr. Horn reported on her attendance and participation in the Association of State and Provincial Psychology Boards’ (ASPPB) 30th Midyear Meeting held April 16 through 19, 2015, in Atlanta, Georgia. The topic of the meeting was “Competency is Not Forever - Maintaining Professional Competence and Avoiding Professional Incapacity.” She stated that the speakers addressed the need to make distinctions between incapacity and incompetency, and reviewed the types of actions regulators may take when addressing actions involving an impaired licensee versus an incompetent licensee. She indicated that the question of whether or not licensees should have to demonstrate their continued competency to practice was discussed, and methods of how that could be achieved were considered.

Agenda Item #5: Legislation Update and Review

A-N) Mr. Burke reported that the staff recommends that the Board maintains a watch position on the following bills: Assembly Bills 12 (Cooley), 19 (Chang), 259 (Dababneh), 483 (Patterson), 507 (Olsen), 611 (Dahle), 618 (Maienschein), 848 (Stone), 1279 (Holden), and Senate Bills 52 (Walters), 128 (Wolk), 130 (Roth), 259 (Bates) and 272 (Hertzberg). He indicated that there have been no substantive changes to these bills, and the Board’s watch position is still on record.

O) Senate Bill 468 (Hill) Bureau of Security and Investigative Services

Mr. Burke reported that the Board took an oppose unless amended position in May 2015. The Board proposed amendments to section 7583.23(e) of the Business and Professions Code, which was sent to the author and the Senate Committee. Both the stakeholders and the Committee members agreed to add the language to the bill. The staff’s recommendation is to take a neutral if amended position. Dr. Horn says that because the proposed changes by the Board have not been officially added, the Board should remain oppose unless amended.

It was M(Horn)/S(Jones)/C to remain opposed unless amended, and delegate authority to staff to report a neutral if amended position once the Board’s requested amendments have been incorporated.

Vote: 7 aye (Erickson, Jones, Acquaye-Baddoo, Arias-Bhatia, Gallardo, Horn, Phillips) 1 abstain (Starr) 0 nay

P) AB 705 (Eggman) Exempt Settings (Business and Professions Code Sections 2909, 2909.5, 2910)
Mr. Burke reported that AB 705 is scheduled for hearing with the Senate Appropriations Committee on June 29, 2015.

Q) AB 773 (Baker) Expiration of License/Birth Date Renewal

Mr. Burke reported that AB 773 is on suspense.

R) AB 750 (Low) Business and professions: licenses

Mr. Burke reported that AB 750 is on suspense.

S) AB 832 (Garcia) Child Abuse: Reportable Conduct

Mr. Burke reported that the Board’s requested amendment to AB 832 was accepted by the author, however, the bill is being held until next legislative session.

It was M(Starr)/S(Acquaye-Baddoo)/C to support AB 832.

Vote: 8 yay (Erickson, Jones, Acquaye-Baddoo, Arias-Bhatia, Gallardo, Horn, Phillips, Starr) 0 nay

T) AB 1374 (Levine) – Submission of Supervised Professional Experience/Fee

Mr. Burke reported that AB 1374 is scheduled for hearing with the Senate Appropriations Committee on June 29, 2015.

U) SB 800 (Senate Business, Professions, and Economic Development Committee) Healing Arts Omnibus Bill

Mr. Burke reported that SB 800 is scheduled for Assembly Business and Professions Committee meeting on July 7, 2015.

V) SB 479 (Bates) Healing Arts: ABA

Mr. Burke reported that staff recommended the Board consider a proposed amendment that the new board member position be a licensed psychologist who is certified in ABA and that subsequent board member appointments should be licensed as a psychologist as well as a licensed Applied Behavioral Analyst.

It was M(Arias-Bhatia)/S(Erickson)/C to seek an amendment to SB 479 to accept staff recommendation that the appointed board member, licensed as a psychologist, must be certified in ABA and subsequent appointments must be licensed psychologists who are also licensed as an ABA practitioner.

Vote: 7 aye (Erickson, Jones, Acquaye-Baddoo, Arias-Bhatia, Gallardo, Horn, Phillips, Starr) 1 nay (Jones)
It was M(Erickson)/S(Starr)/C that the public board member position not be required to be a consumer of applied behavioral analysis.

Vote: 6 aye (Erickson, Acquaye-Baddoo, Gallardo, Horn, Phillips, Starr) 2 nay (Jones, Arias-Bhatia)

It was M(Jones)/S(Erickson)/C to create a registration classification for persons performing paraprofessional services at the direction of an Applied Behavioral Analyst.

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

It was M(Horn)/S(Acquaye-Baddoo)/C to delete section 2999.37(f) of the proposed language as unnecessary in light of the requirement to be registered.

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

It was M(Erickson)/S(Acquaye-Baddoo)/C to direct staff to work with legal counsel to amend sections 2999.33(b) and (d) to clarify that applicants must provide verification to the Board that they meet licensure qualifications, and proof of supervision.

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

It was M(Horn)/S(Jones)/C to accept staff recommendations to amend section 2999.44 (renewals), to make amendments throughout the bill where appropriate to permitting licensed psychologists to supervise assistant behavioral analysts, and to specify the percentage of time consistent with BACB requirement that a licensed behavioral analyst and licensed psychologist can supervise an assistant behavioral analyst.

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

It was M(Starr)/S(Acquaye-Baddoo)/C to accept staff recommendations to amend section 2999.44 establishing continuing education requirements for licensed behavior analysts and assistant behavioral analysts.

Vote: 7 aye (Erickson, Jones, Acquaye-Baddoo, Gallardo, Horn, Phillips, Starr) 0 nay 1 abstain (Arias-Bhatia)

Mr. Burke reported that the Board’s current position on SB 479 is support if amended. Staff recommended the Board consider an opposed unless amended position considering some issues of concern relative to consumer protection.
It was M(Jones)/S(Erickson)/C to support SB 479 if amended.

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

W) AB 85 (Wilk) Open Meetings
The Board did not discuss this agenda item.

X) AB 333 (Melendez) Healing Arts: Continuing Education
Mr. Burke reported that the Board previously took an oppose position on AB 333. The bill was amended in the Senate Business and Professions Committee but the language has not yet been amended.

It was M(Phillips)/S(Erickson)/C to delegate authority to staff to amend the Board’s position to neutral once the language has been amended.

Vote: 7 aye (Acquaye-Baddoo, Phillips, Horn, Jones, Erickson, Arias-Bhatia, Starr) 0 nay

Y) AB 796 (Nazarian) Health Care Coverage: Autism and Pervasive Developmental Disorders
The Board did not discuss this agenda item.

Z) AB 2198 (Levine) Suicide Prevention - Update
The Board did not discuss this agenda item.

AA) Update Regarding the California Child Abuse and Neglect Reporting Act (CANRA) and Mandated Reporting – Penal Code Sections 261.5, 288, and 11165.1
The Board did not discuss this agenda item.

**Agenda Item #6: Regulation Update and Review**

a) 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 Office of Administrative Law (OAL) approved the regulatory proposal regarding examinations; in part, effective July 1 the CPSE will be eliminated and the CPLEE will be in place.
b) 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 – Consideration of
Committee Recommendation to Adopt with the Modified Text and Consider all
Comments Provided to the Board since January 21, 2015

Dr. Erickson provided a chronology of the history of the proposed regulatory
amendments. The Board reviewed and discussed the public comments.

It was M(Starr)/S(Phillips) to adopt the modifications as noticed.

Vote: 4 aye (Phillips, Horn, Starr, Gallardo) 4 nay (Jones, Erickson, Acquaye-Baddoo,
Arias-Bhatia). The motion did not carry.

It was M(Horn)/S(Arias-Bhatia)/C to modify the proposed language maintaining the 27
hour cap and extending the effective date of the proposed regulations to January 2017,
to notice the modifications for a 15-day public comment period, and, in the absence of
any adverse comments, to delegate authority to the executive officer to prepare the
rulemaking file and submit it to the Office of Administrative Law.

Vote: 7 aye (Arias-Bhatia, Phillips, Horn, Jones, Erickson, Acquaye-Baddoo, Starr) 0
nay

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

Mr. Burke reported that the Uniform Standards Related to Substance Abuse and
Disciplinary Guidelines have been submitted again.

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

Mr. Burke reported that the proposed amendment regarding the filing of addresses
has been noticed and is currently in the 45-day comment period. The hearing will be
held in August.

Agenda Item #7: Budget Report

Mr. Burke reported that the most recent budget documents were provided in the
meeting package. He stated he would have further details relative to the Governor’s
Budget at the August Board meeting.

Dr. Erickson stated that those items that were not addressed due to the time constraint
at this meeting would be on the August Board meeting agenda for review and
discussion.
Agenda Item #8: Enforcement Report

Ms. Monterrubio gave a performance measures overview of enforcement activities with the Board members.

Agenda Item #9: Enforcement Committee Update Regarding Recommendations to Amend the Disciplinary Guidelines – Title 16, CCR, Section 1397.12

Mr. Burke reported that this matter can be carried over to the August Board meeting.

Agenda Item #10: Sunset Review Committee Report

Dr. Erickson reported that the committee is scheduled to meet on July 16.

Agenda Item #11: Telepsychology Committee Report and Consideration of Draft Regulatory Language to Address Standards for Telepsychology

Dr. Philips reported that the committee is working on refining regulations defining issues of Telepsychology for psychologists.

Agenda Item #12 President's Report

a) 2015 Meeting Calendar and Locations

Ms. Sorrick reported that the August Board meeting will be held in Berkeley at The Wright Institute, the Enforcement Committee will meet on July 6, 2015, the Licensing Committee will meet on July 14, 2015, the Sunset Review Committee will meet on July 16, 2015 and the Telepsychology Committee will meet on October 13, 2015.

Agenda Item #13: Executive Officer's Report

Ms. Sorrick reported that DCA appointed a new Assistant Deputy Director of Legislative and Regulatory Review, Mr. Adam Quinonez of Sacramento.

She also reported that Ms. Jacquelin Everhart joined the BOP as the Continuing Education/Renewals Coordinator and that Taylor Hattersley left the administration unit as she was accepted to University of California, Berkeley.

She indicated that DCA Public Affairs Unit received awards from the State Information Officers Counsel; four silver medals for design and seven gold awards for video production. They received a gold award for the Board of Psychology's website and Piece of Mind publication, the Winter 2015 Newsletter, and the Board’s Strategic Plan.
Dr. Jo Linder-Crow reported that the location for its 2016 convention from April 14 – 17 will be held at the Hotel Irvine in Irvine, California. She hopes the Board can participate by attending the convention and reaching out to the licensed community.

**Agenda Item #14: Recommendations for Agenda Items for Future Board Meetings**

None.

**Agenda Item # 15: Closed Session**

The Board met in closed session pursuant to Government Code Section 11126(c)(3) to discuss and voted on disciplinary matters including stipulations and proposed decisions.

**Agenda Item #16: Adjournment**

The Board adjourned at 6:13 p.m.

[Signature]

President

[9-12-15]

Date