BOARD MEETING MINUTES

Marriott San Diego – Mission Valley
8757 Rio San Diego Drive, Meeting Room Sierra 5 & 6
San Diego, CA 92108
(619) 692-3800

Thursday, November 12, 2015

Michael Erickson, PhD, Board President, called the open session meeting to order at 9:05 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
- Jacqueline Horn, PhD
- Stephen Phillips, PsyD
- Linda Starr, Public Member

Others Present:
- Antonette Sorrick, Executive Officer
- Jeffrey Thomas, Assistant Executive Officer
- Kurt Heppler, DCA Legal Counsel
- Ravi Kapoor, DCA Legal Counsel
- Karen Johnson, Licensing/Registration Program Coordinator
- Jo Linder-Crow, PhD, California Psychological Association
- Hugh Pates, PhD, San Diego Psychological Association (SDPA)
- Darlene Hoyt, PhD, Law Enforcement Consultants
- Raymond Trybus, PhD, Walden University & SDPA
- Steven Tess, PhD, SDPA
- Patrice Darlin, USD School of Law
- Julie Hayden, Southern California Seminary
- Penny McAlmond-Ross, Psyd, Sacramento Valley Psychological Association
- Melody Schaefer, PhD, CPA-Division II, CAPIC

Agenda Item #2: President’s Welcome

Dr. Erickson welcomed those in attendance, read the Board’s mission statement, and advised that the mission statement is a lens through which the members can look at the work they are doing and be reminded of what their mission is. He announced that the Board would first consider agenda items 1 through 6 and that Item 7, Enforcement
Division Overview and Presentation, would be deferred until the February 2016 Board meeting. Dr. Erickson reported that Enforcement Program Manager, Sandra Monterrubio, would not be in attendance at today's meeting due to a death in her family. He extended condolences to Ms. Monterrubio and her family on behalf of the Board. He stated that agenda items 8, 9, 12, 16 and 19 would be considered prior to the lunch break.

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

Hugh Pate, a member of the San Diego Psychological Association, welcomed and thanked the Board for holding its meeting in San Diego. He acknowledged the Board Members for the enormous effort and energy they put into the significant decisions and challenges they faced this year.

Agenda Item #4: Approval of Minutes: May 14 - 15, 2015

Dr. Horn requested lines 304 and 305 be corrected by changing "assistant psychologists" to "psychological assistant." She referred the Board to line 340 stating that the language following 4) was unclear. Mr. Heppler recommended inserting the word "education" after "continuing" on line 342. Dr. Horn submitted a number of grammatical corrections.

It was M/(Starr)/S(Acquaye-Baddoo)/C to approve the minutes of the May 14 and 15, 2015, Board meeting as amended.

Vote: 8 - Aye (Starr, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Horn, Acquaye-Baddoo) 0 - No

Agenda Item #5: Approval of Minutes: August 13-14, 2015

Dr. Horn requested line 331 be corrected by changing Daniel Shabani's title from "Mr." to "Dr."

Dr. Erickson commented that information on line 456 was not accurate. He recommended the minutes be amended to read "Dr. Erickson said he and Dr. Harlem will discuss options including the creation of a task force to discuss action with the Board in the future."

It was M(Acquaye-Baddoo)/S(Horn)/C to approve the minutes of the August 13 and 14, 2015, Board meeting as amended.

Vote: 8 - Aye (Starr, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Horn, Acquaye-Baddoo) 0 - No

Agenda Item #6: Budget Report
Mr. Jeffrey Thomas reported that the Governor's Budget for Fiscal Year (FY) 2015/2016 includes a $4,863,000 budget for the Board of Psychology. He shared an analysis of the fund condition with the Board Members reflecting 9.7 months in reserve for FY2015/2016. Due to anticipated general fund loan repayments in FY's 2016/2017 and 2017/2018, the months in reserve are anticipated to be 24.9 and 25.1 respectively. The Department of Consumer Affairs' Budget Office and Board staff will monitor the reserves closely and will recommend licensing fee reductions if and when necessary to reduce high reserves. Mr. Thomas reviewed FY 2015/2016 expenditure projections with the Board Members.

Agenda Item #8: ASPPB 2015 Annual Meeting Synopsis

Dr. Horn reported on her attendance at the Association of State and Provincial Psychology Boards' (ASPPB) Annual Meeting held October 7 through 11, 2015, in Tempe, Arizona. The topic of the meeting was “Five Decades of Change in Psychology,” acknowledging Arizona’s 50th year regulating the profession of psychology.

Keynote Speaker David Swankin, President and CEO of Citizens Advocacy Center, a national consumer advocacy organization and provider of training to assist and guide public board members in their roles as such, informed attendees that the public has four concerns regarding the practice of psychology: 1) demonstrating current competence in clinical practice, 2) telehealth/telepsychology, 3) consequences of the U.S. Supreme Court decision in the North Carolina case as it affects public member composition of regulatory boards, and 4) a need for better consumer education by regulatory boards. Dr. Horn reported that these are all issues that California has been addressing.

Mr. Swankin informed attendees that the public believes regulatory boards require licensees demonstrate continued competence. He stated that research shows mandatory continuing education is not sufficient to guarantee competence. It is not sufficient for licensees to demonstrate knowledge of subject matter; they need to demonstrate applied knowledge.

Dr. Horn mentioned that Mr. Swankin lauded ASPPB’s support of the telepsychology state-to-state compact, and its importance in helping consumers in underserved and rural areas that lack adequate practitioners to meet public needs. He was hopeful that regulators would develop guidelines and regulations to allow practitioners to practice telepsychology.

Mr. Swankin discussed the issue of public versus licensed board member composition, stating that California is one of the only states with such a rich combination of licensees and public members. The majority of other states have one public member and up to 9 licensed members. He informed attendees that the California model should be the future direction for other states.

Dr. Horn stated that Mr. Swankin also discussed the dismal lack of consumer information on regulatory board’s websites, and the lack of ease of navigation of those
sites by consumers. The ASPPB midyear meeting in May 2016 will include a discussion on the use of social media. After learning from Dr. Horn that the Board has been utilizing social media as part of its outreach activities, ASPBB requested someone from the Board speak at the meeting on this subject.

Dr. Phillips reported that he too attended a portion of the meeting and was surprised to learn that other state's regulatory staff consisted of one individual, and that some of those board’s members are appointed by the regulated profession/association.

Dr. Phillips also reported that Dr. Horn was awarded Fellow status in ASPPB in recognition of her dedicated work and former role as President of the ASPPB.

Ms. Jones stated that the information reported by Dr. Horn could make a great article for the Board’s newsletter. Dr Horn stated she would ask Mr. Swankin to write an article for the Journal.

Ms. Arias-Bahtia asked if the Board Members could attend Mr. Swankin’s training for public board members as referenced on his biography. She offered to contact him to learn any particulars of future course offerings.

Dr. Erickson reported that Dr. Horn was asked by ASPPB to be a part-time staff member with the responsibility of the national licensing examination (EPPP) program, membership meeting program, and education and training program. She will serve as a liaison between ASPPB and the education and training community.

**Agenda Item #9: Executive Officers Report**

Ms. Sorrick reported on the following:

a) **Organization Update**

Evan Gage, Enforcement Analyst, will begin employment with the Board on November 16, 2015. Licensing Analysts Julie Brown and Liezel McCockran accepted promotional positions outside the Board. Jonathan Burke, Administrative Services Coordinator, also accepted a promotional position. Vacant positions should be filled by the end of the calendar year.

b) **CPS Program Analysis Update**

Ms. Sorrick stated that the second phase of the CPS contract has begun but is pending awaiting the outcome and effect of the Applied Behavioral Analysts legislation and Sunset Review. The contract will be amended to allow CPS to provide the Board with Succession Planning.

c) **Annual Report to the State Legislature**
Ms. Sorrick reviewed the Annual Report with the Board members. Dr. Gallardo questioned why an increase in enforcement complaints was reported as a major accomplishment. Ms. Sorrick responded that reporting it in this manner was considered an accomplishment in increased public awareness. Dr. Gallardo expressed concern that the information may not have been made clear and requested it be conceptualized better. Ms. Sorrick informed him the report had already been submitted, but if it could be amended, his concerns would be addressed.

**d) Other Informational Items**

Ms. Jones commented that while congratulations have been expressed to those departing staff members receiving promotions, she wanted to personally express on behalf of the Board her appreciation of the hard work and assistance provided by those staff.

**Agenda Item #12: Outreach and Education Committee Report and Consideration of Committee Recommendations**

**#12 a) Strategic Plan Update**

Ms. Sorrick reviewed the Updated Action Plan with the Board Members, reporting that objective timelines are currently met or exceeded.

**#12 b) Communications Plan Update**

Ms. Sorrick reviewed the Communications Plan with the Board Members, reporting that the goals and objectives of the plan are currently met or exceeded.

**#12 c) Social Media Update**

Mr. Thomas reviewed statistical data from the Board’s Facebook, Twitter and YouTube sites.

Ms. Jones requested that future updates include data on webcast committee meetings.

**#12 d) Website Update**

Mr. Thomas reviewed statistical data from the Board’s Website.

Dr. Gallardo commented that the Board’s website needs to be reviewed to ensure the site is easier to navigate. Dr. Phillips agreed that while the website has improved, further enhancement is warranted. Mr. Thomas reported that comments from stakeholders are considered when Board staff regularly reviews and updates the website.

Dr. Gallardo questioned whether consumers know that the “consumer” tab is the best selection for consumer information. He requested the Board consider a better option for
that tab. Drs. Erickson and Horn suggested that the “consumer” tab be changed to “public.” Ms. Star commented that most Boards use the term “consumer.” Mr. Thomas responded that the formatting of the website is based upon a template approved by the Governor’s Office. Dr. Gallardo asked that Mr. Thomas research the Board’s ability to change the format of the existing template used by boards within the Department of Consumer Affairs.

#12 e) Newsletter

Ms. Sorrick reviewed the Summer Journal with the Board Members, and reported that the Fall Journal is scheduled to be published prior to the February 2016 Board meeting.

#12 f) Outreach Activities Update

Ms. Sorrick reported that she and Mr. Burke, Ms. Johnson and Ms. Arias-Bhatia attended a stakeholder meeting at the Capitol to discuss SB 479 (Bates) regarding licensure of Applied Behavior Analysts.

Ms. Jones asked if Doctors Horn and Phillips were attending the ASPPB meeting as official Board representatives, and if so, why that was not reflected in this update.

Dr. Phillips stated it is mission critical that the Board’s Executive Officer be in attendance at ASPPB meetings.

#12 g) Access to Mental Healthcare in the State of California Campaign Update

Dr. Gallardo reviewed the activities undertaken thus far in the Board’s two-year campaign to improve access to mental healthcare in California, including a presentation from the Health Professions Education Foundation (HPEF) at the Board’s August 2015 meeting, and a Journal article highlighting a recipient of the Mental Health Loan Assumption Program.

Dr. Gallardo reported that in an effort to encourage licensees to contribute to the HPEF to support licensees who serve in underrepresented areas, a license renewal informational insert was recommended. Ms. Sorrick reported that the HPEF is designing and producing the insert that the Board can use for inclusion with renewal applications mailed to all licensed psychologists.

Dr. Gallardo questioned how this informative insert could be incorporated into BreEZe on-line renewals. Mr. Thomas reported that BreEZe is a standardized program for all boards and bureaus and may not be able to be customized to provide informational materials specific to individual boards and bureaus.

#12 h) Outreach to Encourage Continuing Education Courses in Geriatric Pharmacology, Psychopharmacology, and Biological Basis of Behavior Courses Pursuant to Business and Professions Code Sections 2914.1 and 2914.2
Dr. Gallardo reported that the Board is mandated to encourage licensed psychologists to take a continuing education course in geriatric pharmacology, psychopharmacology and biological basis of behavior as a part of his or her continuing education. He stated the Board is further mandated to encourage institutions that offer a doctorate degree program in psychology to include in their biobehavioral curriculum, education, and training in psychopharmacology and related topics including pharmacology and clinical pharmacology.

Ms. Sorrick informed the Board that recent compliance action included two articles published in the Board's Journal encouraging licensee participation in the referenced coursework.

Dr. Gallardo reported that the Outreach and Education Committee recommended the Board send an updated letter to graduate training programs encouraging them to include education and training in psychopharmacology coursework in their biobehavioral curriculum, as well as the related topics of pharmacology and clinical pharmacology. However, at the Committee meeting, California Psychological Association (CPA) stated it was going to identify which graduate programs are already doing this and report back to the Committee.

Dr. Gallardo stated the Outreach and Education Committee’s recommendation was premature as the decade-old guidelines have been referred to the Licensing Committee to review for current relevance, and CPA has not yet reported back to the Committee its findings regarding graduate program course offering.

It was M(Gallardo)/S(Starr)/C to accept the Committee’s report.

Vote: 8- Aye – Starr, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Horn, Acquaye-Baddoo) 0 – No

**Agenda Item #16: Enforcement Committee Report and Consideration of Committee Recommendations**

Ms. Acquaye-Baddoo reported that the Committee met and the next meeting will be held on January 22, 2016.

Ms. Sorrick reported that the Committee met in September and began its review of the disciplinary guidelines that will continue as an agenda item for the next Committee meeting.

Dr. Phillips reported that the Committee was considering the process by which experts are chosen, retained, and how they are evaluated throughout that process to ensure the Board uses consistently best experts.

**Agenda Item #19: Election of Officers**
Dr. Erickson reported that not all Board Members were in attendance at today’s meeting and asked the Board if the election of officers should proceed as agendized or be postponed to a future meeting.

Conversation ensued between members regarding appropriateness of public versus licensed members for Board President.

It was M(Erickson)/S(Starr)/C to hold the election this date as agendized.

Vote: 8 – Aye (Starr, Phillips, Horn, Gallardo, Jones, Erickson, Arias-Bhatia, Acquaye-Baddoo) 0 – No

Dr. Erickson requested that Mr. Heppler proceed with accepting nominations for the election of officers.

Mr. Heppler explained the procedure for nomination of officers and voting protocols.

Ms. Arias-Bhatia nominated Ms. Jones for President. Ms. Acquaye-Baddoo seconded the nomination. Dr. Gallardo nominated Dr. Phillips for President. Dr. Erickson seconded the nomination.

Mr. Heppler called for the vote for the nomination of Ms. Jones for president. 4 – Aye (Starr, Arias-Bhatia, Jones, Acquaye-Baddoo) 4 – No (Phillips, Gallardo, Erickson, Horn). Mr. Heppler announced there were an insufficient number of affirmative votes.

Mr. Heppler called for the vote for the nomination of Dr. Phillips for president. 4 – Aye (Phillips, Gallardo, Erickson, Horn) 4 – No (Starr, Arias-Bhatia, Jones, Acquaye-Baddoo). Mr. Heppler announced there were an insufficient number of affirmative votes.

Ms. Jones requested Mr. Heppler call the vote again.

Mr. Heppler called for the vote for the nomination of Ms. Jones for president. 2 – Aye (Arias-Bhatia, Acquaye-Baddoo) 4 – No (Phillips, Gallardo, Erickson, Horn) 2 – Abstain (Jones, Starr). Mr. Heppler announced there were an insufficient number of affirmative votes.

Mr. Heppler called for the vote for the nomination of Dr. Phillips for president. 4 – Aye (Phillips, Gallardo, Erickson, Horn) 1 – No (Acquaye-Baddoo) 3 – Abstain (Starr, Arias-Bhatia, Jones). Mr. Heppler announced there were an insufficient number of affirmative votes.

Ms. Jones requested to change her vote for Dr. Phillips to aye.

Mr. Heppler announced that Dr. Phillips was elected Board President.
Ms. Arias-Bhatia nominated Ms. Jones for Vice President. Dr. Gallardo seconded the nomination. There were no further nominations.

Mr. Heppler called for the vote for the nomination of Ms. Jones for vice president. 7 – Aye (Acquaye-Baddoo, Horn, Erickson, Gallardo, Arias-Bhatia, Phillips, Starr) 1 – Abstain (Jones) 0 - No

Mr. Heppler announced that Ms. Jones was elected Vice President.

**Agenda Item #13 a – ii:**

Ms. Jones reported that Assembly Bills 333, 705, 773, 1352, and 1374, and Senate Bills 272 and 800 were approved by the Governor. Assembly Bills 85, 483, 1351 and 1542 were vetoed by the Governor. The Committee will continue to watch Assembly Bills 12, 19, and 259, and Senate Bills 52, 128, 130, and 259.

Ms. Jones reported that Assembly Bill 750 was held in committee, 796 was suspended, and 832 went to the inactive file. Senate Bill 468 is inactive and 479 was not heard.

The Committee will report should there be any activity on Assembly Bills 507, 611, 618, 848, and 1279, in the upcoming legislative session.

Dr. Erickson requested that the subject of vetoed AB1542 – Worker’s Compensation; Neuropsychologists, be revisited by the Policy and Advocacy Committee.

**Agenda Item #13 iii: Legislation Update and Review; Update regarding the California Child Abuse and Neglect Reporting Act (CANRA) and Mandated Reporting – Penal Code Sections 261.5, 288 and 11165.1**

Mr. Thomas reported that the requested legal opinion from the Attorney General inquiring whether oral copulation and sodomy between minors of like age is reportable is delayed due to pending litigation that is closely related to issues raised in the Board’s request for the legal opinion.

At the end of this agenda item, Ms. Arias-Bhatia thanked Dr. Erickson for his service as Board President.

**Agenda Item #10: Petition for Early Termination/Modification of Probation – Timothy Beach, PsyD**

Administrative Law Judge Kimberly Belvedere presided. Deputy Attorney General Joseph McKenna was present and represented the people of the State of California. Timothy Beach, PsyD was present and represented himself.

The Board adjourned into closed session at the conclusion of the hearing pursuant to Government Code section 11126(c)(3) to discuss and vote on disciplinary decisions, including the above petition.
The Board recessed at 5:30 p.m.

Friday, November 13, 2015

The Board reconvened at 9:00 a.m.

Board Members Linda Starr and Andrew Harlem PhD, were recorded as absent.

Dr. Jo Linder-Crow, Chief Executive Officer, California Psychological Association (CPA), asked the outcome/follow-up of Agenda Item 12(h) from yesterday's meeting.

Dr. Gallardo responded that the Board issued a couple of newsletter articles regarding the subject, and the Board will encourage people to take referenced courses. He further stated the Board understood that CPA was going to compile a list of graduate training programs that offer any potential courses, and the Board would then follow up with a letter to graduate training programs. Additionally, the Guidelines will be reviewed by the Licensing Committee.

**Agenda Item #13 iv a – e: Legislation Update and Review; Legislative Proposals**

Mr. Thomas reported that the proposed amendments to Business and Professions Code section 2913 were recommended to simplify the application process for the psychological assistant.

Ms. Jones asked if it was premature to consider this proposal as no committee reviewed the proposed recommendation. Ms. Sorrick responded that psychological assistant applicants have difficulty obtaining a registration due to the lack of clarity in the existing law, and this issue was raised in the Board’s Sunset Review Report.

It was M(Horn)/S(Phillips)/C to seek a legislative amendment to Business and Professions Code Section 2913 as follows:

§2913. A person other than a licensed psychologist may shall be supervised in accordance with the Board’s regulations employed by a licensed psychologist, or by a licensed physician and surgeon who is board certified in psychiatry by the American Board of Psychiatry and Neurology, by a clinic which provides mental health services under contract pursuant to Section 5614 of the Welfare and Institutions Code, by a psychological corporation, by a licensed psychology clinic as defined in Section 1204.1 of the Health and Safety Code, or by a medical corporation to perform limited psychological functions provided that all of the following apply:

(a) The person is termed a "psychological assistant."

(b) The person (1) has completed a master's degree in psychology or education with the field of specialization in psychology or counseling psychology, or (2) has been admitted to candidacy for a doctoral degree in psychology or education with the field of specialization in psychology or counseling psychology, after having satisfactorily
completed three or more years of postgraduate education in psychology and having
passed preliminary doctoral examinations, or (3) has completed a doctoral degree
which qualifies for licensure under Section 2914, in an accredited or approved
university, college, or professional school located in the United States or Canada.
(c) The person is at all times under the immediate supervision, as defined in
regulations adopted by the board, of a licensed psychologist, or board certified
psychiatrist, who shall be responsible for insuring that the extent, kind, and quality of the
psychological services he or she performs are consistent with his or her training and
experience and be responsible for his or her compliance with this chapter and
regulations duly adopted hereunder, including those provisions set forth in Section
2960.
(d) The licensed psychologist, board certified psychiatrist, contract clinic,
psychological corporation, or medical corporation, has registered the psychological
assistant with the board. The registration shall be renewed annually in accordance with
regulations adopted by the board.
No licensed psychologist may register, employ, or supervise more than three
psychological assistants at any given time unless specifically authorized to do so by the
board. No board certified psychiatrist may register, employ, or supervise more than one
psychological assistant at any given time. No contract clinic, psychological corporation,
or medical corporation may employ more than 10 assistants at any one time. No
contract clinic may register, employ, or provide supervision for more than one
psychological assistant for each designated full-time staff psychiatrist who is qualified
and supervises the psychological assistants. No psychological assistant may provide
psychological services to the public for a fee, monetary or otherwise, except as an
employee of a licensed psychologist, licensed physician, contract clinic, psychological
corporation, or medical corporation.
(e) The psychological assistant shall comply with regulations that the board may, from
time to time, duly adopt relating to the fulfillment of requirements in continuing
education.
(f) No person shall practice as a psychological assistant who is found by the board to
be in violation of Section 2960 and the rules and regulations duly adopted thereunder.

Vote: Aye – 7 (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-Baddoo). No - 0

Dr. Horn reported that the Licensing Committee recommended an amendment to
Business and Professions Code section 2915 to broaden the concept of continuing
education to continuing professional development.

It was M(Phillips)/S(Erickson)/C to direct staff to correct the numbering and lettering
sequence in the proposed language, to ensure consistency in references to continuing
education, and to seek a legislative amendment to Business and Professions Code
Section 2915 as follows:

§2915. (a) Except as provided in this section, on or after January 1, 1996, the board
shall not issue any renewal license unless the applicant submits proof that he or she
has completed no less than 18 hours of approved continuing education in the preceding
year. On or after January 1, 1997, except as provided in this section, the board shall
issue renewal licenses only to those applicants who have completed 36 hours of
approved continuing education professional development in the preceding two years.

(b) Each person renewing applying for renewal or reinstatement of his or her license
issued pursuant to this chapter shall submit certify under penalty of perjury that he or
she is in compliance with this section and retain proof of compliance with this section for
submission to the board upon request. False statements submitted pursuant to this
section shall be a violation of Section 2970.

e) A person applying for relicensure or for reinstatement to an active license status
shall certify under penalty of perjury that he or she is in compliance with this section.

(d)(1) The continuing education requirement shall include, but shall not be limited to,
courses required pursuant to Sections 25 and 28. The requirement may include courses
pursuant to Sections 32 and 2914.1.

(2) (A) The board shall require a licensed psychologist who began graduate study
prior to January 1, 2004, to take a continuing education course during his or her first
renewal period after the operative date of this section in spousal or partner abuse
assessment, detection, and intervention strategies, including community resources,
cultural factors, and same gender abuse dynamics. Equivalent courses in spousal or
partner abuse assessment, detection, and intervention strategies taken prior to the
operative date of this section or proof of equivalent teaching or practice experience may
be submitted to the board and at its discretion, may be accepted in satisfaction of this
requirement.

(B) Continuing education courses taken pursuant to this paragraph shall be applied to
the 36 hours of approved continuing education professional development required
under subdivision (a).

(C) A licensed psychologist whose practice does not include the direct provision of
mental health services may apply to the board for an exemption from the requirements
of this paragraph.

(2) Continuing education instruction courses approved to meet the requirements of
this section shall be completed within the State of California, or shall be approved for
continuing education credit by the American Psychological Association or its equivalent
as organizations approved by the board.

(e) The board may establish a policy for exceptions grant exemptions or extensions
from the continuing education professional development requirement of this section.

(f) The board may recognize continuing education courses that have been approved
by one or more private nonprofit organizations that have at least 10 years' experience
managing continuing education programs for psychologists on a statewide basis,
including, but not limited to:

(1) Maintaining and managing related records and data.

(2) Monitoring and approving courses.

(d) The board shall adopt regulations as necessary for implementation of this
section.

(h) A licensed psychologist shall choose continuing education instruction that is
related to the assessment, diagnosis, and intervention for the client population being
served or to the fields of psychology in which the psychologist intends to provide
services, that may include new theoretical approaches, research, and applied
techniques. Continuing education instruction shall include required courses specified in
subdivision (d).
(i) A psychologist shall not practice outside his or her particular field or fields of
competence as established by his or her education, training, continuing education, and
experience.
(e) The administration of this section may be funded through professional license fees
and continuing education provider and course approval fees, or both. The fees related
to the administration of this section shall not exceed the costs of administering the
corresponding provisions of this section.
(f-k) Continuing education professional development credit may be approved for those
licensees who serve as commissioners on any examination pursuant to Section 2947,
subject to limitations established by the board selected participants in any examination
development or enforcement-related function for the board.
(I) This section shall become operative on January 1, 2004.
Vote: Aye - 7 (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-
Baddoo). No - 0
Ms. Sorrick reported that Business and Professions Code section 2947 is obsolete and
should be deleted.
It was M(Phillips)/S(Erickson)/C to seek a legislative amendment of Business and
Professions Code Section 2947 as follows:
§2947. The board may appoint qualified persons to give the whole or any portion of any
examination provided for in this chapter, who shall be designated as commissioners on
examination. A commissioner on examination need not be a member of the board but
he or she shall have the same qualifications as a member of the board, including those
set forth in Chapter 6 (commencing with Section 450) of Division 1. The board may also
appoint occasional professional commissioners for short-term specified periods to assist
in its nonpolicy workload.
Public commissioners may examine and evaluate candidates in areas of knowledge
such as the law, ethics, and awareness of community resources.
Vote: Aye - 7 (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-
Baddoo) No - 0
Ms. Sorrick reported that she attended an ASPPB meeting at which states and
jurisdictions discussed information currently being posted regarding licensed
psychologists. It was her recommendation that the Board consider the proposed
statutory language defining the information that may be posted to the Board's website.
It was M(Horn)/S(Phillips)/C to seek a legislative amendment to Business and
Professions Code Section 2934.1 as follows:
§2934.1 Website Information on Psychologists

(a) The board may post on its website the following information on the current status of the license for all current and former licensees:

1. Whether or not the license is presently in good standing.
2. Any of the following enforcement actions or proceedings to which the licensees actively subjected:
   A. Temporary restraining orders.
   B. Interim suspension orders.
   C. Revocations, suspensions, probations, or limitations on practice ordered by the board or the board of another state or jurisdiction, including those made part of a probationary order or stipulated agreement.
   D. Current accusations filed by the Attorney General, including those accusations that are on appeal. For purposes of this paragraph, "current accusation" means an accusation that has not been dismissed, withdrawn, or settled, and has not been finally decided upon by an administrative law judge and the board unless an appeal of that decision is pending.
   E. Citations issued that have not been resolved or appealed within 30 days.

(b) The board may post on its website all of the following historical information in its possession, custody, or control regarding all current and former licensees:

1. Institutions that ordered the qualifying educational degree and type of degree awarded.
2. Any final revocations and suspensions, or other equivalent actions, taken against the licensee by the board or the board of another state or jurisdiction or the surrender of a license by the licensee in relation to a disciplinary action or investigation, including the operative accusation resulting in the license surrender or discipline by the board.
3. Probation or other equivalent action ordered by the board or the board of another state or jurisdiction, completed or terminated, including the operative accusation resulting in the discipline by the board.
4. Any felony convictions. Upon receipt of a certified copy of an expungement order granted pursuant to Section 1203.4 of the Penal Code from a licensee, the board shall, within six months of receipt of the expungement order, post notification of the expungement order and the date thereof on its website.
5. Misdemeanor convictions resulting in a disciplinary action or accusation that is not subsequently withdrawn or dismissed. Upon receipt of a certified copy of an expungement order granted pursuant to Section 1203.4 of the Penal Code from a licensee, the board shall, within six months of receipt of the expungement order, post notification of the expungement order and the date thereof on its website.
6. Other information designated by the board in regulation.

Dr. Jo Linder-Crow commented that the word “specialty” has a particular connotation; there are designated specialty areas that are different than someone declaring their own areas of practice. This language requires further review and clarification.

Dr. Melody Schafer encouraged the Board to consider the vernacular being used. Insurance companies have various unrelated definitions of specialties.
Vote: Aye - 7 (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-Baddoo). No - 0

It was M(Arias-Bhatia)/S(Horn)/C to seek a legislative amendment to add Business and Professions Code Section 2988.5 follows:

§2988.5
(a) The board may establish, by regulation, a system for a retired category of licensure for persons who are not actively engaged in the practice of psychology.
(b) The regulation shall contain the following:
(1) The holder of a retired license issued pursuant to this section shall not engage in any activity for which a license is required.
(2) The holder of a retired license shall not be required to renew that license.
(3) In order for the holder of a retired license issued pursuant to this section to restore his or her license to an active status, the holder of that license shall meet all the following:
(A) Pay a fee established by regulation.
(B) Certify, in a manner satisfactory to the board, that he or she has not committed an act or crime constituting grounds for denial of licensure.
(C) Comply with the fingerprint submission requirements established by regulation.
(D) If the board requires completion of continuing education for renewal of an active license, complete continuing education equivalent to that required for renewal of an active license, unless a different requirement is specified by the board.
(E) Complete any other requirements as specified by the board by regulation.
(F) The board may upon its own determination, and shall upon receipt of a complaint from any person, investigate the actions of any licensee, including a person with a license that either restricts or prohibits the practice of that person in his or her profession or vocation, including, but not limited to, a license that is retired, inactive, canceled, revoked, or suspended.

Vote: Aye - 7 (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-Baddoo). No - 0

Agenda Item #14. Closed Session - Licensing Committee

The Licensing Committee met in closed session pursuant to Government Code section 11126(c)(2) to consider and make recommendations regarding the following:

a) 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
b) Request from J.B. 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
c) Request from V.W. for an extension of the 30-consecutive month requirement to accrue 1500 hours of pre-doctoral supervised professional experience pursuant to section 1387(a) of the California Code of Regulations
Agenda Item #15: Licensing Committee Report and Consideration of Committee Recommendations

a) Licensing Report

Ms. Johnson reported the following:

Licensing Analysts Liezel McCockran and Julie Brown accepted promotional positions with other agencies. Rob Loyola, Enforcement Program, has been helping with licensing backlogs. Interviews for the two licensing analyst vacant positions should be concluded by the end of November.

BreEZe will be adding the second phase of Boards to the system in January. BreEZe will not be available from January 14 to 19, 2016, due to this implementation. A notice was placed on the Board’s website to notify the public of the outage.

Survey results received since July 1, 2015, were reviewed with the Board Members. The two week timeline to review new applications is generating a higher number of satisfactory responses. Quicker responses to emails and telephone calls are reflected in the 64% overall rating of "very good" to "excellent".

AB 705 will be enacted January 1. The revised law requires that unlicensed salaried employees who are practicing psychology in an exempt setting are properly supervised and working towards licensure. Such employees must be supervised by a California-licensed psychologist and primarily be earning supervised professional experience hours towards licensure within a given timeframe of five (5) years from the date of employment or from January 1, 2016 if already employed in an exempt setting. Such employees may only practice psychology in accredited or approved academic institutions, public schools or governmental agencies to qualify for the temporary exemption.

AB 773 will be enacted January 1, specifying that initial licenses will expire two (2) years from the date of issuance.

Examination statistics were reviewed with the Board Members.

Dr. Horn announced that the next Licensing Committee meeting would be held on January 11 & 12, 2016, in Sacramento and will be available for teleconference. The Committee will be discussing continuing professional development, pathways to licensure, and fingerprinting procedures.

b) Continuing Education Report
Ms. Johnson reviewed continuing education renewal audit statistics with the Board Members.

c) Review and Revision of Business and Professions Code Section 2915: Continuing Education Requirements; Practice Outside Fields of Competence

Dr. Horn stated this item was reviewed and discussed during the Policy and Advocacy Committee report.

d) Review and Revision of Proposed CE/CPD Regulations

Dr. Horn informed the Board that the Committee should complete its review of the proposed CE/CPD regulations at the January 2016 Licensing Committee meeting.

Dr. Linder-Crow asked if the Committee would be discussing psychopharmacology at its January meeting. She was informed that the subject of psychopharmacology is not on the agenda for the January meeting, but would be discussed at a future meeting, date yet to be determined.

It was M(Horn)/S(Phillips)/C to accept the Licensing Committee report thus far.

Vote: Aye - 6 (Horn, Phillips, Arias-Bhatia, Gallardo, Erickson, Acquaye-Baddoo No - 0

e) Consider Licensing Committee Recommendation Regarding 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) for the California Code of Regulations

Dr. Horn stated that the Committee considered JM’s request and voted unanimously to recommend approval of the request.

It was M(Horn)/S(Phillips)/C to adopt the committee’s recommendation and grant the requested extension.

Vote: 7 Aye (Horn, Phillips, Gallardo, Jones, Arias-Bhatia, Acquaye-Baddo, Erickson) No – 0

f) Consider Licensing Committee Recommendation Regarding Request from J.B. for an Extension of the 30-consecutive Month Requirement to Accrue 1500 Hours of Post-doctoral Supervised Professional Experience Pursuant to Section 1387(a) for the California Code of Regulations

Dr. Horn stated that the Committee considered JB’s request and voted unanimously to recommend approval of the request.
It was M(Horn)/S(Acquaye-Baddoo)/C to adopt the committee's recommendation and grant the requested extension.

Vote: 7 Aye: (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-Baddoo) No - 0

Dr. Horn stated that the Committee reviewed V.W.'s request and voted unanimously to recommend approval of the request.

It was M(Horn)/S(Phillips)/C to adopt the committee's recommendation and grant the requested extension.

Vote: 7 Aye: (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-Baddoo) No - 0

Agenda Item #17: Sunset Review Committee Report and Consideration of Committee Recommendation

a) Proposed Sunset Review Report – Due to the Senate Business, Professions and Economic Development Committee on December 1, 2015

Dr. Erickson presented the draft Sunset Report.

Ms. Sorrick asked the Board to allow staff to make non-substantive changes to complete the report by the December 1, 2015, deadline for submission. She gave an overview of the Sunset Review process.

Concern was expressed that only a small committee was assigned and had access to this report to date, not allowing the Board an opportunity to thoroughly review the document.

Mr. Heppler suggested the Board defer this matter to a Board meeting to be held prior to the December 1, 2015, deadline, allowing staff to complete the changes and make the deadline of December 1, 2015.

Dr. Linder-Crow stated that in the past, stakeholders were given an opportunity to provide comments. She asked if there was follow-up on comments from the last Sunset Report in 2011, particularly with the subject of approved schools. She also asked what the Board was doing to address any changes that were brought up from the last report.
It was M/(Acquaye-Baddoo)/S(Erickson)/C to direct staff to complete non-substantive changes to the report, and to hold a Board meeting on Saturday, November 28, 2015, at 10:00 a.m. for final review and consideration of the approval of the Sunset Report.

Dr. Linder-Crow stated that she cannot attend the meeting on November 28 and asked how she could reserve the opportunity to make comment.

Dr. Erickson suggested she submit any oral comment she is prepared to present at this time and submit written comment as part of the November 28 meeting.

Dr. Raymond Trybus commented that language on page 66 switches back and forth from accredited schools to accredited programs. He suggested changing accredited programs to accredited schools, consistent throughout this section. Dr. Horn affirmed the intent was to refer to schools, not programs.

Vote: 7 Aye: (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-Baddoo) No - 0

Agenda Item #18: President’s Report

a) NC Dental Board Examiners Case Update

Dr. Erickson reported that in North Carolina, non-dentists were performing teeth-whitening procedures in malls. The North Carolina Dental Board took the position that this practice required licensure, and legal action was initiated against the unlicensed practitioners. A complaint was filed with the Federal Trade Commission; the matter ultimately heard by the Supreme Court that ruled there needed to be changes in the way licensing boards are comprised. Importantly in this opinion, the NC dental board’s members are elected by a professional association with only one public member and the remainder members being licensed dentists.

Mr. Heppler commented that in California, all parties are currently engaged in discussion of this ruling and the concern that boards are comprised of active market participants who may be in control of making non-competitive marketing decisions. From these discussions, possible future recommendations may be forthcoming.

Dr. Schaefer requested that related documents be made available to the public on the Board’s website.

b) 2016 Meeting Calendar and Locations

Dr. Erickson presented the Board meeting calendar for the next calendar-year.

Ms. Jones asked if Committee rosters will be made available before the February meeting. Dr. Phillips stated that he will review the Committees assignments, consult with the Board’s Vice President, and then make that information public.
c) Other Informational Items

No other informational items were reported.

Agenda Item #20: Recommendations for Agenda Items for Future Board Meetings

Dr. Horn requested the Licensing Committee agenda include an item to discuss the possibility of licensing staff taking more responsibility when receiving requests for extensions, etc. She also requested that the Licensing Committee consider the matter of the responsibility of supervisors being informed enough to help guide supervisees in the process of accumulating Supervised Professional Experience hours.

Ms. Jones requested the Enforcement Committee agenda include an item to discuss the way cases are reviewed; for example, can they be batched, etc. She also requested that the Board be provided a presentation on taking positions as a Board to assist the Policy and Advocacy Committee.

Dr. Linder-Crow stated that most supervisors do not understand the regulations, sometimes resulting in supervisees losing hours earned. She questioned what the Board's role is relative to the supervisor that has caused such an egregious consequence. Dr. Horn thanked her for the comment. Mr. Heppler stated this subject could be placed on a future agenda.

CLOSED SESSION – FULL BOARD

Agenda Item #21: 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 met in closed session to conduct its yearly evaluation of the Executive Officer.

RETURN TO OPEN SESSION

Agenda Item #22: Adjournment

Dr. Erickson adjourned the meeting at 3:00 p.m.