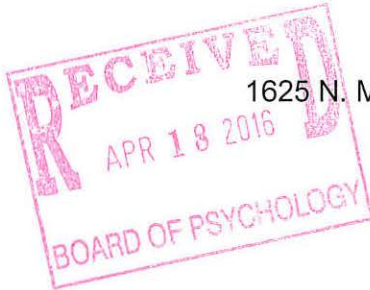


**POLICY AND ADVOCACY COMMITTEE
MEETING MINUTES**



Department of Consumer Affairs
1625 N. Market Blvd., El Dorado Room, 2nd Floor, #220
Sacramento, CA 95834
(916) 574-7720

Ronald Reagan State Building
300 South Spring St., Auditorium
Los Angeles, CA 90013
(213) 897-2243

Wednesday, January 6, 2016

Agenda Item #1: Call to Order/Roll Call

Nicole J. Jones, Chairperson, called the meeting to order at 1:01 p.m. A quorum of the Committee was present and due notice had been sent to all interested parties.

Members Present:

Nicole J. Jones, Chairperson
Johanna Arias-Bhatia
Michael Erickson, PhD

Others Present:

Antonette Sorrick, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Jason Glasspiegel, Administrative Coordinator (effective January 19, 2016)
Sandra Monterrubio, Enforcement Program Manager
Chris Siefert, Licensing/Registration Analyst
Kelli Okuma, Associate Governmental Program Analyst
Julia Bishop, Department of Consumer Affairs, Legislative & Regulatory Review
Natalie Martin-Rojas, Department of Consumer Affairs, Legislative & Regulatory Review

Agenda Item #2: Chair Welcome

Ms. Jones welcomed the Committee members and those in attendance both in person and via telephonic connection.

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

There were no public comments.

50 **Agenda Item #4: Approval of Minutes: April 27, 2015**

51

52 It was M(Arias-Bhatia)/S(Erickson)/C to approve the minutes of the April 27, 2015, meeting.

53

54 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No - 0

55

56

57 **Agenda Item #5: Review and Consideration of Legislation**

58

59 **#5 a) 1-13 - Legislation Update and Review, Recommendations to Full Board**

60

61 Ms. Sorrick informed the Committee that a representative of the Assembly Business and
62 Professions Committee planned to call in for this portion of the meeting to discuss Agenda Item
63 #5 a) 8) AB 796 (Nazarian) Health Care Coverage: Autism and Pervasive Developmental
64 Disorders. She stated that Dr. Clark was currently attending a stakeholders meeting regarding
65 AB 796, and asked if the Committee would delay discussion of this agenda item until Dr. Clark
66 called. The Committee agreed to delay this agenda item.

67

68 Ms. Okuma reviewed legislative bills of interest to the Board from the past legislative session
69 that were neither chaptered nor vetoed. She reported Board staff would continue to monitor the
70 status of the bills in the upcoming legislative session and keep the Committee informed of any
71 activity.

72

73 **#5 b) Update regarding the California Child Abuse and Neglect Report Act (CANRA) and**
74 **Mandated Reporting – Penal Code Sections 261.5, 288 and 11165.1**

75

76 Ms. Okuma informed the Committee that the requested opinion from the Attorney General (AG)
77 inquiring whether oral copulation and sodomy between minors of like age is reportable is
78 currently pending (Pending Opinion Request #15-201 – Eisenberg). She reported that it is the
79 policy of the AG's Office not to issue a legal opinion while there is pending litigation on issues
80 that are the same or closely related to issues raised in a request for the legal opinion. There is a
81 case before the California Court of Appeal, 2nd Appellate District, which concerns some of the
82 same issues raised in the Board of Psychology's request for a legal opinion. Additionally,
83 Attorney General Harris is one of the named defendants in that case. The plaintiff in the matter
84 filed a notice of appeal with the appellate court on August 10, 2015, and filed its opening brief
85 on November 17, 2015. The court has given the respondent until February 16, 2016, to file its
86 brief. Ms. Okuma informed the Committee that the Board should not be expecting to receive the
87 legal opinion in the immediate future, and that Mr. Glasspiegel could monitor the case and keep
88 the Committee informed on the status.

89

90 **#5 c) Regulation Update and Review**

91

92 **#5 c 1) Title 16, CCR Section 1397.12 – Uniform Standards Related to Substance Abuse**
93 **and Disciplinary Guidelines**

94

95 Ms. Okuma informed the Committee that the rulemaking file was disapproved by the Office of
96 Administrative Law (OAL) on November 6, 2015, for failure to comply with the clarity and
97 consistency standards of the Government Code, incorrect procedure, and missing and/or
98 defective documents. Staff is currently preparing modifications to the language to be noticed for

99 a 15-day public comment period. The modifications will be presented to the Board at its
100 February 2016 meeting prior to resubmitting the file to OAL.

101
102 **#5 c 2) Title 16, CCR, Sections 1380.5 – Filing of Addresses**

103
104 Ms. Okuma informed the Committee that the rulemaking file is pending approval by the
105 Business, Consumer Services, and Housing Agency. Once approved by Agency, the file will be
106 submitted to OAL.

107
108
109 **Agenda Item #6: Review and Consideration of Proposed Policy for Legislative Positions**
110 **for inclusion in the Administrative Procedures Manual**

111
112 Ms. Okuma reviewed a proposed Board policy outlining various positions the Board could
113 consider adopting relative to pending legislative bills.

114
115 Julia Bishop, Department of Consumer Affairs, Legislative & Regulatory Review, informed the
116 Committee that the three most common positions taken on legislative bills are "support,"
117 "oppose," and "oppose unless amended." She stated that when positions are taken on bills, the
118 record generally reflects only those three positions. The other lesser-used positions are
119 generally not recorded as Registered Positions in the bill analyses.

120
121 Ms. Sorrick recommended adding an additional position of "Neutral if Amended."

122
123 It was M(Erickson)/S(Arias-Bhatia)/C to reorganize the order of the listed positions starting with
124 "support," "oppose," and "oppose unless amended," and present the procedure to the Board at
125 the February 2016 Board meeting.

126
127 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No - 0

128
129 Ms. Marks recommended including a procedure outlining the process when the Board is unable
130 to meet to take a position on a bill prior to the bill being forwarded to the Governor.

131
132 It was M(Arias-Bhatia)/S(Jones)/C to update the Administrative Procedures Manual to include
133 delegation to amend Board positions on bills between Board meetings.

134
135 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No - 0

136
137
138 **Agenda Item #5: Review and Consideration of Legislation**

139
140 **Item #5 d Proposed Legislative Revisions to the Business and Professions Code**

141
142 Ms. Okuma reported that legislative amendments were developed as a follow-up to the Sunset
143 Review report. Staff requested the Committee recommend the Board approve the amendments
144 for submission to the Senate Business and Professions Committee.

145
146 **1) Section 2913: Services by Psychological Assistants**

147

148 Ms. Marks commented that further modifications should be made to this section to better reflect
149 that the supervision model mirrors the licensing model, to make clear that the psychological
150 assistant registration is a precursor to licensure, and require applicants with a master's degree
151 to verify they are in the process of obtaining a doctorate degree.

152
153 It was M(Erickson)/S(Arias-Bhatia)/C to direct staff to make necessary modifications to the
154 following proposed amendment consistent with Ms. Marks recommendations prior to submission
155 to the Senate Business and Professions Committee.

156

157 2913

158 (a) A person other than a licensed psychologist ~~may~~ be registered as a psychological assistant
159 to the Board ~~shall be employed supervised in accordance with the board's regulations~~ by a
160 licensed psychologist, by a licensed physician and surgeon who is board certified in psychiatry
161 by the American Board of Psychiatry and Neurology, ~~by a clinic that provides mental health~~
162 ~~services under contract pursuant to Section 5614 of the Welfare and Institutions Code, by a~~
163 ~~psychological corporation, by a licensed psychology clinic as defined in Section 1204.1 of the~~
164 ~~Health and Safety Code, or by a medical corporation to perform limited psychological functions~~
165 if all of the following apply:

166 (a1) The person is termed a "psychological assistant."

167 (b2) The person (1) has completed a master's degree in psychology or education with the field
168 of specialization in psychology or counseling psychology, or (2) has been admitted to candidacy
169 for a doctoral degree in psychology or education with the field of specialization in psychology or
170 counseling psychology, after having satisfactorily completed three or more years of
171 postgraduate education in psychology and having passed preliminary doctoral examinations, or
172 (3) has completed a doctoral degree that qualifies for licensure under Section 2914, ~~in an~~
173 ~~accredited or approved university, college, or professional school located in the United States or~~
174 ~~Canada.~~

175 (c) The person is at all times under the immediate supervision, as defined in regulations
176 adopted by the board, of a licensed psychologist, or board certified psychiatrist, who shall be
177 responsible for insuring that the extent, kind, and quality of the psychological services he or she
178 performs are consistent with his or her training and experience and be responsible for his or her
179 compliance with this chapter and regulations duly adopted hereunder, including those provisions
180 set forth in Section 2960.

181 (d) (1) ~~The psychological assistant licensed psychologist, board certified psychiatrist, contract~~
182 ~~clinic, psychological corporation, or medical corporation, has shall registered the psychological~~
183 ~~assistant~~ with the board. The registration shall be renewed annually in accordance with
184 regulations adopted by the board.

185 (2) No licensed psychologist may register, employ, or supervise more than three psychological
186 assistants at any given time unless specifically authorized to do so by the board. No board
187 certified psychiatrist may register, employ, or supervise more than one psychological assistant
188 at any given time. ~~No contract clinic, psychological corporation, or medical corporation may~~
189 ~~employ more than 10 assistants at any one time. No contract clinic may register, employ, or~~
190 ~~provide supervision for more than one psychological assistant for each designated full-time staff~~
191 ~~psychiatrist who is qualified and supervises the psychological assistants. No psychological~~
192 assistant may provide psychological services to the public except as an employee supervisee of
193 a licensed psychologist, or a licensed physician and surgeon who is board certified in psychiatry
194 by the American Board of Psychiatry and Neurology, ~~contract clinic, psychological corporation,~~
195 ~~or medical corporation.~~

196 (e) The psychological assistant shall comply with regulations that the board may, from time to
197 time, duly adopt relating to the fulfillment of requirements in continuing education.

198 (f) No person shall be registered or practice as a psychological assistant who is found by the
199 board to be in violation of Section 2960 and the rules and regulations duly adopted pursuant to
200 that section.

201
202 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No - 0
203

204
205 **2) Section 2915: Continuing Education Requirements: Practice Outside Fields of**
206 **Competence**

207
208 It was M(Arias-Bhatia)/S(Erickson)/C to recommend the Board accept the following language for
209 submission to the Senate Business and Professions Committee.

210
211 2915

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

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

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

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

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

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

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

242 ~~(23)~~ Continuing education courses ~~instruction~~ approved to meet the requirements of this section
243 shall be completed within the State of California, or shall be approved for continuing education

244 credit by the American Psychological Association or its equivalent as organizations approved by
245 the board.

246 ~~(ec)~~ The board may establish a policy for exceptions grant exemptions from the continuing
247 professional development education requirement of this section.

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

252 ~~(1)~~ Maintaining and managing related records and data.

253 ~~(2)~~ Monitoring and approving courses.

254 ~~(gd)~~ The board shall adopt regulations as necessary for implementation of this section.

255 ~~(h)~~ A licensed psychologist shall choose continuing education instruction that is related to the
256 assessment, diagnosis, and intervention for the client population being served or to the fields of
257 psychology in which the psychologist intends to provide services, that may include new
258 theoretical approaches, research, and applied techniques. Continuing education instruction shall
259 include required courses specified in subdivision (d).

260 ~~(i)~~ A psychologist shall not practice outside his or her particular field or fields of competence as
261 established by his or her education, training, continuing education, and experience.

262 ~~(je)~~ The administration of this section may be funded through professional license fees and
263 continuing education provider and course approval fees, or both. The fees related to the
264 administration of this section shall not exceed the costs of administering the corresponding
265 provisions of this section.

266 ~~(kf)~~ Continuing professional development education credit may be approved for those licensees
267 who serve as selected participants in any examination development or enforcement-related
268 function for the board commissioners on any examination pursuant to Section 2947, subject to
269 limitations established by the board.

270 ~~(l)~~ This section shall become operative on January 1, 2004.

271
272 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No - 0
273

274
275 **3) Section 2947: Appointment of Commissioners on Examination; Qualifications**
276

277 It was M/(Erickson)/S(Arias-Bhatia)/C to recommend the Board accept the following language
278 for submission to the Senate Business and Professions Committee.
279

280 **2947**

281 The board may appoint qualified persons to give the whole or any portion of any examination
282 provided for in this chapter, who shall be designated as commissioners on examination. A
283 commissioner on examination need not be a member of the board but he or she shall have the
284 same qualifications as a member of the board, including those set forth in Chapter 6
285 (commencing with Section 450) of Division 1. The board may also appoint occasional
286 professional commissioners for short term specified periods to assist in its nonpolicy workload.

287 ~~Public commissioners may examine and evaluate candidates in areas of knowledge such as the~~
288 ~~law, ethics, and awareness of community resources.~~

289
290 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No - 0

291
292
293 **4) Proposed Section 2934.1: Internet Information**

294
295 Ms. Marks commented that some of the language in the proposed amendment overlaps
296 language in Business and Professions Code section 27, and should be modified.

297
298 It was M(Erickson)/S(Arias-Bhatia)/C to direct staff to make necessary modifications to the
299 following amended language, and to present the language to the Board at the February Board
300 meeting.

301
302 2934.1

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

305 (1) Whether or not the licensee is presently in good standing.

306 (2) Any of the following enforcement actions or proceedings to which the licensee is actively
307 subjected:

308 (A) Temporary restraining orders.

309 (B) Interim suspension orders.

310 (C) Revocations, suspensions, probations, or limitations on practice ordered by the board or the
311 board of another state or jurisdiction, including those made part of a probationary order or
312 stipulated agreement.

313 (D) Current accusations filed by the Attorney General, including those accusations that are on
314 appeal. For purposes of this paragraph, "current accusation" means an accusation that has not
315 been dismissed, withdrawn, or settled, and has not been finally decided upon by an
316 administrative law judge and the board unless an appeal of that decision is pending.

317 (E) Citations issued that have not been resolved or appealed within 30 days.

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

320 (1) Institution that awarded the qualifying educational degree and type of degree awarded.

321 (2) Areas of practice and board certifications that are self-reported by the licensee.

322 (c) Any other information designated by the board in regulation.

323 (3) any final revocations and suspensions, or other equivalent actions, taken against the
324 licensee by the board or the board of another state or jurisdiction or the surrender of a license
325 by the licensee in relation to disciplinary action or investigation, including the operative
326 accusation resulting in the license surrender or discipline by the board.

327 (4) Probation or other equivalent action ordered by the board, or the board of another state or
328 jurisdiction, completed or terminated, including the operative accusation resulting in the
329 discipline by the board.

330 (5) Any felony convictions. Upon receipt of a certified copy of an expungement order granted
331 pursuant to section 1203.5 of the Penal Code from a licensee, the board shall, within six months
332 of receipt of the expungement order, post notification of the expungement order and the date
333 thereof on its Website.

334 (6) Misdemeanor convictions resulting in a disciplinary action or accusation that is not
335 subsequently withdrawn or dismissed. Upon receipt of a certified copy of an expungement order
336 granted pursuant to Section 1203.5 of the Penal Code from a licensee, the board shall, within

337 six months of receipt of the expungement order, post notification of the expungement order and
338 the date thereof on its Website.

339
340 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No - 0

341
342 **5) Proposed Section 2988.5: Retired License Status**

343
344 It was M/Arias-Bhatia/S(Erickson)/C to direct staff to modify the following proposed language
345 keeping the referenced restrictions in statute, not referencing them in regulation.

346
347 2988.5

348 (a) The Board may establish, by regulation, a system for a retired category of licensure for
349 persons who are not actively engaged in the practice of psychology.

350
351 ~~(b) The regulation shall contain the following:~~

352
353 (1) The holder of a retired license issued pursuant to this section shall not engage in any activity
354 for which a license is required.

355
356 (2) The holder of a retired license shall not be required to renew that license.

357
358 (3) In order for the holder of a retired license issued pursuant to this section to restore his or her
359 license to an active status, the holder of that license shall meet all the following:

360
361 (A) Pay a fee established by regulation.

362
363 (B) Certify, in a manner satisfactory to the Board, that he or she has not committed an act or
364 crime constituting grounds for denial of licensure.

365
366 (C) Comply with the fingerprint submission requirements established by regulation.

367
368 (D) If the Board requires completion of continuing education for renewal of an active license,
369 complete continuing education equivalent to that required for renewal of an active license,
370 unless a different requirement is specified by the Board.

371
372 (E) Complete any other requirements as specified by the Board by regulation.

373
374 (F) The Board may upon its own determination, and shall upon receipt of a complaint from any
375 person, investigate the actions of any licensee, including a person with a license that either
376 restricts or prohibits the practice of that person in his or her profession or vocation, including,
377 but not limited to, a license that is retired, inactive, canceled, revoked, or suspended.

378
379 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No - 0

380
381
382 **Agenda Item #7: Recommendations for Agenda Items for Future Committee Meetings**

383
384 There were no recommendations for agenda items for future Committee meetings.

385
386

387 **Agenda Item #8: Adjournment**

388

389 Ms. Jones adjourned the meeting at 2:53 p.m.

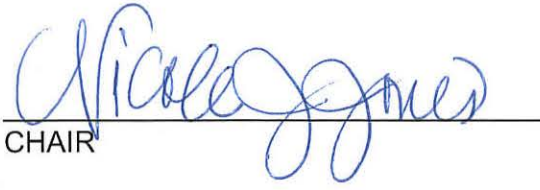
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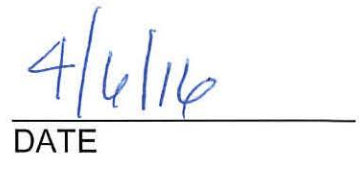
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393

394



CHAIR



DATE

