POLICY AND ADVOCACY COMMITTEE
MEETING MINUTES

Department of Consumer Affairs
1625 N. Market Blvd., El Dorado Room, 2nd Floor, #220
Sacramento, CA 95834
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Ronald Reagan State Building
300 South Spring St., Auditorium
Los Angeles, CA 90013
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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 Siepert, 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.
**Agenda Item #4: Approval of Minutes: April 27, 2015**

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

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

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

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

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

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

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

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

#5 c) Regulation Update and Review

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

Ms. Okuma informed the Committee that the rulemaking file was disapproved by the Office of Administrative Law (OAL) on November 6, 2015, for failure to comply with the clarity and consistency standards of the Government Code, incorrect procedure, and missing and/or defective documents. Staff is currently preparing modifications to the language to be noticed for
a 15-day public comment period. The modifications will be presented to the Board at its February 2016 meeting prior to resubmitting the file to OAL.

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

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

Agenda Item #6: Review and Consideration of Proposed Policy for Legislative Positions for Inclusion in the Administrative Procedures Manual

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

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

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

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

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

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

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

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

Agenda Item #5: Review and Consideration of Legislation

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

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

1) Section 2913: Services by Psychological Assistants
Ms. Marks commented that further modifications should be made to this section to better reflect that the supervision model mirrors the licensing model, to make clear that the psychological assistant registration is a precursor to licensure, and require applicants with a master's degree to verify they are in the process of obtaining a doctorate degree.

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

2913

(a) A person other than a licensed psychologist may be registered as a psychological assistant to the Board shall be employed supervised in accordance with the board's regulations by a licensed psychologist, by a licensed physician and surgeon who is board certified in psychiatry by the American Board of Psychiatry and Neurology, by a clinic that 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 if all of the following apply:

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

(b2) 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 that 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) (1) The psychological assistant licensed psychologist, board certified psychiatrist, contract clinic, psychological corporation, or medical corporation, has shall registered the psychological assistant with the board. The registration shall be renewed annually in accordance with regulations adopted by the board.

(2) 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 except as an employee supervisee of a licensed psychologist or of a licensed physician and surgeon who is board certified in psychiatry by the American Board of Psychiatry and Neurology, 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 be registered or 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 pursuant to that section.

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

2) Section 2915: Continuing Education Requirements: Practice Outside Fields of Competence

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

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 48 hours of approved continuning 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 professional education development in the preceding two years.

(b) Each person applying for renewing renewal or reinstatement of his or her license issued pursuant to this chapter shall 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.

(c) 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 294.1.

(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 professional development education 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.

(23) Continuing education courses instruction 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.

(oe) The board may establish a policy for exceptions grant exemptions from the continuing
professional development education 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.

(gd) 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.

(je) The administration of this section shall 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.

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

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

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

3) Section 2947: Appointment of Commissioners on Examination; Qualifications

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

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

4) Proposed Section 2934.1: Internet Information

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

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

2934.1
(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 licensee is presently in good standing.
(2) Any of the following enforcement actions or proceedings to which the licensee is 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) Institution that awarded the qualifying educational degree and type of degree awarded.
(2) Areas of practice and board certifications that are self-reported by the licensee.
(c) Any other information designated by the board in regulation.
(d) 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 disciplinary action or investigation, including the operative accusation resulting in the license surrender or discipline by the board.
(e) 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.
(f) Any felony convictions. Upon receipt of a certified copy of an expungement order granted pursuant to section 1203.5 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.
(g) 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 1203.5 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.

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

5) Proposed Section 2988.5: Retired License Status

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

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

Agenda Item #7: Recommendations for Agenda Items for Future Committee Meetings

There were no recommendations for agenda items for future Committee meetings.
Agenda Item #8: Adjournment

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

[Signature]

DATE

4/6/14