BOARD MEETING MINUTES

State Capitol, Room 112
Sacramento, CA 95815
(916) 324-0333

Thursday, February 25, 2016

Stephen Phillips, PsyD, JD, Board President, called the open session meeting to order at 9:41 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:
Stephen Phillips, PsyD, JD, President
Nicole J. Jones, Public Member, Vice-President
Lucille Acquaye-Baddoo, Public Member
Johanna Arias-Bhatia, Public Member
Michael Erickson, PhD
Andrew Harlem, PhD
Jacqueline Horn, PhD
Linda Starr, Public Member

Others Present:
Antonette Sorrick, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Sandra Monterrubio, Enforcement Program Manager
Karen Johnson, Licensing Coordinator
Jason Glasspiegel, Central Services Coordinator
Jacquelin Everhart, Continuing Education/Renewals Coordinator
Norine Marks, DCA Legal Counsel
Mark Ito, Programs DCA Budget Analyst
Melodie Schaefer, CPA-Division II, CAPIC
Matt McAlear, MA, BCBA, CalABA

Agenda Item #2: President’s Welcome
Dr. Phillips welcomed those in attendance, read the Board’s mission statement, and thanked Senator Bates for sponsoring the Board to have its meeting at the State Capitol.

Agenda Item #3: Public Comment for Items not on the Agenda
No public comments were received.

Agenda Item #4: Approval of Minutes: November 12-13, 2015
Dr. Horn requested minor changes to the minutes.

It was M(Acquaye-Baddoo)/S(Starr)/C to approve the November 12-13, 2015 Board Meeting minutes as amended.

Vote: 8 aye (Arias-Bhatia, Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Starr, Harlem)
0 no

**Agenda Item #5: Approval of Minutes: November 28, 2015**

Dr. Horn requested some minor changes be made to the minutes.

It was M(Starr)/S(Arias-Bhatia)/C to approve the November 28, 2015 Board Meeting minutes as amended.

Vote: 8 aye (Arias-Bhatia, Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Starr, Harlem)
0 no

**Agenda Item #6: Budget Report**

Mark Ito, the Board’s DCA Budget Analyst, presented the Board’s budget report. He said that all programs within DCA participate in incremental budgeting, which means that the starting point for billing each year’s budget is the prior year’s Budget Act approved by the Governor. From there they make various current end-year and budget-year adjustments. The result is the Board's current year appropriations figure, which is included in the Governor's budget.

Dr. Horn asked if the budget was created with the assumption that no new programs are going to be added. Mr. Ito said that as a result of AB 1715, he would be working with Board staff to create a fiscal analysis of the bill and once it is approved, he can present it to the Board members.

Dr. Erickson asked how sure the Board members could be in getting repaid for the loans given to the General Fund. Mr. Ito said that it is his understanding that the Governor has directed the Department of Finance to repay the loans.

Dr. Phillips inquired about items that the Board had spent more money on than was allocated. He said it is important to track items to understand why the Board is spending more than the amount allocated. Mr. Ito said that he can provide a breakdown of the Board’s expenditures in the past three to five years so that the budget can be structured based upon those expenditures.

Dr. Horn agreed that if the Board knows where the money is going, it helps the Board moving forward if they decide to reallocate money.

Dr. Horn thanked Mr. Ito for taking the Board through the report step-by-step and Dr. Phillips thanked him for all of his hard work.
Ms. Monterrubio presented the Board's enforcement report. She reported that the Board's enforcement unit hired Crystal Martinez as an enforcement analyst and she started on February 12, 2016. She is responsible for issuing all enforcement-related citations, processing and reviewing subsequent arrest notifications, and assisting the Office of Attorney General with Statements of Issues. Ms. Monterrubio said that since the Board hired Ms. Martinez, there are no vacancies in the enforcement unit.

She reported that since July 1, 2015, the Board has received 529 complaints, issued 49 citations, and referred 20 cases to the Office of the Attorney General. She stated that the Board is monitoring 41 probationers who are all currently in compliance.

Dr. Phillips said that the number of licensed psychologists in California provided in the report for fiscal year 2015/16, was inaccurate and that it was actually 19,850. This figure includes both inactive and active licensed psychologists. He also said that the number of complaints is significantly higher than the preceding years. Ms. Monterrubio said that she is not sure what has contributed to the increase in complaints, but she is looking into it.

Ms. Arias-Bhatia asked if there were any trends amongst the complaints and Ms. Monterrubio said she would do some research and provide more information at the May Board meeting.

Dr. Harlem asked about the four dismissed Accusations. Ms. Monterrubio said that there was no Expert Reviewer training provided for a period of 4-5 years. In some cases when Expert Reviewers testified they fell outside of their scope of expertise. She said as a result, the Administrative Law Judge might have recommended to dismiss the case. She said the trainings would now be held every other year to avoid this from happening again.

Dr. Harlem requested that staff include the credentials of the practitioners who receive accusations. Ms. Monterrubio said that she would look into this and report back at the May Board meeting. Dr. Phillips said that the Board has received a request to provide more licensee information on its website and suggested that the BreEZe system be updated to include credentialing information.

Ms. Jones asked what the reasons for the 49 citations were and Ms. Monterrubio explained that most of them were for continuing education (CE) violations.

a) Changes to the Expert Reviewer Program
Ms. Monterrubio reported that there were nine changes made to the expert reviewer program. She indicated that the Board used to send cases over to the investigative unit to work with the Board's experts who would then report what their findings were. These findings were then forwarded to another expert for a final review and sometimes the findings were different. This was an issue when presented at a hearing so enforcement staff made changes to the program in order to resolve this issue. She said now there is just
one expert reviewer who will create a written report and testify to those findings at a
hearing.

Dr. Horn said that staff has spent a lot of time reviewing the process and is pleased to hear
that staff is expanding the locations where the trainings will be held.

Ms. Monterrubio said that Deborah Morales, one of the Board’s enforcement analysts,
spent a lot of time with the Board’s Deputy Attorney General liaison, Josh Templet, to
review the program.

Dr. Erickson thanked Ms. Monterrubio and Ms. Morales for all of the hard work they have
done. He asked if there is room to increase the fees because he would like to see that the
experts are paid as well as defense experts. Ms. Monterrubio said she does not know if that
is possible but what the Board pays its experts is in line with what other boards are paying
theirs.

**Agenda Item #8: Executive Officer’s Report**

Ms. Sorrick reported on the following items:

a) **Organization Update**

The Board recently hired Jason Glasspiegel as the Central Services Coordinator and
Crystal Martinez as an Enforcement Analyst. Chris Siepert, formerly the Board’s Program
Technician II, was promoted to a Licensing Analyst and she thanked him for working two
desks at one time until his prior position is filled. She reported that Jeffrey Thomas, formerly
the Board’s Staff Services Manager I, was promoted to Staff Services Manager II and will
remain as the Board’s Assistant Executive Officer. Rob Loyola recently moved from the
Enforcement Unit to the Licensing Unit as a Staff Services Analyst.

Ms. Sorrick reported that there is now a Licensing unit, an Enforcement unit and a Central
Services Unit. Staff members Marjean Dupree, Jacquelin Everhart and Lavinia Snyder
have moved to the Central Services Unit after an evaluation of their roles and
responsibilities showed that their duties were aligned with the duties of that unit.

Staff is looking to add a student assistant and fill both the Program Technician II and Staff
Services Manager I positions.

b) **Other Informational Items**

A recent report from DCA’s Executive Office states that Board members need to complete
a form 700 upon appointment and then annually thereafter by April 1 of each year. The
deadline to submit it online is March 15. Board members must complete the Board member
orientation, sexual harassment, ethics and defensive driver training. Staff will notify each
member via email if he or she is due for a training.
Agenda Item #9: Outreach and Education Committee Report and Consideration of Committee Recommendations

Ms. Starr reported on the following items:

a) Strategic Plan Update

Ms. Jones asked where the Board was in its strategy of reaching out to consumer groups. Ms. Sorrick reported that the Board has a stakeholders list that includes consumer groups and that it is consistently being updated. She said that the Board’s former student assistant researched organizations both for licensees and consumers in order to maximize the Board’s outreach and that this project would continue to be carried out by the new student assistant.

b) Communications Plan Update

Ms. Starr said that this agenda item would be updated as needed.

c) Social Media Update

Ms. Starr referred to the social media update that was included in the Board meeting packets.

d) Website Update

Mr. Thomas reported that previously there was a discussion at the November 2015 Board meeting to change the “consumers” tab on the Board’s website to “public”. He followed up with DCA to see if this change is possible and was informed that it is possible; however, a justification for the change would need to be approved by DCA’s Executive Office. Mr. Thomas noted that out of the 43 DCA websites, only four did not have a consumers tab.

The Board members agreed to keep the term as “consumers”.

e) Update on Newsletter

Ms. Starr presented the Board’s Fall “Journal” that was provided in the Board meeting packets.

Dr. Harlem asked for a discussion of the reasons why the Board includes disciplinary actions in the newsletter and Ms. Acquaye-Baddoo said it is consistent with the Board’s value of transparency. Dr. Horn agreed that it is an important piece to the newsletter.

Ms. Sorrick said that there is no requirement to include the Board’s disciplinary actions in the newsletter, but she has received positive feedback from licensees about its inclusion.

Norine Marks, DCA’s legal counsel, suggested that staff consider mirroring the State Bar magazine’s disciplinary section where they have a small paragraph of what the factual
basis was for each discipline. The Board members agreed and felt this approach would be more educational.

f) Outreach Activities Update

Ms. Starr reported that Board member Dr. Horn and staff members Jacquelin Everhart, Karen Johnson, and Sandra Monterrubio would be attending the CPA convention in April.

She said that Ms. Sorrick is awaiting DCA's approval to travel to the ASPBB Midyear Meeting in Anchorage, Alaska.

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

Ms. Starr reported that a recipient of this program would be featured in the Board's Winter Journal. Staff is working on providing the application as an insert in the renewal applications. Ms. Sorrick said that the insert would be two-fold. It would allow licensees to apply for the program and to donate funds.

h) Discussion and Potential Recommendation to Full Board Regarding Outreach to High Schools to Increase Licensing Population – Access to Care

Ms. Starr reported that Ms. Acquaye-Baddoo and Ms. Sorrick are currently drafting an outreach plan.

It was M(Harlem)/S(Acquaye-Baddoo)/C to approve the Outreach and Education Committee report and any recommendations therein.

Vote: 8 aye (Arias-Bhatia, Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

Agenda Item #10: CLOSED SESSION – FULL BOARD

The Board met in closed session pursuant to Government Code Section 11126(c)(3) to discuss disciplinary matters including Petitions for Reconsideration, Stipulations, and Proposed Decisions.

RETURN TO OPEN SESSION – FULL BOARD MEETING

Agenda Item #11: Regulation Update and Review: Possible Action

a) Title 16, CCR Section 1397.12 –Consideration of Adopting Amendments to Uniform Standards Relating to Substance Abuse and Disciplinary Guidelines

Mr. Glasspiegel reported that the language was noticed on February 12 for a 15-day comment period which will expire on February 27. The Board received one comment from Dr. Arthur Thomas Horvath, which was presented to the full Board.
Dr. Phillips thanked Dr. Horvath for his comment and said that this is a statutory program imposed on all DCA healing arts boards. Discussion ensued and the Board members decided not to make any changes to the modified text based upon Dr. Horvath's comment.

It was M(Jones)/S(Arias-Bhatia)/C to delegate the authority to the Executive Officer to adopt the third modified text after the comment period ends on February 27 absent any negative comments.

Vote: 8 aye (Arias-Bhatia, Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

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

Mr. Glasspiegel reported that the Filing of Addresses package was taken to the Office of Administrative Law (OAL) on February 24, and they have 30 (thirty) days to approve or reject the package.

**Agenda Item #12: Policy and Advocacy Committee Report and Consideration of Committee Recommendations**

a) Legislation Update

Ms. Jones presented the matrix drafted by Mr. Glasspiegel that provided current positions of the Board on various legislative bills. She reported that the Board had a position on SB 479 and AB 750, but they are no longer moving forward. The Board is watching several of the bills; thus, no action required for those items as this time.

1) **AB 12 (Cooley) State Government: Administrative Regulations**

   The Board will continue to watch this bill.

2) **AB 19 (Chang) State Government: Regulations**

   The Board will continue to watch this bill.

3) **AB 259 (Dababneh) Personal Information: Privacy**

   The Board will continue to watch this bill.

4) **AB 507 (Olsen) Department of Consumer Affairs**

   The Board will continue to watch this bill.

5) **AB 611 (Dahle) Controlled substances: prescriptions: reporting**

   The Board will continue to watch this bill.
6) AB 618 (Maienschein) Parole: Primary Mental Health

The Board will continue to watch this bill.

7) AB 796 (Nazarian) Health Care Coverage: Autism and Pervasive Developmental Disorders

Mr. Glasspiegel presented AB 796. Ms. Sorrick said that staff's recommendation is to “Oppose” AB 796.

Dr. Jim Lantry, a lobbyist for Floortime Coalition of California, the sponsor of AB 796, said that ABA is covered and works for some children, but it does not work for all. It is important that a psychologist or medical health professional be able to practice according to what is best for his or her patient. The parents go with whatever treatment the insurance companies are willing to pay for.

Dr. Horn reported that previously the Board stated it was not really the appropriate body to determine appropriate evidence-based treatments. She asked if Mr. Lantry has approached the American Psychological Association or the California Psychological Association, the major practice-oriented associations for the profession. Mr. Lantry said he had not reached out to those associations because none of those were state agencies. Mr. Lantry stated that the interested parties supporting AB 796 thought it would be best to go to a state agency rather than ask a non-profit that is not under the direct control of the state. Dr. Horn said his request would change the role of the Board.

Dr. Harlem said that APA has moved away from listing specific treatments. He stated that although he agrees with Dr. Lantry that a multiple treatments may be needed to treat the patients, the answer is not to list four more treatments for specific disorders. The idea is to keep the list open so that it does not prevent newer ideas from emerging in the future.

Dr. Phillips said that he does not want the Board to start dictating the scope of the services psychologists are providing. He said that mental health coverage in general is very difficult to get through insurance companies no matter how much legislation has been passed.

Dr. Melodie Shaefer from CPA-Division II, CAPIC said it might be more helpful for Dr. Lantry to approach the APA Practice Directorate because this is a national issue.

It was M(Horn)/S(Harlem)/C to accept staff’s recommendation to oppose AB 796.

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

8) SB 52 (Walters) Regulatory Boards: Healing Arts
This bill has died.

9) SB 128 (Wolk) – End of Life

The Board will continue to watch this bill.

10) SB 130 (Roth) Mental Health

The Board will continue to watch this bill.

11) SB 468 (Hill) Bureau of Security and Investigative Services: licensees

Ms. Sorrick reported that the Board had a “Neutral if Amended” position. She said if anything changed, it would be brought back to the full Board.

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

Ms. Jones reported that the Board previously took a Support position on AB 750, but it has since died.

13) SB 479 (Bates) Healing Arts: ABA

Ms. Sorrick reported that SB 479’s language has been moved to AB 1715 (Holden). She recommended that the Board continue to watch SB 479 and if the language were to impact the Board, it would be brought back to the Board members for a position.

14) AB 1715 (Holden) Healing Arts: ABA

Ms. Sorrick pointed out that the Board received public input on possible amendments to the bill, which was highlighted in the text provided. Individuals from CalABA, Assembly Member Holden’s Office, and the Autism Business Association were in attendance.

This bill was introduced on January 26, 2016. The last position the Board took on this language, which was previously in SB 479 (Bates), was “Oppose unless Amended” with regard to the exemption in the regional centers issue.

Matt McAlear from CalABA said that the “Opposed unless Amended” position the Board previously took was due to the exemption from licensure available for individuals working under contract at the California Department of Developmental Services (DDS). His team has been working with the Governor’s office to see how they can make this work for everybody involved.

Helen Mader, the owner of an ABA agency in California and a representative of the Autism Business Association, presented the amendments that the Autism Business Association had proposed to be included in the language. A recent survey
conducted by the Autism Business Association showed that the 33 agencies within its association serve approximately 13,000 individuals in California. One of their goals is to maintain capacity for clients because they do not want to limit the access to care for the clients with autism in California. For the past few decades, they have used the three-tier model that is currently represented in AB 1715. DDS also utilizes behavior management assistants within its middle tier, but these individuals are not represented in the bill. She reported that 58% of their middle-tier supervisors are non-certified. In order to ensure consumer protection, they are requesting that this category be added to the three-tier model so that the Board can regulate these individuals.

Matt McAlear requested that the Board change their position to “Support if Amended”.

Rick Rollins from the Autism Business Association and chief lobbyist for the regional centers, suggested that the Board take an “Oppose unless Amended” position because the changes they requested have not been made.

It was M(Horn)/S(Harlem)/C to take an “Oppose unless Amended” position until the following sections are amended in AB 1715: regional center exemption removed, adding a third category of registration, and amending the delegation of family members to be able to act per the direction of the provider.

Vote: 7 aye (Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

Ms. Mader requested that the language be changed in section (g) to include employees under a vendorized individual.

Dr. Phillips thanked Helen for her efforts.

Matt McAlear said that he does not think that the addition of behavioral management assistant is necessary.

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

Mr. Glasspiegel reported that the Board requested an opinion from the Office of the Attorney General regarding clarifying issues in mandatory reporting requirements per CANRA. He indicated that the Office of the Attorney General still has not issued an opinion because it is in the middle of a lawsuit.

Dr. Harlem said this agenda item has now evolved into the AG’s opinion becoming the end that the Board is seeking. He wants to remind people that the Board has a responsibility and that it can still take action. It is not reasonable any longer to wait for the AG’s office. There are youth in the process of discovering their sexuality who are experimenting with their peers and may be facing different forms of homophobia, misunderstanding, and pressures to conform at home. They go to their therapist or psychologist who are unable to
provide a safe enough environment to discuss what is really going on. The Board of
Behavioral Sciences (BBS) has clarified how they are interpreting CANRA and advising
their licensees not to consider oral or anal sex by definition abusive. He said this was a
bold move that has not resulted in negative consequences and this Board is still moving
this discussion to another meeting because of the pending status of the AG’s opinion. He
wants the Board to continue to ask what else it can do.

Dr. Phillips stated that, according to his recollection, BBS sought advice from its legal
counsel and that its counsel supported the position BBS has taken. He said that the Board
of Psychology was told they would not necessarily receive the same support from its
counsel. They were in a position where they felt like they had received conflicting
information and insufficient basis upon which to interpret the statue without the AG’s
opinion. He thinks that this legislation does differentially impact minority youth as well as
other youth, but the Board was in a quandary and looked to the AG’s office for clarity. If the
Board is unable to get an opinion from the AG’s office in the near future, the question
becomes what other avenues are open to the Board.

Ms. Marks said that BBS had asked its counsel whether or not there was a statutory
change necessary to clarify that non-abusive, consensual acts would be considered the
same. Her opinion was that there was no statutory basis to distinguish between particular
sex acts being engaged by minors of like age in non-abusive relationships. Ms. Marks said
she agreed with that opinion. She had advised the Board to be cautious about informing
licensees that this was an appropriate interpretation of the law because we are talking
about statutes contained in the Penal Code, which this Board does not enforce. She said
the danger lies in telling the licensees there is no basis for this distinction; therefore, you
can feel confident in not reporting behavior that you may have once thought was
reportable. The downside is that the various district attorneys around the state may see it
differently based upon what she understands to be 30 years of secondary sources that
have made these distinctions. Her concern was the Board assuring licensees that they will
not be subject to criminal prosecution for failing to report certain acts.

Ms. Sorrick reported that Assembly Member Garcia had AB 832 last year and the Board
took a support position. This issue is important to her because there are many people in
her constituency and in her former career as a teacher that the legislation would have
affected. Ms. Sorrick suggested that the Board send a letter to Assembly Member Garcia
to show its support in her continued efforts, which can be posted on the Board’s website
and in its newsletter. The Board needs a legislative fix to clean up the statute, short of
getting the AG’s opinion, to resolve this issue.

Ms. Marks said her caution with Dr. Horn’s suggestion is two-fold. Without indicating that
there are other law enforcement agencies out there that have their own laws to administer,
it provides a false sense of security to the Board’s licensees. Her other concern is if the
Board receives notice of conviction for a licensee because of a violation of those laws, the
Board has the obligation to initially investigate those and look at them on a case-by-case
basis.
Dr. Marilyn Immoos asked if the Board was in the position to engage the American Psychological Association (APA), the California Psychological Association (CPA), the American Association for Suicidology and other professional associations to see if they would take a stand if they have not already. It hinders psychologists' ability to provide therapy.

Dr. Shaefer suggested that the Board look to CPA to take a position. If the Board decides to communicate where it stands in its next newsletter, she is concerned that some psychologists may misunderstand that there is a separate issue within CANRA regarding child pornography. She does not want psychologists to think that the Board is taking a blanket position on all of CANRA.

It was M(Harlem)/S(Starr)/C to direct staff to ask BBS what it did after it received legal counsel's opinion and to put content in the newsletter that says where the Board stands in this process, and to send a letter to Assembly Member Garcia to show the Board's support in her continued efforts.

Vote: 7 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

\[c\) Proposed Legislative Revisions - Discussion, Consideration, and Possible Action on Amendments to the following sections of the Business and Professions Code\]

Ms. Sorrick requested that the Board pay particular attention to sections 2913, 2934.1 and 2988.5. She indicated that sections 2915 and 2947 have not changed since the November Board meeting.

Ms. Jones said that staff and legal counsel reviewed and made changes to sections 2913, 2947 and 2988.5 and brought those to the Policy and Advocacy Committee for review.

1) Section 2913: Services by Psychological Assistants

Mr. Sorrick reported that the main changes in this section are the settings in which psychological assistants are working, supervision of psychological assistants provided by licensed psychologists or licensed psychiatrists and the application come directly from the psychological assistant.

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

This language has not been changed since the November Board meeting.

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

This language has not been changed since the November Board meeting.

4) Proposed Section 2934.1: Internet Information

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Mr. Glasspiegel reported that this establishes what information on licensees the Board will make available on its website. It would include their degree, a link to their website and any disciplinary action.

Ms. Sorrick reported that the Medical Board uses specialization as an identifier on the license lookup feature; however, because the Board of Psychology does not recognize specializations in statute, the alternative was to provide a link to the licensee's personal website.

Dr. Erickson asked how the Medical Board was able to list specializations on its website since it does not issue licenses based upon specialty areas of practice.

Dr. Phillips said based upon what he has seen on the Medical Board's website, it lists the diplomas of particular boards. This method becomes problematic for the Board of Psychology since some licensees have specialties that are not necessarily approved by a particular body. He said that if we allow people to self-specify it could be allowing them to misrepresent themselves using an official government website.

Dr. Horn said about 85% of psychiatrists are board-certified versus less than 5% of psychologists.

5) Proposed Section 2988.5: Retired License Status

Ms. Jones reported that the language from AB 750 was inserted into proposed section 2988.5 because AB 750 died.

Ms. Marks reminded the Board that this section does not currently exist in statute.

Dr. Phillips said this proposal is the Board's attempt to address the concern of older psychologists that there be some type of status where people do not have to give up their professional identity.

Ms. Sorrick said that AB 750 never got past Appropriations because there was a perceived negative fiscal impact.

It was M(Horn)/S(Harlem)/C to adopt the proposed legislative amendments to the Business and Professions Code.

Vote: 7 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

d) Review and Consideration of Proposed Policy for Legislative Positions for Inclusion in the Administrative Procedures Manual

Ms. Jones presented the proposed policy for legislative positions.

Ms. Marks said the Board might want to consider another policy on how to address changes to legislation on which the Board has taken a position when it is near the end of the legislative session and there is no time to have a Board meeting. The Board members
would need to determine how they are going to delegate authority in order to provide the Board's position.

Ms. Sorrick suggested drafting some new language to be included in the Administrative Procedures Manual to present at the next Policy and Advocacy Committee meeting regarding Committee delegation. The Committee can then bring this draft language back to the full Board in May.

It was M(Starr)/S(Arias-Bhatia)/C to adopt the language.

Vote: 7 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

Board recessed at 2:13 p.m.

Friday, February 26, 2016

The Board reconvened at 8:47 a.m.

Board members Lucille Acquaye-Baddoo and Miquel Gallardo, PhD, were recorded as absent.

**Agenda Item #13: Reconsideration Hearing of the Petition for Early Termination of Probation – Timothy Beach, PsyD**

The Board held its Reconsideration Hearing of the Petition for Early Termination of Probation for Dr. Timothy Beach.

**Agenda Item #14: Enforcement Division Overview and Presentation**

This agenda item was postponed until the May Board meeting.

**Agenda Item #15: CLOSED SESSION – FULL BOARD**

**Agenda Item #16: The Board met in closed session pursuant to Government Code Section 11126(e)(1) to Discuss Pending Litigation**

**Agenda Item #17: The Board met in Closed Session Pursuant to Government Code Section 11126(a)(1) to conduct its annual evaluation of its Executive Officer**

RETURN TO OPEN SESSION – FULL BOARD MEETING

**Agenda Item #18: Licensing Report**

Ms. Johnson, the Board's Licensing Coordinator, presented the licensing report. Chris Steiert and Rob Loyola received Licensing Analyst positions in the Licensing Unit. Staff's processing times in reviewing and approving applicants is being maintained to two weeks or less.
**Agenda Item #19: Continuing Education Report**

Ms. Jacquelin Everhart, the Board’s CE/Renewals Coordinator, presented the continuing education report.

**Agenda Item #20: Licensing Committee Report and Consideration of Committee Recommendations**

Dr. Horn requested that the Board address how staff could determine which requests should go to the Board for future agenda items.

a) **Discussion, Review and Consideration of the Proposed Revisions to Title 16 of the California Code of Regulations: Sections 1397.60, 1397.61, 1397.62, 1397.67, 1397.69, 1397.70 (CE/CPD)**

Dr. Horn reported that the language is still under review by the Licensing Committee and hopes to bring it back to the May Board meeting.

b) **Overview and Presentation of the Department of Justice and Federal Bureau of Investigation Fingerprint Process**

Ms. Karen Johnson presented an overview of the DOJ and FBI fingerprint process.

c) **Consider Licensing Committee Recommendation Regarding Request from K.P. for an Extension of the 30-consecutive Month Requirement to Accrue 1500 Hours of Pre-doctoral Supervised Professional Experience Pursuant to Section 1387(a) for the California Code of Regulations**

Dr. Horn presented the Committee’s recommendation to grant the two-month extension to K.P.

It was M(Jones)/S(Arias-Bhatia)/C to accept the Licensing Committee’s recommendation to grant the two-month extension to K.P.

Vote: 7 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

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

Dr. Horn reported that the Committee’s recommendation is to grant the six-month extension to M.P.

It was M(Harlem)/S(Arias-Bhatia)/C to accept the Licensing Committee’s recommendation to grant the six-month extension to M.P.
Vote: 7 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

e) Consider Licensing Committee Recommendation Regarding Request from P.C. 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 reported that P.C. accrued the bulk of the hours within 12 months and did not
accrue any more hours until a couple of years later at which time P.C. obtained an
additional 136 hours. The 30 consecutive months had ended a couple of years before P.C.
accrued the 136 hours; therefore, P.C. is requesting an extension in order to count the 136
hours. There is some question that P.C. may have been given some inaccurate information
from supervisors. The Committee’s recommendation is to approve the extension and grant
P.C. the entire 1500 hours.

Ms. Jones said that the Board previously discussed how it could ensure that supervisors
are providing correct information to their psychological assistants.

Dr. Shaefer said it would be great if the Board could develop a sheet that provides the
issues supervisors need to know about in addition to creating an information sheet for
internships and post docs.

Dr. Phillips said one of the objectives of the Pathways to Licensure discussion is to make
the language as clear as possible so that people know what their responsibilities are.

It was M(Jones)/S(Erickson)/C to accept the Licensing Committee’s recommendation to
grant the extension and the 1500 hours to P.C.

Vote: 7 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

f) Consider Licensing Committee Recommendation Regarding Request from K.F. for an
Extension to the Limit of a Cumulative 72 Months to Renew a Psychological Assistant
Registration Pursuant to Section 1391.1(b) of the California Code of Regulations

Dr. Horn reported that K.F.’s 72 months will expire in June 2017. K.F. has not been able to
pass the national licensing exam. The licensee is requesting an extension based upon
them being an adult, having an active practice and not going to practice too much longer,
and does not want the psychological assistantship to end.

The Committee’s recommendation is to deny K.F.’s request for an extension of their
psychological assistant registration because this is a consumer protection issue.

It was M(Starr)/S(Jones)/C to accept the Licensing Committee’s recommendation to deny
K.F.’s request to extend the psychological assistant registration.

Vote: 6 aye (Erickson, Jones, Phillips, Horn, Starr, Harlem) 1 abstain (Arias-Bhatia) 0 no
g) Consider Licensing Committee Recommendation Regarding Request from S.M. for an exception to the CE Requirements Pursuant to Section 1397.62(b) of the California Code of Regulations

Dr. Horn reported that this request came to the full Board at its February 2015 meeting. Additional information was requested in order to grant or deny the request. After the meeting, the file had been given to the incorrect staff person for processing. When the file was revisited, it was discovered that the licensee had never been contacted to request the additional information. In December 2015, staff sent a letter to the licensee and received a response with the requested information. The response was provided to the Licensing Committee at its February meeting.

The Licensing Committee’s recommendation is to approve S.M’s request for an exception to the Board’s CE requirements.

It was M(Erickson)/S(Jones)/C to accept the Licensing Committee’s recommendation to grant the exception to S.M.

Vote: 5 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn) 2 abstain (Starr, Harlem) 0 no

h) Review and Assessment of Current Licensing Requirements and Recommendations for Possible Amendment

1) Proposed Amendments to Sections of the Business and Professions Code: 2909, 2909.5, & 2911 (Exemptions); 2913 (Psychological Assistant), 2914 (Licensed Psychologist), 2915 (Continuing Education); 2940 & 2941 (Application and Examination Fees); 2942, 2943, & 2944 (Examination Time and Subjects); 2946 (Reciprocity and Temporary Practice); 2947 (Appointment of Commissioners); 2948 (Issuance of License)

Dr. Horn reported that the Licensing Committee is still reviewing the current language and will continue its review at its next meeting and provide an update to the full Board in May. It will then hold another Licensing Committee meeting with stakeholders prior to the August Board meeting and provide a report to the full Board in August. Dr. Phillips suggested that this meeting be webcast so that the other Board members can listen to the discussion.

2) Review of Proposed New Statutory Language Regarding Coursework in Suicide Risk Assessment and Intervention

Dr. Horn reported that the Committee is still reviewing the language.

3) Proposed Amendments to Sections of Title 16, California Code of Regulations: 1381, 1381.1, & 1381.2 (Applications); 1381.4 (Failure to Appear for an Examination); 1381.5 (Failure to Pay Initial License Fee); 1387 (Supervised Professional Experience); 1387.1 & 1387.2 (Qualifications of Primary and Delegated Supervisors); 1387.3 (Non-Mental Health Services); 1387.4 (Out-of-State
Dr. Horn reported that the Committee is still reviewing the language.

**Agenda Item #21: Enforcement Committee Report and Consideration of Committee Recommendations**

Dr. Phillips presented the Enforcement Committee report on behalf of Ms. Acquaye-Baddoo.

a) Proposed Changes to the Disciplinary Guidelines – Title 16, CCR, Section 1397.12

The Enforcement Committee met on January 22 to review the Board's disciplinary guidelines. The Committee is reviewing the guidelines in a very systematic and detailed way. They will be meeting again to continue their review in hopes to have the guidelines ready for the May Board meeting, and if not May then August.

**Agenda Item #22: Telepsychology Committee Report and Consideration of Committee Recommendations**

Dr. Erickson reported that the Telepsychology Committee met on January 25 to review, edit and develop the draft regulations. The Committee's recommendation is to come back to the full Board in May with proposed regulations.

Dr. Phillips said that the Board received comments from Dr. Adam Alban and he would like to ensure that those are included at the next Committee meeting.

a) Proposed Additions to California Code of Regulations, Title 16, to Address Standards of Practice for Telehealth

This agenda item was moved to the May Board meeting.

**Agenda Item #23: Sunset Review Update and Possible Review of Background Paper from the Senate Business, Professions, and Economic Development Committee**

Ms. Sorrick reported that the Board met and reviewed the Sunset Review Report and continued and completed its review at the November 28 Board meeting. The report was submitted to the Senate Business and Professions Committee on December 1, 2015 and staff received follow-up questions from the Sunset Review Committee about a week prior to the Board meeting. Staff has drafted the responses for the Board members to review, which were reported as due Monday, February 29.

Dr. Horn asked if the term "citation and fine" should be capitalized and suggested that staff add that the Board has started tracking first-time test-takers in its response to question four.
She said staff needs to explain why certain subject areas are no longer making up a large portion of the exam. She said it currently sounds like these areas were removed because they were too difficult. A more direct answer to question eight was suggested. Dr. Phillips said the answer should be that to date, travel restrictions have not prevented the Board from participating in activities that it wants to participate in.

Discussion ensued regarding the passage rates for approved schools. Ms. Sorrick reported that the consultants with the Senate Business and Professions Committee requested staff to pull data on disciplinary actions by approved schools and test passage rates on approved schools. Staff is not sure whether it can pull this type of data from BreEZe, but if it can, it will present it to the Senate Business and Professions Committee and to the Board. She said she received an email from OPES that morning to request that staff change its answer to number four, bullet point number four. The new answer would read “The Board increased its efforts in recruitment newly licensed subject matter experts who were more in touch with entry-level practice; however, the composition of the subject matter expert groups may have impacted the process.” The Board members agreed with this change.

Dr. Erickson requested that bullet point number one in question four be deleted because it did not answer the question.

It was M(Erickson)/S(Jones)/C to approve the Sunset responses.

Vote: 7 yes (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

Ms. Sorrick said the Board has been asked to appear at hearing in front of the Senate Business and Professions Committee on March 14. She would be present as well as Board President Phillips and Board Vice President Jones. They will go through the responses staff has drafted to the questions that have been provided. There will be more time to ask any follow-up questions. Stakeholders are invited to testify on behalf of the Board’s Sunset Review and there will be more time given more closing. The next step after the hearing is legislation that will be carried out by the Senate Business and Professions Committee. The Board has SB 1194 as the placeholder bill to grant the Board an extension until 2021. It also includes the five sections the Board has requested be added to the Sunset Bill.

Ms. Sorrick also reported that staff has been asked by Senator Hernandez’ office to attend a hearing on March 9 regarding Access to Mental Healthcare in California. The Board was asked to provide a perspective on licensing and how the Board’s licensing process works. The Board of Behavioral Sciences and the Medical Board have also been invited to attend.

**Agenda Item #24: North Carolina Dental Board Examiners Case Review**

Ms. Marks read the Case Review and discussed the standards that are applied to each board as a result of the North Carolina case. The supervising agency over the state boards depends on the action that is being taken.
Ms. Marks read, "...the state has a duty to defend and indemnify members of California professional regulatory boards against anti-trust litigation to the same extent that it defends and indemnifies state officers and employees against other forms of civil litigation."

Ms. Marks said that the regulation of a licensed profession is anti-competitive in nature. It is important that the Board members are aware of the impacts.

Discussion ensued between the Board members.

**Agenda Item #25: President's Report**

Dr. Phillips reported on the following items:

*a) Presentation to Outgoing Board President Michael Erickson, PhD*

Dr. Phillips recognized Dr. Erickson's hard work in his leadership and presented him with a Certificate of Appreciation on behalf of the Board of Psychology. The Board members congratulated Dr. Erickson and Dr. Erickson said how much he enjoyed serving the Board.

*b) 2016 Meeting Calendar and Locations*

Universal City was announced as the potential location for the next Board meeting location.

*c) Committee Updates*

The Licensing Committee is currently searching for a new date for its next meeting. The new chairman of the Sunset Committee is Dr. Phillips and the new chairman of the Telepsychology Committee is Dr. Erickson.

*d) Other Informational Items*

Dr. Phillips thanked Senator Bates and her staff for having the Board at the Capitol and setting up such a beautiful room for the Board to have its meeting.

He recognized Ms. Jones for getting through the regulation updates and Dr. Horn for getting us through the pathways to licensure discussion. He thanked staff and the Board members for their passion and diligence they bring to their job.

He recognized the efforts of the Outreach and Education Committee and Ms. Starr for her taking Dr. Gallardo's role of reporting on behalf of the Committee.

**Agenda Item #26: Recommendations for Agenda Items for Future Board Meetings**

The Board discussed agenda items for future Board meetings.

**Agenda Item #27: Adjournment**
The Board adjourned at 3:48 p.m.

President

06/03/2016

Date