Thursday, May 19, 2016

Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order at 8:33 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present
Stephen Phillips, JD, PsyD, President
Nicole J. Jones, Public Member, Vice-President
Lucille Acquaye-Baddoo, Public Member
Johanna Arias-Bhatia, Public Member
Michael Erickson, PhD
Miguel Gallardo, PsyD
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

Agenda Item #2: President’s Welcome
Dr. Phillips thanked everyone in attendance, read the Board’s mission statement, and stated its values.

Agenda Item #3: Public Comments for Items not on the Agenda
Steve Arthur, President of Ryokan College, addressed the approved schools issue identified in the Board’s Background Paper. He requested that degrees from Ryokan be accepted for licensure as a psychologist. He believes that the Board should oppose
any changes to require regional accreditation by a school in order for its degree to qualify for licensure. Don Burris, attorney for Ryokan College, presented the Board members with a draft of a proposed complaint, which has not been filed, challenging the proposed change in the law.

Dr. Gary Schummer submitted general comments regarding whether the legal forum was the best forum to address complaints against psychologists. Dr. Phillips reminded him that the Board could not hear information regarding specific cases in its role as a judicatory body.

Agenda Item #4: Approval of Minutes: February 25-26, 2016

The Board members made grammatical changes to the minutes.

It was M(Starr)/S(Acquaye-Baddoo)/C to approve the February 25-26, 2016 Board Meeting minutes as amended.

Vote: 9 aye (Starr, Harlem, Acquaye-Baddoo, Gallardo, Jones, Phillips, Horn, Arias-Bhatia, Erickson) 0 no

Agenda Item #5: Budget Report

Mr. Glasspiegel presented the Board’s budget report. He stated that the Board would need additional funds if AB 1715 were passed.

Dr. Jo Linder-Crow asked if the Board would be in a bigger deficit if AB 1715 were passed. Ms. Sorrick said if the Board did not receive its general loan fund repayment, it would need to pull borrow its reserves for the startup loan to get ABA licensure started.

Agenda Item #6: Petition for Reinstatement of Surrendered License – Linda K. Thompson, PhD

Administrative Law Judge David B. Rosenman presided. Deputy Attorney General Christine R. Friar was present and represented the people of the State of California. Linda K. Thompson, PhD was present and was represented by Gary Wittenberg, Esq.

Agenda Item #7: Petition for Reinstatement of Surrendered License – Robert Weathers, PhD

Administrative Law Judge David B. Rosenman presided. Deputy Attorney General Christine R. Friar was present and represented the people of the State of California. Robert Weathers, PhD was present and was represented by John L. Fleer.

Agenda Item #8: Closed Session
The Board met in closed session pursuant to Government Code Section 11126(c)(3) to discuss disciplinary matters including the above petitions, petitions for reconsideration, stipulations, and proposed decisions.

RETURN TO OPEN SESSION – FULL BOARD

Dr. Phillips said the Board would need to reconvene Closed Session the following day to continue its discussion. Ms. Jones and Ms. Acquaye-Baddoo were recorded as absent.

**Agenda Item #9: Regulatory Hearing Title 16, CCR, Sections 1387(b)(10)(11) and 1387.1 – Verification of Experience and Supervision Agreement Forms**

Dr. Phillips read the guidelines of the regulatory hearing and asked if there was any public testimony. No public testimony was received and the Board proceeded to discuss the proposed regulations.

Dr. Melodie Shaefer, CPA, asked if the Board would consider allowing electronic submissions of verification of experience and supervision agreement forms.

Ms. Sorrick said the purpose of requiring the submission of the forms by mail is to maintain the integrity of the document.

**Agenda Item #10: Consideration of Adopting Amendments to Title 16, CCR Sections 1387(b)(10)(11) and 1387.1 – Verification of Experience and Supervision Agreement Forms**

It was M(Gallardo)/S(Erickson)/C to adopt the language as written and to delegate authority to the Executive Officer to make any non-substantive changes.

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

**Agenda Item #11: Enforcement Report**

Ms. Monterrubio presented the enforcement report. She stated that there has been no consistent increase in complaints. Dr. Harlem requested the Board receive information on how many complaints were submitted online at the next meeting.

**Agenda Item #12: Executive Officer’s Report**

a) Organization Update
Ms. Sorrick said that the Board recently hired Lisa Chong as the Program Technician II in the Central Services Unit. She indicated that Chris Siepert previously held this position and has since promoted to a Licensing Analyst.

The final filing date for the Licensing and Central Services Unit Managers was May 19, 2016, and the Board just received approval to hire a student assistant.

b) DCA Update

There was no new information to report.

Agenda Item #13: Underserved Populations – Access to Mental Healthcare

Ms. Sorrick indicated that this agenda item will be discussed at a future meeting.

Agenda Item #14: Strategic Plan Update

Ms. Sorrick indicated that this agenda item will be discussed at a future meeting.

Agenda Item #15: Communications Plan Update

Ms. Sorrick indicated that this agenda item will be discussed at a future meeting.

Agenda Item #16: Social Media Update

Mr. Glasspiegel indicated that this agenda item will be discussed at a future meeting.

Agenda Item #17: Website Update

Mr. Glasspiegel indicated that this agenda item will be discussed at a future meeting.

Agenda Item #18: Update on Newsletter

Ms. Sorrick indicated that this agenda item will be discussed at a future meeting.

Agenda Item #19: Outreach Activities Update

Ms. Sorrick indicated that this agenda item will be discussed at a future meeting.

Agenda Item #20: Access to Mental Healthcare in the State of California Campaign Update

Ms. Sorrick indicated that this agenda item will be discussed at a future meeting.

Agenda Item #21: Regulation Update and Review: Possible Action
a) Consideration of Adopting Amendments to Title 16, CCR, Sections 1397.12 – Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

Mr. Glasspiegel reported that on April 28, 2016 the Board issued a fourth 15-day notice of the modified text that made additional changes to the regulatory language and disciplinary guidelines. The 15-day notice ended on May 13, 2016 and no public comments were received. Staff’s recommendation to the Board is to review the proposed fourth modified text, accept the language and give authority to the Executive Officer to make any non-substantive changes and proceed with the Rulemaking File.

It was M(Jones)/S(Arias-Bhatia)/C to adopt the fourth modified text as written and to delegate the authority to the Executive Officer and staff proceed with the rulemaking process and to make any non-substantive changes.

Vote: 9 aye (Starr, Harlem, Acquaye-Baddoo, Gallardo, Jones, Phillips, Horn, Arias-Bhatia, Erickson) 0 no

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

Mr. Glasspiegel presented the filed Order of Adoption which amends section 1380.5. Staff created an advisory that will be posted on the Board’s website on May 23, 2016 and the amended regulation will take effect on July 1, 2016.

Agenda Item #22: Policy and Advocacy Committee Report and Consideration of Committee Recommendations on Board Positions

a) Legislation Update

Mr. Glasspiegel referred to the matrix of legislative bills that was provided in the Board meeting packets.

1) AB 796 (Nazarian) Health Care Coverage: Autism and Pervasive Development Disorders

This item is for informational purposes only.

2) AB 1715 (Holden) Healing Arts: ABA

Mr. Glasspiegel presented AB 1715. He indicated that the bill is currently in the suspense file of the Appropriations Committee.

Ms. Arias-Bhatia and staff attended a meeting with the author and sponsors of AB 1715 to discuss the Board’s concerns and suggested amendments to the bill.
She also met with DCA’s Legislative Regulatory Review unit to discuss the Board’s concerns with the exemptions for public and non-public agencies under the California Department of Education. She and staff asked if the author, sponsors and DCA could set up a meeting with the Board to discuss who in the agencies would be included in the exemption, why they needed to be exempt, and how they planned to provide consumer protection and ensure competent practice of behavioral analysis.

Ms Jones said the Policy and Advocacy Committee recommendation is for the Board to take a “Support if Amended” position.

Matt McAlear from the California Association for Behavioral Analysis (CalABA) thanked staff and the Board for being accommodating with the agenda schedule and the Board for changing its position.

Elizabeth Winkelman, CPA, said that CPA took an “Oppose” position on the bill. She is concerned with the deletion of the exemption for students other than behavioral analyst students and trainees and proposed that the exemption be added back into the bill.

Mr. McAlear said this was a mistake and it will be added back into the bill.

It was M(Arias-Bhatia)/S(Horn)/C to accept the recommendation of the Policy and Advocacy to take a “Support if Amended” position.

Vote: 9 aye (Starr, Harlem, Acquaye-Baddoo, Gallardo, Jones, Phillips, Horn, Arias-Bhatia, Erickson) 0 no

3) AB 1835 (Holden) Private Postsecondary Education: Exemptions

This item is for informational purposes only.

4) AB 2017 (McCarty) College Mental Health Services Program


It was M(Arias-Bhatia)/S(Acquaye-Baddoo)/C to take a “Support” position.

Vote: 9 aye (Starr, Harlem, Acquaye-Baddoo, Gallardo, Jones, Phillips, Horn, Arias-Bhatia, Erickson) 0 no

5) AB 2086 (Cooley) Workers Compensation: Neuropsychologists

Ms. Jones presented AB 2086.
Dr. Erickson said this bill would restore the neuropsychologist category on the list of qualified medical examiners (QME) to serve on panels in injured worker cases. This category was removed from the list about two years ago and as a result, people with traumatic head injuries were not receiving immediate treatment through the panel process. Dr. Erickson, Ms. Sorrick and Mr. Glasspiegel spoke with the Director of the Department of Industrial Relations (DIR), Christine Baker, the Medical Director, Dr. Raymond Meister, and the Administrative Director, George Parisotto about the Board’s position on the pending bill.

The Policy and Advocacy Committee recommended a “Support” position.

Ms. Sorrick said that staff recommends moving “licensed in this state” to section five instead of keeping it in subsection E.

Dr. Linder-Crow said language was added to provide ways in which psychologists could demonstrate to the Department of Workers Compensation that they have additional training in the area of neuropsychology. Some of these include certification from the American Board of Professional Psychology (ABPP) and from the American Board of Neuropsychology. She believes she can add the term “licensed” to psychologist, but needs to first discuss this recommended change with CPA’s co-sponsor and the author. She said CPA appreciates the Board’s support on this bill.

Discussion ensued among the Board members regarding what position it should take and Ms. Sorrick reported that DIR has asked staff to follow up with the Director regarding the Board’s feedback and its position on the language.

It was M(Erickson)/S(Jones)/C to take a “Support if Amended” position with the following amendments: add “licensed in this state” to section five, remove the first three and a half lines in subsection B until “has not less than five years”, and remove the first three and a half lines until “has completed an internship...” in subsection E.

Vote: 9 aye (Starr, Harlem, Acquaye-Baddoo, Gallardo, Jones, Phillips, Horn, Arias-Bhatia, Erickson) 0 no

6) AB 2443 (Baker) Improving Mental Health Access for Students

Ms. Jones presented AB 2443.

It was M(Starr)/S(Harlem)/C to take a “Support” position.
Vote: 9 aye (Starr, Harlem, Acquaye-Baddoo, Gallardo, Jones, Phillips, Horn, Arias-Bhatia, Erickson) 0 no

7) AB 2507 (Gordon) Telehealth: Access

Ms. Jones indicated that this bill has been moved to the Telepsychology Committee.

8) AB 2859 (Low) Professions and Vocations: Retired Category

Mr. Glasspiegel presented AB 2859. The Board has already proposed language to create a retired licensure category; therefore, staff’s recommendation is to continue to watch this bill.

9) SB 1033 (Hill) Medical Board: Disclosure of Probationary Status

Mr. Glasspiegel said SB 1033 was sent to the suspense file. The Board will continue to watch this bill.

10) SB 1034 (Mitchell) Health Care Coverage: Autism

Mr. Glasspiegel indicated that the Board will continue to watch this bill.

11) SB 1101 (Wieckowski) Alcohol and Drug Counselors: Regulation

Mr. Glasspiegel indicated that the Board will continue to watch this bill.

12) SB 1155 (Morrell) Professions and Vocations: Licenses: Military

Mr. Glasspiegel indicated that the Board will continue to watch this bill.

13) SB 1194 (Hill) Psychology: Board of Psychology: Personnel

Ms. Jones and Dr. Phillips provided testimony at the joint Business and Professions Committee’s Sunset Review hearing.

Ms. Sorrick said that this bill was scheduled to be heard in the Senate Appropriations Committee before May 27, 2016.

Dr. Horn said that the statement “...California psychologists cannot join the American Psychological Association as full members...” in subsection “a” of the bill analysis was incorrect. She said it should state that graduates of approved schools cannot join the American Psychological Association as full members.
Mr. Glasspiegel said he would draft new language to address Dr. Horn's changes.

It was M(Erickson)/S(Starr)/C to take “Support” position.

Vote: 9 aye (Starr, Harlem, Acquaye-Baddoo, Gallardo, Jones, Phillips, Horn, Arias-Bhatia, Erickson) 0 no

14) SB 1204 (Hernandez) Health Professions Development: Loan Repayment

Mr. Glasspiegel indicated that the Board will continue to watch this bill.

15) SB 1217 (Stone) Healing Arts: Reporting Requirements: Liability

Mr. Glasspiegel indicated that the Board will continue to watch this bill.

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 said Dr. Harlem and staff drafted a letter and sent it to Assembly Member Garcia to show its continued support of her efforts related to CANRA and contacted the Board of Behavioral Sciences (BBS) to see what it did after receiving legal opinion from the Department of Consumer Affairs. BBS provided DCA’s opinion at a Board meeting, but had not issued any statements or provided guidance to its licensees regarding reportable acts under the legal interpretation.

Ms. Sorrick said that staff is going to schedule a meeting with Dr. Philips, Ms. Jones and Assembly Member Garcia to discuss pursuing legislation to clarify reporting requirements under CANRA. The opinion from the AG’s office is still pending due to litigation.

Dr. Linder-Crow said she hoped the Board would continue to work with the Legislature and to encourage the Attorney General’s office to provide its opinion.

**Agenda Item #23: Review and Consideration of Proposed Legislation and Positions**

a) SB 1195 (Hill) Professions and Vocations: Boards: Competitive Impact

Mr. Glasspiegel presented SB 1195. He said the Board may want to communicate its concerns with this bill, but staff’s recommendation is to watch it.
Dr. Phillips said that the Department of Consumer Affairs (DCA) is going to be discussing this bill and amendments are anticipated. He said it would be best to watch this bill since the Board does not know what the final draft will look like.

b) SB 1334 (Stone) Crime Reporting: Health Practitioners: Trafficking

Ms. Jones presented SB 1334. Discussion ensued and the Board requested staff to gather additional information before it takes a position.

Dr. Winkelmann, CPA, said that CPA had not taken a position. If the bill is unclear about mental health, it leaves psychologists unclear.

Dr. Linder-Crow received information from the author's office that this bill is only for medical practitioners, excluding psychologists.

c) Legislative Items for Future Meeting

No legislative items were suggested for future meetings.

Friday, May 20, 2016

Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order at 9:01 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present

Stephen Phillips, JD, PsyD, President
Nicole J. Jones, Public Member, Vice-President
Lucille Acquaye-Baddoo, Public Member
Johanna Arias-Bhatia, Public Member
Michael Erickson, PhD
Miguel Gallardo, PsyD
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
Agenda Item #24: Enforcement Division Overview and Presentation

Ms. Monterrubio, Mr. Templet and Ms. Marks presented an overview of the Board’s Enforcement division.

Dr. Phillips explained why so much of the disciplinary process goes on without Board member involvement and again spoke to the Board’s position as a judicatory body.

Ms. Marks said the Board is the ultimate judge of disciplinary decisions and cannot be involved with the prosecution side of the process because it cannot be the judge, jury and prosecutor all at the same time.

Ms. Monterrubio explained the reasoning behind the lengthy complaint process for licensees. When the complaint is opened, the respondent is notified and given a chance to respond. Once the response is received, it is submitted to the Board’s expert reviewer who is given 30 to 45 days to respond.

Agenda Item #25: Licensing Report

Ms. Johnson indicated that this agenda item will be discussed at a future meeting.

Agenda Item #26: Continuing Education Report

Ms. Everhart indicated that this agenda item will be discussed at a future meeting.

Agenda Item #27: Licensing Committee Report and Consideration of Committee Recommendations

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

1) Review of Governor’s Veto Message to AB 2198 (Levine)

Ms. Johnson indicated that this item is being provided for informational purposes only.

2) Diagram of the Legislative Mandated Coursework
Ms. Johnson indicated that this item is being provided for informational purposes only.

3) Survey Results Showing which Graduate Programs Include Suicide Risk Assessment Training in its Curriculum

Ms. Johnson indicated that this item is being provided for informational purposes only.

4) Review Proposed Draft Statutory Coursework Requirement

Dr. Horn said that the Committee suggested six (6) hours of coursework in suicide risk assessment and intervention. Discussion ensued among the Board members.

It was M(Horn)/S(Jones) to support the Licensing Committee's recommendation to accept the proposed language with the addition of language drafted by staff and legal counsel to require this training in the Continuing Professional Development (CPD) model as a one-time renewal requirement.

Vote: 0 aye, 6 no (Acquaye-Baddoo, Gallardo, Phillips, Horn, Arias-Bhatia, Erickson), 3 abstain (Jones, Harlem, Starr)

b) Review and Consider Draft Guidelines for Delegation of Items to Board Staff

Dr. Horn said the purpose of these guidelines is to delegate the authority to staff to approve straightforward requests so there would not be so many cases brought to the Licensing Committee and the Board for consideration.

1) Requests for Extensions of the 72-Month Registration Period for Psychological Assistant Registrations

Dr. Horn presented the diagram and its parameters.

2) 30 Consecutive Month Limit to Accrue 1,500 Hours of Pre or Post-Doctoral Supervised Experience

Dr. Horn presented the diagram and its parameters.

It was M(Harlem)/S(Acquaye-Baddoo)/C to accept the diagram as amended.

Vote: 9 aye (Starr, Harlem, Acquaye-Baddoo, Gallardo, Jones, Phillips, Horn, Arias-Bhatia, Erickson) 0 no
c) Pathways to Licensure: Review and Assessment of Current Licensing Requirements and Recommendations for Possible Amendment:

1) Consideration of 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 indicated that these sections are still under review by the Licensing Committee.

2) Consideration of 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 Experience); 1387.5 (SPE Log); 1388, 1388.6, 1389 & 1389.1 (Examinations-Waiver/Reconsideration); 1387.7, 1390, 1390.1, 1390.2, & 1390.3 (Registered Psychologists); 1387.6, 1391, 1391.1, 1391.2, 1391.3, 1391.4, 1391.5, 1391.6, 1391.7, 1391.8, 1391.10, 1391.11, & 1391.12 (Psychological Assistants)

Dr. Horn indicated that these sections are still under review by the Licensing Committee.

3) Report on Committee’s recommendations regarding applicant qualifications for licensure and possible Board approval of recommended actions.

It was M(Horn)/S(Jones)/C to accept the Licensing Committee’s recommendation to deny #1’s request for an extension to the limit of a cumulative 72 months to renew a psychological assistant registration pursuant to Title 16 of the California Code of Regulations (CCR) Section 1391.1(b).

Vote: 6 aye (Harlem, Acquaye-Baddoo, Gallardo, Jones, Horn, Erickson) 2 abstain (Arias-Bhatia, Starr) 0 no

It was M(Horn)/S(Acquaye-Baddoo)/C to accept the Licensing Committee’s recommendation to grant #2’s request for a one-year extension to the limit of a cumulative 72 months to renew a psychological assistant registration pursuant to Title 16 of the California Code of Regulations (CCR) Section 1391.1(b).
Vote: 8 aye (Starr, Harlem, Acquaye-Baddoo, Gallardo, Jones, Horn, Arias-Bhatia, Erickson), 1 abstain (Phillips), 0 no

It was M(Horn)/S(Acquaye-Baddoo)/C to accept the Licensing Committee’s recommendation to grant #3’s request for a one-year extension to the limit of a cumulative 72 months to renew a psychological assistant registration pursuant to Title 16 of the California Code of Regulations (CCR) Section 1391.1(b).

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

It was M(Horn)/S(Acquaye-Baddoo)/C to accept the Licensing Committee’s recommendation to grant #4’s request to accept supervised professional experience earned from 1973 to 1976 pursuant to Business and Professions Code Section 2914(d) and Title 16 of the California Code of Regulations (CCR) Section 1386(a)(4), in Effect at the Time of Accrual.

Vote: 5 aye (Acquaye-Baddoo, Gallardo, Horn, Arias-Bhatia, Erickson) 3 no (Phillips, Jones, Starr), 1 abstain (Harlem)

**Agenda Item #28: Telepsychology Committee Report and Consideration of Committee Recommendations**

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

Ms. Sorrick indicated that this agenda item will be discussed at a future meeting.

b) Review of Public Comment by Adam Alban, PhD

Ms. Sorrick indicated that this agenda item will be discussed at a future meeting.

c) AB 2507 (Gordon) Telehealth: Access – Position

Mr. Glasspiegel indicated that this agenda item will be discussed at a future meeting.

**Agenda Item #29: President’s Report**

a) Presentation to Outgoing Board Members

Dr. Phillips presented certificates of appreciation to Ms. Starr, Dr. Harlem and Dr. Gallardo.

b) 2016 Meeting Calendar and Locations
Dr. Phillips indicated that this item is being provided for informational purposes only.

c) Committee Updates

Dr. Phillips indicated that there were no Committee updates.

d) Review and Consideration of Draft Committee Delegation to be Included in the Administrative Procedures Manual

Dr. Phillips indicated that this agenda item will be discussed at a future meeting.

Agenda Item #30: Recommendations for Agenda Items for Future Board Meetings

No recommendations for future agenda items were received.

The Board adjourned at 3:31 pm.