Thursday, February 9, 2017

Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order at 9:15 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
- Alita Bernal, Public Member
- Michael Erickson, PhD
- Jacqueline Horn, PhD

Others Present:
- Antonette Sorrick, Executive Officer
- Jeffrey Thomas, Assistant Executive Officer
- Sandra Monterrubio, Enforcement Program Manager
- Cherise Burns, Central Services Manager
- Stephanie Cheung, Licensing Manager
- Jason Glasspiegel, Central Services Coordinator
- Jacquelin Everhart, Continuing Education/Renewals Coordinator
- Norine Marks, DCA Legal Counsel

Agenda Item #2: President’s Welcome

Dr. Phillips welcomed the attendees to the Board’s quarterly meeting and read the Board’s mission statement. He thanked Senator Steven Glazer of the 7th district for sponsoring the Board Meeting at the State Capitol.

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

Dr. Phillips explained that public comment is the opportunity for members of the public to make comments on items not on the agenda, however, he stated that the Board cannot discuss or take action on any of the comments received.

Kathleen Russell, Executive Director of the Center for Judicial Excellence addressed the Board regarding the oversight of psychologists who are appointed by the court system to work in custody and visitation proceedings in family courts. She requested that the Board consider removing the child custody checklist since it is a roadblock to public protection as it shows a severe lack of understanding about the crisis in the
family court system in California. She requested that the Board perform a thorough 
review of the Board’s ability to investigate psychologists that are involved in family court 
matters. She stated that children are routinely being taken from safe, nurturing parents 
and are forced into contact with physically, sexually, and emotionally abusive parents. 
She stated that psychologists are there to heal, but that there are a number of corrupt 
psychologists who are using junk science and putting kids in harm's way. She provided 
an article from the Sacramento News and Review regarding what is happening in 
California’s family courts for the Board to consider.

Tilahien Yilma also addressed the Board regarding the family court system in 
California.

Arianna Riley stated that she was one of the children affected by the family court 
system and shared her experience with the Board.

Darryl Riley, Ms. Riley’s father addressed the Board and indicated they flew in from 
Seattle to address the Board on this issue. He stated that he has another daughter that 
is still in the program and has not been in contact for almost a year. He urged the Board 
to act on this issue.

Catherine Campbell addressed the Board regarding the family court system and 
described how it has personally affected her.

Mark Mulholland shared his experience with the family court system with the Board. He 
stated that there needs to be a better system in place for child custody evaluations and 
that the Board needs to be held accountable for this.

Dr. Phillips requested individuals providing comment to the Board refrain from providing 
specific names of psychologists that they have submitted a complaint against as the 
Board is the final adjudicator in these matters and can only receive evidence through 
proper channels.

NO NAME GIVEN addressed the Board on the importance of mothers having the right 
to protect their kids and the improper mislabeling of child abuse cases as parental 
alienation cases.

Dr. Erickson stated that while the Board is touched by the testimony being given, Board 
Members are unable to respond to the comments being made since this item is not on 
the agenda. However, he clarified that if the item is placed on a future agenda, he would 
hope that the same individuals would return to talk about this issue.

Rebeca Tripp addressed the Board regarding the family court system and her personal 
experience in this regard.

Dr. Horn stated that it would be helpful to know what these issues are specifically 
addressing and why they are being brought up now. Dr. Phillips responded by indicating
that this is the public comment period and any individual wishing to address the Board can make public comment.

Jaclyn Qirreh thanked the Board for providing the opportunity to make public comments and addressed the Board on her experience with parental alienation. She requested the Board ban the use of parental alienation in California as it takes the focus off of the children and places it instead on the parent.

Britt Brown addressed the Board regarding the methods used to evaluate children in child custody cases.

Connie Valentine from the California Protective Parents Association discussed the abusive practices by certain psychologists in California. She urged the Board to look into this issue.

Jeffrey Perry shared his experience with the family court system.

Jaimie Gay addressed the Board regarding child custody and parental alienation. She asked the Board for oversight in these issues in hopes that her experience does not happen to other families.

Christy Ashley addressed the Board and shared her experience with the family court system.

NO NAME GIVEN addressed the Board and shared her experience with the family court system as well as with the Board.

Kathleen Russell addressed the Board once again and explained that she has been in open dialogue with the Board’s Enforcement Manager and that these are current issues related to the Board’s child custody checklist and the procedures the Board uses in investigating and disciplining psychologists working in family courts.

Ms. Marks indicated that based on the comments heard by the Board today, staff can present the complaint and investigation procedures for child custody evaluators at a future meeting, so the Board has a better understanding of this process.

**Agenda Item #4: Approval of Minutes: November 17-18, 2016**

It was M(Horn)/S(Acquaye-Baddoo) to approve the minutes as modified.

Vote: 6 aye (Jones, Phillips, Horn, Bernal, Erickson, Acquaye-Baddoo)

**Agenda Item #5: Budget Report**
Ms. Burns provided an update to the Board’s budget and explained the budget process. She explained that the Board’s budget for Fiscal Year 2016/2017 started as $5,013,000; however, revisions and adjustments have been made, and the Board’s budget now stands at $4,764,000.

Mark Ito, DCA Budget Analyst, presented to the Board. He explained the budget reports that were provided in the Board meeting packets. He explained that DCA uses incremental budgeting which means that we use the prior year’s budget act as the starting point to determine the next year’s budget.

Mr. Ito referred to the Analysis of Fund Condition report and noted that the Board’s months in reserve is on a downward trend which is because the Board is currently spending more than it brought in. However, he pointed out that the Board currently has $7,500,000 in outstanding General Fund loan repayments and that $6,300,000 is projected to be repaid in Fiscal Year 2018/2019 which leaves an additional $1,200,000 to be repaid later. Dr. Horn asked how many months in reserve is considered healthy. Mr. Ito indicated that typically three to six months is what would trigger a General Fund loan repayment.

Mr. Ito reported on the Board’s expenditure projections. He noted that as of month six of the current fiscal year, it is projected that the Board will overspend its budget by $15,000. However, he noted that there is budget bill language that allows health care boards to pursue a current year augmentation for the Office of the Attorney General and Office of Administrative Hearings and that staff is currently in the process of pursuing this augmentation.

Mr. Ito explained the Psychology Fund Balance Comparison (Budgeted and Actuals), Psychology Expenditure Comparison (Budgeted vs. Actual), and Psychology Revenue Comparison (Projected vs. Actual) reports that were provided in the Board meeting packets. He also explained the difference between the discretionary and non-discretionary budget items.

Dr. Erickson asked Mr. Ito if the Board is doing well with its budget or if he had any recommendations. Mr. Ito stated that the Board is doing a great job with its budget and that he worked with Board staff last year to realign budget items to more accurately reflect where the Board’s budget is being spent.

Dr. Phillips thanked Mr. Ito for his presentation.

**Agenda Item #6: Enforcement Report**

Ms. Monterrubio provided the Enforcement Report to the Board. She indicated that Curtis Gardner was recently hired as the Board’s Probation Coordinator and that there are currently no vacancies in the Enforcement Unit. Since reported that since July 1, 2016, the Board received 657 complaints, issued 19 enforcement citations, and referred 27 cases over to Office of the Attorney General for formal discipline. She also reported
that enforcement staff is currently monitoring 45 probationers of which seven are out of compliance. Dr. Erickson asked what staff does with probationers that are not in compliance. Ms. Monterrubio responded by explaining that it depends on the type of violation. For minor violations such as missing a cost recovery payment or quarterly report, those can be addressed by the issuance of a citation; but more serious violations are referred to the Office of the Attorney General.

Ms. Monterrubio referred to the Enforcement Performance Measures Report which was provided as a hand-carry item. She indicated that the Board opens complaints within seven days on average which is lower than the target of nine days. She indicated that the average number of days for formal discipline is 624 days with the target being 540 days. She explained that this is the hardest target to meet since it involves outside factors, including the investigation unit and the Office of the Attorney General. Ms. Monterrubio indicated that she is proud of the Enforcement Unit for their efforts to meet the established target dates.

**Agenda Item #7: Press Releases on Board Enforcement Actions**

Ms. Monterrubio stated that at the November Board Meeting, the Board received public comments regarding concerns about the Board’s use of press releases. She indicated that the Board is a consumer protection agency and is committed to protecting consumers of California from harmful licensees and practices. She stated that in keeping with its statutory mandate to protect consumers of psychological services, the Board may issue press releases including, but not limited to, unlicensed activity, sexual misconduct, revocations, fraud and criminal arrests and convictions.

Ms. Monterrubio indicated that the Board works with the DCA Office of Public Affairs and its Legal Affairs Division as well as the Office of the Attorney General to ensure that the information being published is accurate and informative. She stated that most press releases are issued once a case has been adjudicated; however, there are instances where a press release is issued immediately due to the egregiousness of the case, such as cases involving child molestation, child abuse, elder abuse, unlicensed activity, or fraud.

Ms. Monterrubio referred to the letter from Senator Jerry Hill to Ms. Sorrick dated February 1, 2017 that was provided as a hand-carry item. She indicated that the letter thanked the Board for its efforts in consumer protection and endorsing the posting of arrests in press releases and social media following the filing of an accusation. Dr. Phillips noted that it is fairly infrequent for the Board to issue a press release. Ms. Monterrubio stated that all press releases issued by the Board since 2014 can be viewed on the Board’s website under Publications.

Ms. Acquaye-Baddoo thanked Ms. Monterrubio for her report.

**Agenda Item #8: Enforcement Mail Ballot Procedures – Discussion and Possible Change to Policy**
Ms. Monterrubio indicated that there was a discussion on this issue at the November Board Meeting and therefore, she has provided the Board with an overview of the mail ballot process as well as the Board’s hold policy. She stated that for Stipulated Settlements, the Deputy Attorney General will draft a memo explaining the rationale behind the recommendation to adopt the Decision. For Proposed Decisions drafted by an Administrative Law Judge (ALJ), the ALJ will explain the rationale for the Decision within the document itself.

Ms. Monterrubio stated that, as a courtesy to the Board, staff sends a spreadsheet to each member once a week listing the names of every case that is expected to go out for vote that week. Board members are given ten days to vote to either Adopt, Hold for Discussion, or to Recuse Oneself. She explained that a minimum of five votes to adopt must be received to adopt the Decision, while a minimum of two votes to hold for discussion must be received to move the matter to the next Board meeting. She noted that a vote to reject or not adopt the proposed action or hold a decision for discussion means that the Board member either disagrees with one or more portions of the proposed action and do not want it adopted as the Board’s decision or the Board Member has a question or concern about the decision and would like to discuss the matter with fellow Board members.

Ms. Monterrubio noted that if a Decision were to be non-adopted, the transcript will be ordered, and the case is referred back to Board to write its own decision. She stated that failure to obtain a quorum will also cause the matter to be non-adopted and moved to next Board meeting.

Dr. Horn thanked Ms. Monterrubio for her report. She indicated that there have been a few times that she wanted to discuss something about a Decision due to concerns; however, since she was the only one that felt it warranted a discussion, there was no way to discuss it. She indicated that she feels that a requirement for two votes to hold for discussion does not allow the Board Members to do their job and raise concerns. Although she understands that it will cause delays, she proposed changing the number of votes required to hold a matter for discussion to one.

Dr. Phillips added that he has found inaccuracies in Decisions and voted to hold the matter for discussion which did not happen since he was the only one who voted to hold it. He stated that changing it to require only one vote to hold would ensure that the Board is being mindful as to what they are signing off on, but that he also sees the advantage for the process to move quickly for consumer protection.

Ms. Marks clarified an earlier statement made by Ms. Monterrubio. Ms. Monterrubio had stated that a minimum of five votes to adopt must be received to adopt the Decision. Ms. Marks clarified that a minimum of five votes are required to act since five constitutes a quorum of the Board. Therefore, she indicated that if five votes were received, four of which were to adopt and one were to non-adopt, the Decision would still be adopted.
Ms. Acquaye-Baddoo asked what would the Board need to do if it wanted to change the requirement for holding a Decision for discussion to one vote. Ms. Monterrubio stated that this is an internal policy; therefore, the Board would need to make a motion and vote on it.

Ms. Sorrick stated that if the Board votes to change the requirement to one vote to hold for discussion, it might want to consider changing it back to two votes once all nine members have been appointed to the Board. Discussion ensued.

It was M(Horn)/S(Jones)/C to change the Board policy that if one Board member votes to hold a Decision for discussion, then the Decision would be brought back to the next Board meeting for discussion.

Vote: 6 aye (Jones, Phillips, Horn, Bernal, Erickson, Acquaye-Baddoo) 0 no

**Agenda Item #9: Overview of the Legislative Process Presentation**

Ms. Burns presented an overview of the legislative process as well as the Board's and Staff's roles and responsibilities during the process. She thanked staff from the DCA Office of Legislative and Regulatory Review for their assistance in preparing the presentation.

**Agenda Item #10: Executive Officer's Report**

a) **Organization Update**

Ms. Sorrick announced that a new Probation Coordinator has been hired in the Enforcement Unit as well as a Limited Term Licensing Analyst in the Licensing Unit. She stated that as of today, the only vacancy is the Licensing/BreEZe Coordinator position in the Licensing Unit.

b) **DCA Update**

Ms. Sorrick referred to the information provided in the Board meeting packets.

**Agenda Item #11: Strategic Plan Update**

Ms. Bernal provided the Board with a Strategic Plan update. Ms. Sorrick indicated that the timeframe for four of the items listed under goal 2.1 had to be moved out since the Licensing Committee is still reviewing language to bring to the Board.

**Agenda Item #12: Communications Plan Update**
Ms. Sorrick reported that a draft stakeholders list was sent to the Board members by Mr. Leitzell and that it will be discussed at the next Outreach and Education Committee meeting.

**Agenda Item #13: Social Media Update**

Ms. Bernal said the Board is experiencing trolls on its Twitter page. Ms. Burns explained that trolls are those who are tagging the Board in inappropriate posts that keep getting re-Tweeted. Ms. Burns stated that we have asked DCA’s Office of Public Affairs to come talk to the Board about the use of social media and whether or not certain social media platforms are efficacious.

Ms. Bernal indicated that this will be continued to be reviewed at the next Outreach and Education Committee meeting and further information will be reported back to the Board.

**Agenda Item #14: Website Update**

Ms. Burns provided the top five website pages that get the most views and asked if staff should provide other pages as well. She asked if it would be more beneficial for the staff to track the pages the Board finds most important. Dr. Phillips stated that feedback from Board members and staff should be solicited as to which pages are the most important. Ms. Burns indicated that staff will gather this information and add it to the agenda for the next Outreach and Education Committee meeting.

**Agenda Item #15: Update on Newsletter**

Ms. Bernal presented the 2016 *Fall Journal*.

**Agenda Item #16: Outreach Activities Update**

Ms. Bernal reported that Dr. Erickson and senior staff went to lunch with CPA on February 8, 2017 to discuss outreach, legislation, and regulation for 2017. Dr. Erickson indicated that due to circumstances, there was not much time for discussion, but that a conversation has been started.

Ms. Sorrick stated that following the lunch with CPA, she, Dr. Erickson, Dr. Phillips, and staff made some legislative visits. She indicated that they were able to meet with Assembly Member Salas and Assembly Member Brough, as well as with staff from Senator Bate’s office and Senator Hill’s office. She stated that the goal of the visits was to talk about what is going to be introduced in the 2017-18 legislative session as well as to provide a recap of 2016 legislation. She noted that the recap of 2016 focused on the concerns the Board had with Applied Behavior Analysis, continued concerns regarding Workers’ Compensation, telehealth, and college mental health provision funding. She stated that there seemed to be a lot of interest in telehealth and access to care in rural...
areas and with veterans. Dr. Phillips also noted that they discussed the Board-sponsored legislation regarding continuing education on suicide assessment and intervention. Dr. Erickson stated that the visits were very helpful and productive.

Dr. Phillips thanked staff for their hard work.

Agenda Item #17: Access to Mental Healthcare in the State of California

Campaign Update

Ms. Bernal said this campaign has been completed and the Outreach and Education Committee will consider other campaigns at its next meeting.

Ms. Burns added that there will also be telehealth article in the upcoming newsletter that will be part of a multi-part series.

Agenda Item #18: Petition for Early Termination of Probation – Gary Schummer, PhD

Administrative Law Judge Marilyn Woollard presided. Deputy Attorney General John Gatschet was present and represented the People of the State of California. Gary Schummer, PhD was present and represented himself.

Agenda Item #19: Closed Session

The Board met in closed session pursuant to Government Code Section 11126(c)(3) to discuss disciplinary matters including the above petition, petitions for reconsideration, stipulations, and proposed decisions.

Thursday, February 10, 2017

Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order at 9:05 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Stephen Phillips, JD, PsyD, President
Nicole J. Jones, Public Member, Vice-President
Lucille Acquaye-Baddoo, Public Member
Agenda Item #20: Legislative Update

Ms. Jones referred to the Legislative Matrix provided in the meeting packets. She indicated that everything is currently a “Watch” since the Policy and Advocacy Committee has not had a chance meet and review any of the bills. Ms. Burns stated that the legislative session has just started; therefore, bills are still being introduced. She indicated that some of the bills are considered intent language and do not reference any code sections at this time; however, the bills will develop over time.

a) Legislative Proposals for the 2017 Legislative Session

1) Omnibus Proposal – Amendments to Business and Professions Code Sections 2290.5 (Telehealth; Patient Consent; Hospital Privileges and Approval of Credentials for Providers of Telehealth Services) and 2987 (Fee Schedule)

Ms. Jones explained that omnibus proposals are ways to clean up statutory language and make non-controversial changes. Ms. Burns explained that each year, the Senate Business, Professions, and Economic Development Committee (Senate BP&ED) reaches out to the boards and bureaus within DCA for any clean-up language or non-controversial changes to the Business and Professions Code which get combined into one large omnibus bill.

Ms. Burns indicated that the Board approved omnibus language at its November 2016 Board meeting to allow psychological assistants to pay their own registration fees. She indicated that the proposed changes will bring section 2987 into conformity with the changes made by SB 1193 (Chapter 484, Statutes of 2016) which was the Board’s Sunset Bill. Ms. Burns stated that the proposed language has already been submitted to the Senate BP&ED and that the language will be put into a bill that will be submitted by the Committee. She indicated that a bill number has not yet been assigned, but that the Committee is working with other boards and bureaus to incorporate their changes into the bill.
Ms. Jones introduced the discussion on Suicide Risk Assessment and Intervention coursework requirements and indicated that there were some hand-carry materials that have been provided. She reminded the Board that this process has been ongoing for quite some time now, and that there has been a lot of activity on this issue within the last year. She indicated that at the May 2016 Board meeting in Los Angeles, the Licensing Committee made two proposals to the Board, neither of which were carried. She stated that the Licensing Committee was asked to take the issue back to the Committee level and take a thorough look at the issue. Ms. Jones indicated that the Licensing Committee received public input and brought the issue back to the Board at its November 2016 meeting. At that time, the Board adopted a motion to move forward with this legislation and directed staff to work with Assembly Member Levine’s office to develop language for a bill. Ms. Jones stated that AB 89 has been introduced by Assembly Member Levine. She indicated that there has been a lot of discussion on this issue and that transparency has been a key value throughout the process. She stated that at this time, the Board needs to take a look at the language and determine what position it wants to take.

Dr. Phillips acknowledged the hard work and research that former Board Member Dr. Harlem put into this issue.

Ms. Burns provided a brief history of the Board’s efforts on this issue which was explained in more detail in the Board meeting materials. She stated that, at the November 2016 Board meeting, Board members expressed a desire to have the statutory language reflect the Board’s intentions with proposing this legislation. The Board approved the Suicide Risk Assessment and Intervention coursework requirement legislative proposal and instructed staff to move forward with the language and work with Assembly Member Levine’s office. Levine had previously informed staff of his desire to author the bill if the proposal was approved.

Ms. Burns stated that since the November 2016 Board meeting, staff has developed legislative intent language for the Board’s consideration which was included in the Board meeting materials, and has submitted the amendments made at the November 2016 Board meeting to Assembly Member Levine’s staff for inclusion in the bill text. Ms. Burns indicated that Assembly Member Levine introduced AB 89 on January 9, 2017, which includes the Suicide Assessment and Intervention coursework requirement text as approved by the Board.

Ms. Burns stated that if approved, the legislative intent language would be submitted to Assembly Member Levine’s office for inclusion in AB 89. She stated that the bill will not be moved to any committee until the Board is ready for it to be. She indicated that intent language is pretty common and provides context as
to why the Board is taking action. She explained that intent language does not wind up in the statutory language, but is kept as a part of the record.

Discussion ensued. Dr. Horn and Ms. Jones made comments regarding the Request for Approval of Proposed Legislation document that was provided for the Board's review at its November 2016 Board meeting.

Dr. Horn raised her concern about the Board addressing other boards in its intent language. Dr. Phillips reminded the Board that in his veto message of AB 2198, the Governor asked licensing boards to look at their own requirements with regard to training in suicide assessment and to take whatever actions are needed. Dr. Phillips stated that it is not within the Board’s purview to encourage other licensing boards to address this issue.

Ms. Jones suggested that the Board first review the bill itself and then return to its discussion regarding the intent language. Ms. Burns summarized the changes that the Board requested that have been made to the bill language. Ms. Sorrick suggested that, if the Board is okay with the language, that it be on record to be the sponsor of this bill.

Ms. Burns presented the draft intent language and explained the structure of the document. She noted that the Board of Behavioral Sciences indicated that they performed an assessment on this issue and determined that they did not need to add any additional requirements and requested to be removed from the intent language.

Ms. Jones indicated that she appreciates staff citing the sources in the draft language and once again thanked Dr. Harlem for his work on this issue.

Dr. Horn requested that the year that the Centers for Disease Control came up with their statistics be added in section (a)(1). Ms. Jones also requested that the year be added for each citation made in the document. Ms. Sorrick also requested that “California” be changed to “the Department of Health Care Services Suicide Prevention Program” in section (a)(3).

Dr. Horn requested that the statistics in section (a)(2) on the percentage of people who die by suicide that have seen a mental health professional prior to their death by highlighted as she feels that information is extremely important. Dr. Phillips questioned the relevancy of the information provided in section (a)(2) and asked if it needs to be included. Discussion ensued. Ms. Bernal recommended adding California data along with the national data provided in section (a)(1). Dr. Horn stated that the issue may be with the relevance of this data and how the data is collected. Dr. Erickson asked if the Board needed to approve the intent language in order to move forward with the bill. Ms. Burns replied that the bill can be moved forward without the intent language and that it is more important for the Board to decide if it wants to be the sponsor on the bill. Dr. Phillips suggested that the Board solely look at the issue of AB 89 and that the intent language be

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deferred to the Policy and Advocacy Committee for further review and consideration.

Ms. Jones stated that the Board received written comments on this issue for consideration.

Craig Lomax commented before the Board in support of AB 89 and indicated that he appreciates the Board’s objectivity and transparency throughout the process. He stated that the coursework requirement is not burdensome or inappropriate and that the Board’s efforts would not be in vain and that it will save lives. He commented that the Board Members are leaders, not in just psychology, but in other mental health professions, and that this effort is an important statement for other professionals to look at and say that all mental health professionals need some foundation in suicide prevention. Mr. Lomax stated that he is hopeful that the Board will move forward today and not risk any further delays. He stated that he appreciates that the Board kept the requirement for students intact as well as for current licensees.

Dr. Jo Linder-Crow, Chief Executive Officer of the California Psychological Association, stated that she recognizes the Board’s intention in considering sponsoring this bill as suicide is a crippling issue in this society. She stated that when the Governor vetoed AB 2198 two years ago, that bill would have required all mental health professionals, including psychologists, to complete a continuing education course in suicide assessment and treatment management. In the veto message, the Governor stated that California has an extensive regulatory scheme that aims to ensure that California physicians, psychologists and counselors are skilled in the healing arts to which they have committed their lives and that rather than further regulating this field, he asked licensing boards to evaluate the issues which this bill raises and take whatever actions are needed. Dr. Linder-Crow stated that this Board did an admirable job in fulfilling his request by conducting surveys and received a healthy response. She indicated that the Board’s survey demonstrated that psychology students and trainees receive this training as required by their training programs and that 97% said suicide risk assessment is required as part of their training; 92% said it is a required part of a trainee’s supervised experience. Additionally, she stated that the qualitative portion of the Board’s survey showed that it is not one course that is offered, but a continuum of training woven throughout the training program.

Dr. Linder-Crow stated that taking a single course will not suffice, but what will save lives is greater access to mental health care in our communities and on our campuses and access to a vast array of helpful, high-quality resources developed by organizations that have a sole focus on this issue. She stated that she agrees with Mr. Lomax in that that this Board has an opportunity to provide real, meaningful leadership on this issue. She suggested making this issue an area to focus on in the Board’s outreach efforts and partner with CPA to make available resources even more available to clinicians and consumers. She stated that she urges the Board to redirect its resources and energy into a different
effort that might actually save lives. She indicated that CPA cannot support this
d bill, but CPA is willing and eager to shed a light on this issue and do some work
that can hopefully reduce the level of suicide.

Dr. Erickson thanked Dr. Linder-Crow for her comments and noted that the
research the Board did focused on students who will be completing training
programs and becoming psychologists. He indicated that, in practical terms, this
is a very low number in terms of whether the field of psychologists has adequate
suicide training and the Board has not spent much time surveying its
approximately 20,000 licensees to see what their level of training is, which he
thinks is also very important. He stated that this bill invites licensees to take an
inventory of what they know about suicide prevention and whether they are up to
date, and he does not see this bill as requiring one six-hour course because
people can obtain this requirement in other ways. Therefore, he indicated that
taking a six-hour course is not the major thrust of this legislation. He stated that
he thinks that moving forward on this bill shows that it is a very important issue.

Dr. Phillips stated that although psychologists may be the some of the best-
trained clinicians in suicidality issues, he thinks the Board should aspire to
ensure that all psychologists are properly trained in this area. He indicated that
he has spoken to a substantial number of psychology students many of whom
who have felt that they have received inadequate training in their graduate
programs and training sites. He stated that he thinks that there are vast
inconsistencies and that there is enough inconsistency that the Board needs to
make certain that the training is being obtained and thinks that this bill is a great
compromise. He also indicated that he does not think that the Legislature is in
the best position to determine what type of specialized training needs to be done
by trainees and licensees, and that it is better left to the Board’s discretion. He
stated that the Board is exercising its discretion after reviewing the information
gathered and has determined that this is the best approach to take. He stated
that his thinking on this issue has evolved over time after hearing and reading a
lot of data, and he feels that this is one way to ensure that people are aware of
this training. He stated that he does not think that sponsoring this bill prevents
the Board from engaging in outreach efforts in this area with CPA.

Dr. Horn stated that she agreed with virtually everything Dr. Linder-Crow said,
but she does not see things as mutually exclusive. She thinks it would be a great
idea for the Board to partner with CPA in an outreach campaign. She stated that
her thinking on this issue has evolved as well. She indicated that she was initially
opposed and her thinking changed based upon the information received over the
course of the discussions of this issue. She indicated that she thinks this will
always be an area where people feel they need more training because it is a
complex issue; but she also recognizes that people are getting this training along
the way and this has been addressed in the language. She indicated that a six-
hour course is not required; therefore, this bill is much different from the bill that
was vetoed in 2014. She acknowledged that psychologists are well trained but
she wants to ensure that everyone is assessing if they have the skills and the knowledge in this area.

Ms. Acquaye-Baddoo stated that the Board has evolved in its thinking given the additional information that has been provided over time. She stated that the Board is willing to take all information that it has been given and drill down to ensure that this bill will benefit everyone.

Ms. Bernal stated that the Outreach and Education Committee would be more than thrilled to work with CPA on an outreach campaign.

Ms. Jones said she appreciates the historical perspective of this issue. She stated that although the Board did oppose the original bill for various reasons, throughout the process, the Board has evolved in its way of looking at this. She thanked Dr. Linder-Crow for her input and Mr. Leitzell for his hard work on the intent language.

It was M(Phillips)/S(Erickson)/C to approve the proposed language of AB 89, for staff to continue working with Assembly Member Levine’s office, and for the Board to be listed as the official sponsor of the bill.

Vote: 6 aye (Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Bernal) 0 no

The Board further discussed the draft intent language. Ms. Jones requested additional input and stated that the Policy and Advocacy Committee will be reviewing the intent language and recommended changes in March and it will be brought back to the April 2017 Board meeting.

Dr. Erickson stated that section (a)(4) needs to be clearer about whether the training being discussed is only for psychologists versus other mental health professionals. Dr. Horn commented that she agrees with Dr. Erickson but also is not sure if the section needs to be there at all. She also addressed section (b) and noted that it is not stated strongly enough. She also recommended that when training is being discussed, to put it in the order that it happens - from graduate school, to internship, and to post-doctoral training.

Dr. Linder-Crow commented that section (b) makes sweeping statements that leave the impression that perhaps psychologists are not trained very well. She stated that she is also concerned about section (c) which states that it is the intent of the Legislature which is stating that this document is speaking for the author of the bill. It states that this bill will ensure that all psychologists receive a minimum level of education or training in suicide risk assessment and intervention. To imply that this bill will establish a baseline for training for psychologists is not accurate since the baseline for training for psychologists is established in their training programs, and this language is misleading to the Legislature. Dr. Linder-Crow stated that, based on Board Members’ earlier
comments, the intention of the bill is to create an environment where psychologists could do an assessment of their own training in this area.

Dr. Erickson expressed his concern with section (d) and whether the Board wants to encourage other boards. He asked if this language is helpful or if it overreaching. Ms. Jones said the Board would be revisiting this issue.

Dr. Horn noted that if section (c) was read alone, it sounds like psychologists are currently deficient in this training.

Ms. Bernal recommended using the terminology “all health care professionals” in section (d) rather than naming specific boards.

Ms. Jones stated that the Board will not going to be taking any action on this item because there are changes that need to be made by the Policy and Advocacy Committee and that the revised document will be reviewed again by the full Board at its April 2017 Board meeting.

b) Legislative Items for Future Meeting

Ms. Jones said the Board does not have any items at this time.

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

Ms. Burns stated that the Board previously requested an opinion from the Attorney General but due to litigation on this issue, the request was withdrawn. On January 9, a decision was rendered by the Court of Appeals of the State of California, Second Appellate District which affirmed the judgment of the Los Angeles County Superior Court trial. Board staff is now working with the Opinions Unit of the Office of the Attorney General to determine whether the Board will need to submit a new request for a legal opinion.

Dr. Phillips commented that the court’s decision seems to indicate that sexting among people under the age of 18 may constitute a reportable offense under CANRA.

Agenda Item #21: Regulatory Update and Review: Possible Action

a) Update on 16 CCR Sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, 1392.1 – Psychological Assistants

Mr. Glasspiegel referred the Board Members to an updated memorandum dated February 3, 2017 that was provided as a hand-carry item. He stated that staff is currently working to create the Initial Statement of Reasons and Notice of Proposed Regulations with Informative Digest. He indicated that additional changes have been made to the proposed language, which are indicated in red font. Mr. Glasspiegel explained that the changes that were made were to address the Office of Administrative Law’s requirements that we include form numbers in the regulatory language and
explain the necessity and statutory authority for collecting the information requested on
the form.

Dr. Phillips asked if the Board was going to be requiring the form by referencing it in
language to be in compliance with OAL. Mr. Glasspiegel explained that form names can
be referenced in the language, or the specific information to be collected must be
itemized out in the language. He further explained that minor changes could be made
through a section 100 change which is much easier than a full regulatory change. Ms.
Marks clarified that the minor changes that could be made through a section 100
change would include non-substantive issues such as changing the name of the
Governor or the Board’s address; but if the Board decided to include a new data point
for applicants or to make more substantive changes, then it would need to go through
the regulatory process.

Mr. Glasspiegel stated that staff is requesting the Board to approve the changes in the
proposed language.

Ms. Marks asked if the Board wanted this matter set for hearing. Ms. Jones inquired
regarding the necessity of a hearing. Ms. Marks clarified that either way, there must be
a 45-day public comment period, and that the Board would have to adopt the language
at the end of the public comment period. She noted that this Board usually does
conduct a hearing.

Discussion ensued. Mr. Glasspiegel explained that previously the Business, Consumer
Services, and Housing Agency provided a waiver to DCA boards that allowed boards to
notice proposed language before it went through a review from DCA, Agency and the
Department of Finance, but the rulemaking file would have to reviewed and submitted to
the Office of Administrative Law (OAL) within one year. He stated that the waivers no
longer exist and that now the review process must be completed before the proposed
regulatory language is noticed. He also noted that, with the new process, the review
period no longer counts toward the one-year deadline to submit rulemaking files to OAL.

Dr. Linder-Crow clarified that the proposed language will no longer reference an
employer/employee relationship for psychological assistants. She stated that the
guidance that CPA has been giving for years is that the psychological assistant
relationship must be a W-2 relationship rather than a contractor relationship. She asked
what impact this change would have on this guidance.

Ms. Marks indicated that she does not see the change in 2913 which used to refer to a
person who may be employed, which has since changed, as dispositive of the
relationship between the supervisor and the trainee. She clarified that, when
determining if someone is an employee, many factors have to be considered such as
who has control over the workplace and the work to be done, who sets the schedule,
and which clients are going to be seen by the person in question. She stated that the
same factors would have to be considered for psychological assistants.
Dr. Linder-Crow stated that she understands the relationship between supervisor and supervisee, but asked if this is going to create a separate relationship of employer/employee that will change the guidance that CPA gives to psychologists who are going to be hiring psychological assistants. Ms. Marks indicated that it is her understanding that the changes to the statute and regulations changes the nature of who files the registration, and changes the fact that the statute no longer refers to a person who may be employed, however, she indicated that it would not necessarily change the basic relationship that existed before, or the nature of the analysis of who controls the aspects of the work to be done, and that supervisors are responsible for seeking their own counsel.

Discussion ensued. Dr. Erickson stated that it seems to him that the Board made a realization that identifying the employer/employee relationship in statute was not necessary since the Internal Revenue Service is clear that it must be an employer/employee relationship since there are guidelines that state that, if the person doing the work doesn’t have full control, which a psychological assistant does not, they must be considered an employee. Dr. Horn commented that section 1391.8 states that the supervisor or employer shall supply all provisions necessary to function as a psychological assistant; that independent contractors provide all their own provisions, but supervisors of psychological assistants must provide the provisions necessary to function as a psychological assistant. Dr. Phillips added that he thinks that the real distinction is the extent of control that the person who is paying for work being done has. He stated that, if someone has control over how the work is done, which the supervisor of a psychological assistant has, that, as he understands it, it would constitute an employer/employee relationship regardless of what the Board calls it; therefore, the guidance that CPA has been giving would not change.

It was M(Phillips)/S(Horn)/C to approve the changes in the proposed language and give the Executive Officer the authority to proceed with the rulemaking file and set the matter for hearing.

Vote: 6 aye (Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Bernal) 0 no

b) Update on 16 CCR Sections 1387(b)(10)(11) and 1387.1 – Verification of Experience and Supervision Agreement Forms

Mr. Glasspiegel reported that the Rulemaking File was noticed for the initial 45-day comment period on April 1, 2016 and that the hearing took place at the May 2016 Board meeting. He indicated that the final regulatory package was approved by DCA and the Department of Finance, and it was delivered to the Office of Administrative Law (OAL) on December 22, 2016. He indicated that OAL advised staff on February 1, 2017 of the need for a 15-day notice of modified text to make non-substantive changes to the original language, and that staff noticed the text on February 7, 2017. He indicated that the comment period will end February 22, 2017. Ms. Jones inquired if the notice had been posted on social media. Mr. Glasspiegel stated that it had not yet been posted on social media, but that he would get it posted. Ms. Sorrick clarified that this is a follow-up to a bill by Assembly Member Levine from 2014 which allowed the Board to receive...
verification of experience forms directly from trainees along with their applications for licensure, provided specific procedures are followed.

Mr. Glasspiegel noted that the word “may” has been changed to “shall” as suggested by OAL. Dr. Horn indicated that section 1387.1(c) indicates that primary supervisors shall be in compliance at all times with the provisions of the Psychology Licensing Law and the Medical Practice Act, whichever is applicable, and inquired if it needs to be changed to read “or” the Medical Practice Act, whichever is applicable. Ms. Marks commented that if a supervisor is a psychiatrist, they would have to comply with the Psychology Licensing Law in addition to the Medical Practice Act. Dr. Horn stated that if that is the case, then the phrase “whichever if applicable” needs to be removed. Discussion ensued. Ms. Sorrick stated that the Board could address this change in the “pathways” language so it would not jeopardize or hold up this package. Dr. Horn stated that she does not believe people are currently confused as to which Practice Act they need to follow but thinks the language is still unclear. Dr. Phillips stated that there seems to be a consensus among Board members to address this issue under “pathways” rather than making any further modifications to the text of the current package.

It was M(Acquaye-Baddoo)/S(Horn)/C to approve the modified language as written and to give the authority to the Executive Officer to adopt the language at the end of the public comment period if no negative comments are received.

Vote: 6 aye (Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Bernal) 0 no

Agenda Item #22: Telepsychology Committee Report and Consideration and Possible Action on Committee Recommendations

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

Dr. Erickson reported that the Telepsychology Committee met on February 3, 2017 to discuss and refine the proposed additions to the Board’s regulations regarding the practice of telehealth services. He stated that the Committee considered a written letter from the Federal Trade Commission regarding the use of telehealth services for speech pathology and audiology services. Dr. Erickson noted that, after consideration of the letter, the Committee did not feel that the proposed language limited access to telehealth services and, therefore, did not run afoul of the intent of the FTC.

Dr. Erickson referred to draft language that was provided as a hand-carry item that aims to accomplish guidelines for licensed California psychologists to provide telehealth to clients and patients.

Dr. Horn noted that the language makes it clear that we are talking about health care. Dr. Erickson agreed. Ms. Jones asked if there has been any additional feedback regarding the proposal since the November Board meeting. Ms. Sorrick indicated that
the public comment received at the November Board meeting was taken into
consideration during the February 3, 2017 Committee meeting.

Dr. Elizabeth Winkelman, CPA, thanked the Board for allowing her to provide comment.
She indicated that the language is complicated because it bases the rules on residency
rather than based on the location of the patient and the provider. She indicated that
there are two issues that are unclear and potentially restrictive. She stated that the
language states that a licensee may also provide psychological health care services to
a patient or client who initiates psychological health care services while in this state, but
who may not be a resident of this state. She indicated that it sounds like it would
exclude subsequent telehealth services since it omits the phrase “via telehealth.” She
indicated that this seems to be implying that a non-resident cannot initiate services via
telehealth from out of state.

Dr. Phillips said that it would be clearer to add the phrase “via telehealth” to the
proposed amendments in subsection (a) so that it reads “A licensee may also provide
psychological health care services via telehealth to a patient or client who initiates
psychological health care services while in this State, but who may not be a resident of
this State.” Dr. Phillips also commented that in terms of out of state people calling into
the State to speak to a provider here, he stated that is something that should be up to
the jurisdiction in which the person is located, rather than the Board giving its licensees
permission to do it.

Dr. Phillips also indicated that the first sentence of subsection (a) should be amended to
read “A licensee is permitted to provide psychological health care services via telehealth
to an originating site in this State, as defined in section 2290.5 of the Code, and to
provide psychological health care services via telehealth to a patient or client who is a
resident of California who is temporarily located outside of this State, subject to the laws
and regulations of the other state where either the licensee or the patient is located.”

Ms. Jones thanked former Board member Dr. Andrew Harlem for his work on this issue.

It was M(Jones)/S(Bernal)/C to accept the language with amendments and proceed with
the rulemaking file.

Vote: 6 aye (Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Bernal) 0 no

Ms. Marks suggested adding this proposed new section to article 8: Rules of
Professional Conduct and numbering it as section 1396.8. The Board agreed to allow
staff to select the appropriate section.

Dr. Phillips expressed his thanks to Dr. Winkelman and Dr. Melodie Schaffer for
providing their contributions to the language.

**Agenda Item #23: Licensing Report**
Ms. Cheung referred to the Licensing Report that was provided in the Board Meeting packets. She indicated that the processing time for licensure applications as of January 26, 2017 was 25 business days. She also referred to the Licensing Population Report indicating that as of January 26, 2017, there were 17,660 current licensed psychologists, 1,528 active psychological assistants and 279 active registered psychologists.

Ms. Cheung also reported on licensing staffs’ efforts regarding consolidating psychological assistant registrations for those individuals who currently hold multiple registrations, since psychological assistants are now only required to hold one registration instead of registered to each separate employer.

Ms. Cheung also indicated that the Licensing Committee will continue to discuss the Pathways to Licensure at its next meeting after which the Board will be conducting two stakeholder meetings, one in Northern California in May and another in Southern California in August, to solicit feedback regarding the proposed changes.

Ms. Bernal asked why there was no data provided for 2013/2014 on the Licensing Report. Ms. Sorrick explained that this was the period during which we were transitioning to the new BreEZe system; therefore, data was not available.

**Agenda Item #24: Continuing Education Report**

Ms. Everhart presented the Continuing Education report that was provided in the Board meeting packets. She clarified that in the Continuing Education Audits report for January through April 2016, the information contained in the “Failed” column represents the number of licensees who failed once the audit had been completed, which is also reflected in the CE Audit Overview: Pass vs. Fail report, which indicates that 13% of licensees who were audited during this period failed the audit. She noted that the most common reason for failing an audit is that the licensee did not complete enough hours of continuing education. Ms. Everhart also reported that from October 28, 2016 through January 25, 2017, the Board issued a total of six citations for continuing education deficiencies of which four have come into compliance while two are still out of compliance.

Dr. Phillips announced that Ms. Everhart has accepted a new position as an Associate Governmental Program Analyst with the Department of Justice and will be leaving the Board of Psychology. He gave her a card from the Board members and thanked her for her contributions. Ms. Everhart stated that she has enjoyed working for the Board of Psychology.

**Agenda Item #25: Public Comment on Items not on the Agenda and Recommendation for Future Licensing Committee Meetings**

No comments or recommendations were received.
**Agenda Item #26: Review and Consider Amendments to Board Administrative Procedures Manual**

Mr. Glasspiegel indicated that there are three additions to be made to the Board Administrative Manual which were previously approved by the Board.

It was M(Acquaye-Baddoo)/S(Jones) to adopt the amendments to the Board Administrative Manual.

Vote: 6 aye (Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Bernal) 0 no

**Agenda Item #27: President’s Report**

Dr. Phillips thanked Senator Steven Glazer for arranging the room for the Board meeting. He also announced that Deputy Attorney General Joshua Templet will be getting married in the next week and shared congratulations.

a) 2017 Meeting Calendar and Locations

Dr. Phillips referred to the 2017 Board Meeting/Event Calendar provided in the meeting packets.

b) Committee Updates

Dr. Phillips stated that there are still three vacancies on the Board, therefore, there are no Committee updates to provide at this time. He thanked the Board Members for pulling double-duty on committees during these vacancies.

**Agenda Item #28: Recommendations for Agenda Items for Future Board Meetings**

Ms. Everhart provided the recommendations as made by the Board members throughout the meeting:

- Process by which child custody evaluation complaints are processed and investigated by the Board
- Central Services staff to ascertain which pages of the Board’s website are most important to track by determining the types of questions received by staff instead of solely reporting on the top five pages
- Add California statistics into the intent language for AB 89 and provide the minutes from today’s discussion to the Policy and Advocacy Committee for their meeting to review the intent language
- Clarify language regarding Practice Acts in section 1387.1(c) in Pathways
- Possible use of probationary status

**Adjournment**
The Board adjourned at 2:46 p.m.

Original signed by Stephen Phillips, JD, PsyD

President                      Date