Policy and Advocacy Committee Meeting
Minutes

Department of Consumer Affairs
1625 N. Market Blvd., El Dorado Room
Sacramento, CA 95834

Monday, May 15, 2017

Nicole J Jones, Committee Chair, called the meeting to order at 9:21 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:
Nicole J. Jones, Chairperson
Michael Erickson, PhD

Others Present:
Antonette Sorrick, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, DCA Legal Counsel
Cherise Burns, Central Services Manager
Stephanie Cheung, Licensing Manager
Sandra Monterrubio, Enforcement Program Manager
Jason Glasspiegel, Central Services Coordinator
Natasha Lim, Licensing Coordinator
Konnor Leitzell, Student Assistant

Agenda Item #2: Chairperson’s Welcome

Ms. Jones welcomed those in attendance and read the mission statement of the committee.

Agenda Item #3: Public Comment(s) for Items not on the Agenda.

None received.

Agenda Item #4: Approval of Committee Minutes: March 13, 2017

Ms. Jones provided edits to Mr. Glasspiegel. She did have a question on page 9 line 406-407, which references Dr. Immoos discussed California Department of Corrections and Rehabilitation’s (CDCR) input. She asked if staff was going to reach out to CDCR. Staff advised they are not planning on reaching out.

IT was M(Erickson)/S(Jones)/C to accept the minutes as amended.

No public comment was received.
Vote: 2 aye (Erickson, Jones) 0 nay.

Agenda Item #5: Sponsored Legislation and Legislative Proposals for the 2017 Legislative Session: Review and Potential Action, Recommendations to the Full Board

a. **Omnibus Proposal: Psychological Assistant Fees and Delinquency Fees in Business and Professions Code (BPC) Section 2987 (Fee Schedule)**

Ms. Burns reviewed the Omnibus proposal as approved at the April 2017 Board meeting. Ms. Burns advised we are pending the language amended to become a bill.

Dr. Erickson had no comments. He understands we are in touch with committee chair.

No public comment was received.

b. **AB 89 (Levine): Suicide Assessment and Intervention Coursework Requirements – Addition of Section to the BPC (Coursework in Suicide Assessment and Intervention)**

Ms. Burns introduced AB 89 (Levine) and advised of changes since last meeting. She reiterated that no intent language would be provided. She advised the bill has passed out of the assembly and is now in the senate, and assigned to the Business Professions and Economic Development committee waiting for hearing date. On April 26, staff met with the author of the bill and the California Psychological Association (CPA) to discuss their concerns regarding the bill. Now staff will work with the author and the committee on concerns and questions, as well as working for further support.

Ms. Jones confirmed Dr. Erickson and herself will convene to write a newsletter article.

Dr. Erickson asks if some way to better understand the opposition and address their concerns through FAQ’s or the article they will write. He is concerned between the disagreement between psychologists and wishes it was more unanimous. He is pleased with the progress that was provided.

Ms. Jones sugested the Frequently Asked Questions is an excellent idea. She then asked for the flavor of the discussion with the opposition.

Ms. Burns provided the position of CPA as well as the Board’s thoughts on the bill. She advised the author was willing to speak to CPA directly. Since that conversation, staff have not heard of any amendments from member.

Public Comment: Dr. Linder Crow stated they appreciated chance to attend the meeting. She asked if there was a chance for the Board members to consider the conversation and the comments CPA made at the meeting.

Ms. Jones believes all discussion points had been previously covered by the Board in different committees and the full board. Ms. Jones asked if there are any additional changes or additions from CPA. Dr. Linder-Crow provided additional concerns by
Industrial Organizational psychologists that are non-mental health providers. They are not sure of the process. She again asked to know if the Board had an opportunity to consider the comments by CPA.

Dr. Linder-Crow also addressed a previous confusion. She stated it is not accurate that CPA would remove their opposition, as the discussion did not get that far. She asked if the Board or committee discussed a potential exemption for non-mental health providers.

Dr. Erickson explained how he plans to confirm that he met the new requirement if the bill is signed.

Dr. Linder-Crow stated every individual will have to decide what is best and necessary to attest on the renewal.

Ms. Jones moved to Ms. Sorrick for additional comments.

Ms. Sorrick wanted to remind everyone that the licensing committee removed exemptions and exceptions from the pending continued professional development language. She advised the language for AB 89 is consistent with this language.

Dr. Erickson wanted to paraphrase that the licensing recommends no exemptions.

Dr. Linder-Crow stated CPA remains firmly opposed to the bill. She believes CPA’s opposition is consistent that this topic should not be legislated. She believes CPA agrees with the governor. They also agree with the conclusion that psychologists are well trained. She stated she understands our point, but does not believe that this is going to have the impact of saving lives. She is aware that it is not comfortable for them to be opposing a bill that the Board is sponsoring, and Most of the time CPA and the Board are in line with one another. This time we both very strongly disagree.

Erickson does think that for the profession, that this ensures a baseline for all psychologists, and believes that most have already met this. Having this baseline of training is not something to be apologetic about, and pleased that it can be part of who they are and part of their identity as psychologists.

Dr. Winkelman stated the responses from their members that the need for training is minimizing or mischaracterizing the abilities of psychologists because the survey shows a variance. She believes that other people will not know why the bill is for licensed psychologists only.

Dr. Erickson stated he has not considered that the legislature might see psychology as less capable and asked Dr. Winkelman if that is her perception.

Dr. Winkelman advised looking at floor alert, which says large variance, and feels this does not reflect their profession well.

Dr. Winkelman wanted to address another issue. She knows the Board sponsored this bill, but pointed out that it is Assembly Member Levine’s bill. Levine could sponsor a bill
that incorporates other health care professionals. She does not see that Levine is restricted to which health care providers he can include.

Ms. Jones asked about the comments from supporters of the bill.

Ms. Burns believes the mental health community is supportive and would be supportive to other mental health providers. She believes this does not send a message of deficiency.

Ms. Sorrick advised what have heard from non-profit’s is more that they think it’s great that the Board is taking leadership position. The reception has been positive at the Assembly Business and Professions Committee and not finger pointing.

Ms. Jones asked for any remaining for public comment.

No additional comment received.

Dr. Erickson asked if the full Board will meet in June, is that enough time to weigh in on the bill.

Ms. Burns confirmed last month of session is August, and believes that leaves plenty of time to weigh in on the bill.

**Agenda Item #6: Review and Consideration of Legislation: Review of Bill Analyses and Potential Action to Recommend Positions to the Full Board, Recommendations to the Full Board**

The following three bills were reviewed first:

**(a)(2) SB 181 (Berryhill) – Administrative Procedure Act: Repeal of Regulations**

Mr. Leitzell reviewed SB 181 (Berryhill). He advised the author is no longer pursuing the bill any further. He advised no action is needed at this time.

No public comment received

**(b)(2) AB 710 (Wood) Department of Consumer Affairs: Board Meetings**

Mr. Leitzell reviewed AB 710. He advised the Board previously took an oppose position on this bill. Since this position, the bill language was modified from rural northern California, to rural California. He stated no action is required at this time, and included in the materials is the opposition letter.

Ms. Jones and Dr. Erickson agreed the letter of opposition looks good.

No public comment received.

**(b)(3) - AB 1188 (Nazarian) – Health Professions Development: Loan Repayment**
Mr. Leitzell reviewed AB 1188. He confirmed the Board previously supported AB 1188, advised no additional action is required at this time.

Amanda Levy stated they are proponents of the bill. She advised due to a request by the Board of Behavioral Sciences, the bill will be amended for delayed implementation to July 2018.

(a) Recommendations for Active Positions on Bills

(1) AB 1005 (Calderon) – Professions and Vocations: Fines: Relief

Mr. Glasspiegel provided a review of the bill. No questions or comments received. The Board will watch AB 1005.

(3) SB 547 (Hill) – Professions and Vocations: Weights and Measures (Board Omnibus Proposal)

Ms. Burns reviewed the bill. She confirmed there is no language at this time. No question or comments were received.

(4) SB 762 (Hernandez) – Healing Arts Licensee: License Activation Fee: Waiver

Mr. Glasspiegel reviewed the bill.

Ms. Burns believes it might warrant having a larger conversation with the Board to determine the need for this kind of legislative language.

Ms. Sorrick is wondering if Business and Professions Code section 704 is changed to “may” versus “shall”, would it give the Board authority to implement the legislation if it feels it is necessary, versus being mandated.

It was M/(Erickson)/S(Jones)/C to take an Oppose Unless Amended position on SB 762 (Hernandez), and work with the authors office to determine the appropriate amendments and applicable section of the Business and Professions Code for this provision.

No public comment was received

Vote: 2 aye (Erickson, Jones) 0 nay.

Agenized as 6(c)(35): AB 1456 (Low) – Professional Licensure

Ms. Burns provided overview of the bill. She advised this bill is on the agenda as a watch bill but is being moved as staff is requesting the committee take a position. Ms. Burns also gave overview of exempt setting time frame per location.

Ms. Sorrick reminded the committee of a board sponsored bill with Assemblymember Eggman which created a limit those practicing in an exempt
setting under the Business and Professions Code to 5 years. She believes adding an additional year is counterproductive to where the Board is.

Ms. Sorrick also clarified the recommended position is Oppose Unless Amended. This position does not mean the Board will support the bill if it is amended.

It was M/(Erickson)/S(Jones)/C to take an Oppose Unless Amended position, and ask the author to only allow a five (5) year exemption for psychologists in these specific settings.

No public comment received

Vote: 2 aye (Erickson, Jones) 0 nay.

(b) Review of Bills with Active Positions Approved by the Board

(1) AB 244 (Cervantes) – Maternal Mental Health

Ms. Burns provided an overview of AB 244 (Cervantes). She advised no action is required at this time, staff will send a position letter after the legislative session breaks for the year.

Ms. Jones asked why wait to submit a position letter.

Ms. Burns advised that staff are not specifically waiting until next year, but prioritizing sending position letters for currently moving bills.

(4) SB 572 (Stone) - Healing Arts Licensees: Violations: Grace Period

Mr. Glasspiegel gave a review of the bill. No action required at this time, as the author is no longer pursuing the bill.

There were no committee or public comments.

(5) SB 798 (Hill) – Healing Arts: Boards

Ms. Burns reviewed the bill, the Board’s requested amendments, and current questions. She advised Psychology and Medical Board staff have a meeting in a few weeks to discuss the transfer of research psychoanalysts. She stated the Senate was receptive to our amendments, and the bill is set for hearing today.

There were no committee or public comments.

(c) Review and Recommendations to Watch Bills

(1) AB 12 (Cooley) – State Government: Administrative Regulations: Review

Ms. Burns reviewed the bill. No committee or public comment received.
(2) AB 44 (Reyes) – Workers’ Compensation: Medical Treatment: Terrorist Attacks: Workplace Violence

Ms. Burns reviewed the bill. No committee or public comment received.

(3) AB 93 (Medina) – Healing Arts: Marriage and Family Therapists: Clinical Social Workers: Professional Clinical Counselors: Required Experience and Supervision

Ms. Burns reviewed the bill. No committee or public comment received.

(4) AB 148 (Mathis) – California Physician Corps Program: Practice Setting

Ms. Burns reviewed the bill. No committee or public comment received.

(5) AB 191 (Wood) – Mental Health: Involuntary Treatment

Ms. Burns reviewed the bill. No committee comment received. Dr. Linder Crow asked who are we speaking to as an expert.

Ms. Monterrubio advised we are working with a subject matter experts that we use for our enforcement cases.

Ms. Sorrick added that all experts that the Board utilize have received training from the Board and Attorney General’s office.

(6) AB 208 (Eggman) – Deferred Entry of Judgment: Pretrial Diversion

Ms. Burns reviewed the bill. No committee or public comment received.

(7) AB 266 (Thurmond) – Inmates: Housing Assignments

Ms. Burns reviewed the bill. No committee or public comment received.

(8) AB 349 (McCarty) – Civil Service: Preference: Special Immigrant Visa Holder

Ms. Burns reviewed the bill. No committee or public comment received.

(9) AB 451 (Arambula) – Health Facilities: Emergency Services and Care

Ms. Burns reviewed the bill. No committee or public comment received.

(10) AB 456 (Thurmond) – Healing Arts: Associate Clinical Social Workers

Ms. Burns reviewed the bill. No committee or public comment received.
(11) AB 462 (Thurmond) – Mental Health Services Oversight and Accountability

Ms. Burns reviewed the bill. No committee or public comment received.

(12) AB 470 (Arambula) – Medi-Cal: Specialty Mental Health Services

Ms. Burns reviewed the bill. No committee or public comment received.

(13) AB 473 (Waldron) – Mental Health: Criminal Justice: Pilot Project

Ms. Burns reviewed the bill. No committee or public comment received.

(14) AB 477 (Ridley-Thomas) – Behavioral Health Stakeholder Advisory Panel

Ms. Burns reviewed the bill. No committee or public comment received.

(15) AB 488 (Kiley) – Mental Health Services Act

Ms. Burns reviewed the bill. No committee or public comment received.

(16) AB 492 (Grayson) – Public Records: Department of Consumer Affairs: Solicitation Fees

Mr. Glasspiegel reviewed the bill. No committee or public comment received.

(17) AB 501 (Ridley-Thomas) – Mental Health: Community Care Facilities

Mr. Glasspiegel reviewed the bill. No public comment received. Dr. Erickson asked if staff has any idea of the cost associated with this bill. Mr. Glasspiegel advised he would research the funding source. He advised the bill is currently with Assembly Appropriations Committee, and the analysis is included.

(18) AB 508 (Santiago) – Health Care Practitioners: Student Loans

Mr. Glasspiegel reviewed the bill. No committee or public comment received.

(19) AB 620 (Holden) – Prisoners: Trauma Informed Therapy

Mr. Glasspiegel reviewed the bill. No committee or public comment received.

(20) AB 683 (Garcia) – Prisoners: Support Services
Mr. Glasspiegel reviewed the bill. No committee or public comment received.

(21) AB 689 (Obernolte) – Juvenile Proceedings: Competency

Mr. Glasspiegel reviewed the bill. Dr. Erickson agrees that this is an important bill to watch for psychologists who perform these evaluations.

(22) AB 704 (Grayson) – Multidisciplinary Teams: Human Trafficking and Domestic Violence

Mr. Glasspiegel reviewed the bill. No committee or public comment received.

(23) AB 720 (Eggman) – Inmates: Psychiatric Medication: Informed Consent

Mr. Glasspiegel reviewed the bill. No committee or public comment received.

(24) AB 800 (Chiu) – Hate Crimes: Hotline

Mr. Glasspiegel reviewed the bill. No committee or public comment received.

(25) AB 827 (Rubio) – Department of Consumer Affairs: Task Force: Foreign-Trained Professionals

Ms. Burns reviewed the bill. No committee or public comment received. Ms. Sorrick asked if DCA has anything to add. Ms. May advised the Department has nothing to add.

(26) AB 835 (Dababneh) – Consumer Affairs: Licenses: Prohibited Acts

Mr. Glasspiegel reviewed the bill. No committee or public comment received.

(27) AB 1061 (Gloria) – Victim’s Restitution

Mr. Glasspiegel reviewed the bill. No committee or public comment received.

(28) AB 1074 (Maienschein) – Health Care Coverage: Pervasive Developmental Disorder or Autism

Mr. Glasspiegel reviewed the bill. No committee or public comment received.
(29) AB 1116 (Grayson) – Peer Support and Crisis Referral Services Act

Mr. Glasspiegel reviewed the bill. No committee or public comment received

(30) AB 1134 (Gloria) – Mental Health Services Oversight and Accountability Commission: Fellowship Program

Mr. Glasspiegel reviewed the bill. No committee or public comment received

(31) AB 1136 (Eggman) – Health Facilities: Residential Mental or Substance Use Disorder Treatment

Ms. Burns reviewed the bill. No committee or public comment received.

(32) AB 1261 (Berman) – Pupil Discipline: Expulsions: Pupil Suicide Prevention

Mr. Glasspiegel reviewed the bill. No committee or public comment received

(33) AB 1315 (Mullin) – Mental Health: Early Psychosis Detection and Intervention

Mr. Glasspiegel reviewed the bill. No committee or public comment received

(34) AB 1340 (Maienschein) – Medical Education: Mental and Physical Health Care Integration

Mr. Glasspiegel reviewed the bill. No committee or public comment received. Ms. Sorrick advised staff will note any position from the Medical Board.

(36) SB 8 (Beall) – Diversion: Mental Disorders

Ms. Burns reviewed the bill. No committee or public comments received.

(37) SB 27 (Morrell) – Professions and Vocations: Licenses: Military Service

Ms. Burns reviewed the bill. No committee or public comments received.

(38) SB 142 (Beall) – Criminal Offenders: Mental Health

Ms. Burns reviewed the bill. No committee or public comments received.
(39) SB 191 (Beall) – Pupil Health: Mental Health and Substance Use Disorder Services

Ms. Burns reviewed the bill. No committee or public comments received.

(40) SB 215 (Beall) – Incarcerated Persons: Victim Advocates

Ms. Burns reviewed the bill. No committee or public comments received.

(41) SB 241 (Monning) – Medical Records: Access

Ms. Burns reviewed the bill. No public comment received. Dr. Erickson asked if this bill applies to subpoenas for medical records. Ms. Burns advised we do not know if it applies, but we will look into it.

(42) SB 247 (Moorlach) – Professions and Vocations: License Requirement: Business: Surety Bond Requirement

Ms. Burns reviewed the bill. No committee or public comments received.

(43) SB 399 (Portantino) – Health Care Coverage: Pervasive Developmental Disorder or Autism

Ms. Burns reviewed the bill. No committee or public comment received.

(44) SB 575 (Leyva) – Patient access to health records

Ms. Burns reviewed the bill. No committee or public comments received.

(45) SB 684 (Bates) – Incompetence to Stand Trial: Conservatorship: Treatment

Ms. Burns reviewed the bill. No committee or public comments received.

(46) SB 715 (Newman) – Department Of Consumer Affairs: Regulatory Boards: Removal Of Board Members

Ms. Burns reviewed the bill. No committee or public comments received.

(47) SB 755 (Beall) – Civil Discovery: Mental Examination

Ms. Burns reviewed the bill. No committee comment received. Dr. Linder-Crow advised CPA is concerned whether or not limiting the amount of time might someone can be interviewed might not be appropriate. Dr. Winkelman recollects that CPA believes the decision should not be taken out of the control of the professional. Dr. Linder-Crow advised they have been working with the Author and Sponsor of the Bill.

Mr. Glasspiegel advised the bill has an amendment which increases time for good cause.
Ms. Burns reviewed the bill. No committee or public comments received.

Ms. Burns reviewed the bill. Ms. Jones stated she researched bill and saw it was to raise awareness.

Ms. Levy stated if we look on their website, their position is now neutral. The resolution failed to meet the required deadline. She advised she has been in touch with the author to see where it intends to go.

Ms. Jones thanked for watch bills. She is asking if we can do a memo that incorporates the themes of the watch bills, so we can illustrate for the Board the different themes of the watch bills.

Mr. Glasspiegel provided overview and status.

Dr. Linder-Crow stated she may have asked the same question. Asking again, given the situation, what guidance is the Board giving licensees.

Ms. Marks stated there has been no change since the answer the Board provided at the April meeting.

Ms. Sorrick advised the Board is not providing any guidance which might cause licensee to intentionally disregard the penal code.

Dr. Winkelman advised they are getting questions, and they appreciate the Board keeping up with the request for interpretation with the Attorney General’s office, which they are aware is pending until after the Matthew V Harris case is concluded.

Dr. Linder-Crow asked if there is anything else we can think of to move the AG’s office forward.

Ms. Sorrick advised nothing short of legislative opinion and does not know if a legislature would take a bill that is pending litigation.

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

b. Update on 16 CCR Sections 1387(b)(10)(11) and 1387.1 – Verification of Experience and Supervision Agreement Forms
Mr. Glasspiegel provided status of both 8(a) and 8(b). No committee questions or public comments were received.

**Agenda Item #9: Recommendations for Agenda Items for Future Committee Meetings.**

Staff advised they will bring AB 700 (Jones-Sawyer), which was amended on April 26, 2017, and relates to substance abuse disorder counseling. Staff will provide info at the June meeting.

The Committee Adjourned at 2:50pm

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Signature on File           Date

Chairperson