BOARD MEETING MINUTES

The Wright Institute
2728 Durant Avenue, Room 109/110
Berkeley, CA 94704
(510) 841-9230

Thursday, September 14, 2017

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

Members Present
Stephen Phillips, JD, PsyD, President
Nicole J. Jones, Vice-President
Lucille Acquaye-Baddoo
Alita Bernal
Sheryll Casuga, PsyD
Michael Erickson, PhD
Seyron Foo
Jacqueline Horn, PhD

Others Present
Antonette Sorrick, Executive Officer
Stephanie Cheung, Licensing Unit Manager
Norine Marks, DCA Legal Counsel
Sandra Monterrubio, Enforcement Program Manager
Liezel McCockran, Continuing Education and Renewals Coordinator
Jason Glasspiegel, Central Services Coordinator
Curtis Gardner, Probation Coordinator
Natasha Lim, Licensing Coordinator

Agenda Item #2: President’s Welcome
Dr. Phillips welcomed the attendees to the Board’s quarterly meeting and read the Board’s mission statement. Dr. Phillips introduced the Board’s new licensed member, Sheryll Casuga, PsyD. After providing a brief description of Dr. Casuga’s background, Dr. Phillips administered the Oath of Office.

Agenda Item #3: Public Comment for Items not on the Agenda. Note: The Board May Not Discuss or Take Action on Any Matter Raised During this Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code sections 11125 and 11125.7(a)]
Dr. Phillips explained that public comment is the opportunity for members of the public to make comments on items not on the agenda. He reminded the Board that they could not discuss or take action on any of the comments received.

Vick Ojakian, National Alliance of Mental Illness, thanked the Board for their support and sponsorship of AB 89.

A member of the public addressed the Board regarding the oversight of California psychologists.

Catherine Campbell, California Protected Parents Association, spoke about the rising suicide rates. She asked the Board to consider requiring psychologists to do an evaluation for ACE scores.

Kathleen Russell, Center for Judicial Excellence, expressed her concerns regarding licensees with multiple complaints made against them. She asked the Board, when a complaint has children involved, to consider creating a rule that would protect the health and safety of the child.

**Agenda Item #4: Approval of Board Meeting Minutes: August 9, 2017**

Ms. Jones provided her changes to staff.

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

Vote: 8 aye (Acquaye-Baddoo, Bernal, Casuga, Erickson, Foo, Horn, Jones, Phillips), 0 no

**Agenda Item #5: Budget Report**

Mr. Glasspiegel provided an overview of the Board of Psychology’s budget. He explained that Attachment A: Budget Report: FY 2016-2017 is projected revenue. The Board discussed the attachments in the Budget report and asked staff to provide reports that are easier to read. Mr. Glasspiegel stated the general fund loan was pushed to be paid back in FY 19/20.

**Agenda Item #6: Enforcement Report**

Ms. Monterrubio provided the Board with enforcement statistics on complaints, discipline, and probation programs. Ms. Monterrubio also provided the Board with an update on the expert applications received, the requirements to become an expert and the upcoming expert training. She stated that experts are on a two-year contract and if a complaint is received against the expert, he or she is taken off the list. Ms. Monterrubio provided the Board with numbers on psychologists who had multiple complaints filed against them: 21 licensees had 2-5 complaints filed against them, totaling 50 out of the 1,000 complaints received. If a complaint against a licensee is closed and another
complaint is received, the complaint will be assigned to a new analyst and a new expert reviewer.

Dr. Horn suggested broadening the expert criteria, referring to the requirement of having at least 40 hours in direct patient care. She stated there are many psychologists who do not see patients. Ms. Monterrubio stated she will take the suggestion to the Enforcement Committee for discussion. Ms. Monterrubio also stated the Enforcement Committee would be reviewing the template of enforcement letters.

Discussion ensued regarding processing times and possibly providing status updates to complainants. Ms. Monterrubio stated that the Office of the Attorney General is experiencing a shortage in staff which is causing longer processing times. She stated that she and Ms. Sorrick meet with the Attorney General’s office quarterly to discuss processing times and how to remedy the situation. Ms. Monterrubio stated that with over 1,000 complaints, it would be difficult to provide status updates to complainants, but they are able to call enforcement staff to request an update.

Catherine Campbell, California Protective Parents Association, stated she believes experts should have trauma-informed education.

Kathleen Russell, Center for Judicial Excellence, asked the Enforcement Committee to be more transparent and asked the Board to review recruited experts.

Mr. Foo clarified that a licensee cannot become an expert for the Board if he or she has a prior or a current complaint, and that if a second complaint was submitted against a licensee, the complaint would be processed by a new analyst and expert.

Agenda Item #9: Health Professions Education Foundation Presentation on Licensed Mental Health Services Provider Education Program (LMHSPEP) and Mental Health Loan Assumption Program (MHLAP)

Mr. Tino Raya, Program Officer, and Ms. Norlyn Asprec, Executive Director, from the Health Professions Education Foundation provided the Board with an overview of the mental health loan repayment programs. Mr. Raya stated that for the FY 16-17 cycle, there were over 640 applications. There are two selection committees for both programs. The selection committees are made up of mental health professionals across California, state employees and stakeholders. He encouraged people to apply to be a part of the selection committee. Mr. Raya confirmed DACA students and AB 540 students are eligible to apply and stated that the awardees can get up to $15,000 in scholarships; however, the funds must be attributed to educational debt.

Dr. Melodie Schaeffer, Vice-Chair of CAPIC and Division II of CPA, asked Mr. Raya and Ms. Asprec if pre-doctoral interns can use these funds and requested clarification on the funding of the two programs. Mr. Raya stated pre-doctoral interns can qualify for the funds under MHLAP as long as they are meeting the 20 hours per week working requirement and their county deems their position as hard to fill and retain.
Unfortunately, pre-doctoral interns do not qualify for LMHSPEP. Mr. Raya stated that LMHSPEP funding comes from the $10 renewal fee from the Board of Psychology and the Board of Behavioral Sciences. MHLAP is funded through Mental Health Services Act (MHSA) with more than $10 million available to awardees. Scholarship funds going towards psychological interns is dependent upon how much funds they receive from the Board of Psychology, but it is roughly $100,000.00 annually.

**Agenda Item #7: Probation Program Overview**

Mr. Gardner provided an overview of the Board’s probation process. Mr. Gardner stated that if individuals test positive for a substance that is not permitted, they may contact FirstSource and have a Medical Review Officer review their test results. If the licensee tests positive for a substance that is not permitted, Board staff would send the licensee’s file back to the Attorney General’s office and seek revocation of the license through a petition to revoke probation. Once a petition for revocation is filed, the licensee has the option to contest the allegation by requesting a formal administrative hearing or the Board can work out a stipulated settlement that the Board will vote on.

Ms. Monterrubio provided a brief history regarding FirstSource and previous drug testing companies utilized by the Board.

Dr. Melodie Schaeffer, Vice Chair of CAPIC and Head of Division II of CPA, spoke to the Board about relapsing. Rather than revoking the license, she suggested taking a suspension of the license until the licensee can show he or she is substance free. Dr. Schaeffer also stated that in mandated treatment, the treating psychologist should have a specialty in addiction.

Ms. Sorrick read from the Disciplinary Guidelines that a failed drug test is considered a major violation and it is at the discretion of the Board to determine the action: suspension, revocation or other action determined appropriate by the Board.

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

Ms. Sorrick provided the Board with a staffing update welcoming Christopher Catalano to the Central Services Unit.


Ms. Sorrick provided the Board with an overview of part 1 of the CPS HR audit process. As a byproduct of part 1, the Board was able to obtain a Staff Services Manager I position over each of the units and a Staff Services Manager II position as the Board’s Assistant Executive Officer. Ms. Sorrick stated that part 2 of the audit is focused on the training needs of the program, looking at succession planning and going “paper-lite”.
The Board discussed part 2 of the CPS audit. Ms. Sorrick stated that the quoted amount is the capped fee and stated that the cost of the CPS audit cannot overrun the quote.

It was M(Jones)/S(Foo)/C to approve staff to move forward with working with CPS to complete part 2 of the analysis.

Vote: 8 aye (Acquaye-Baddoo, Bernal, Casuga, Erickson, Foo, Horn, Jones, Phillips), 0 no

**Agenda Item #11: Licensing Report**

*a) Division Statistics*

Ms. Cheung provided the Board with statistics for the Licensing Unit. Ms. Lim provided the Board definitions and statistics for each of the status codes. Ms. Sorrick stated that the FY 13/14 statistics are not reported because the department utilized a different system at that time, now referred to as the legacy system. The legacy system reported numbers differently; therefore, the statistics provided are not historical. Ms. Lim will verify the date in which the statistics start for the November meeting.

*b) Overview of the Cycle of a License from Licensure to Expiration*

Ms. Cheung, Ms. McCockran and Ms. Lim presented to the Board an overview of the cycle of a license from initial licensure to expiration.

**Agenda Item #13: Petition for Early Termination of Probation – Greg Bohall, PsyD**

Administrative Law Judge Diane Schneider presided. Deputy Attorney General Brenda Reyes was present and represented the People of the State of California. Greg Bohall, PsyD, was present and represented himself.

**Agenda Item #15: 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.

Meeting adjourned at 4:59 p.m.

Friday, September 16, 2017
Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order at 11:15 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, Vice-President
- Lucille Acquaye-Baddoo
- Alita Bernal
- Sheryl Casuga, PsyD
- Michael Erickson, PhD
- Seyron Foo
- Jacqueline Horn, PhD

**Others Present**
- Antonette Sorrick, Executive Officer
- Stephanie Cheung, Licensing Unit Manager
- Norine Marks, DCA Legal Counsel
- Sandra Monterrubio, Enforcement Program Manager
- Liezel McCockran, Continuing Education and Renewals Coordinator
- Jason Glasspiegel, Central Services Coordinator
- Curtis Gardner, Probation Coordinator
- Natasha Lim, Licensing Coordinator

**Agenda Item #12: Continuing Education and Renewals Report**

Ms. McCockran presented the Continuing Education and Renewals Report to the Board. She stated that she added statistics for online vs. mail in renewals, pass and fail rates for three fiscal years, and pass/fail rates for second audits. Ms. McCockran explained the citation and fine process and Ms. Monterrubio discussed the Franchise Tax Board intercept program and the hold placed on the license if the licensee fails to comply with the citation order.

The Board discussed the audit process when it was handled by the MCEP Accrediting Agency (MCEPAA). They compared the old process to the current process.

Dr. Jo Linder-Crow, California Psychological Association, provided the Board with a brief description of how the MCEPAA audit process functioned.

The Board requested staff to gather more information regarding the MCEPAA audit process and the switch to the Board for discussion at a future meeting.

**Agenda Item #16: Legislative Update and Consideration of Positions on Legislation**
a) Board Sponsored Legislation

1) AB 89 (Levine) – Suicide Assessment and Intervention Coursework/Training Requirements – Addition of Section to the BPC (Coursework/Training in Suicide Assessment and Intervention)

Mr. Glasspiegel stated this bill was signed into law September 1, 2017, and will become effective January 1, 2020. Mr. Glasspiegel also stated that an advisory will be sent out next month.

Dr. Phillips stated that if a licensee chooses to comply with the requirement by taking a continuing education course, the licensee can do so before the requirement becomes effective.

b) Review and Consideration of Board Recommendations on Legislation:

A. AB 244 (Cervantes) – Maternal Mental Health

Mr. Glasspiegel provided an overview of the bill, and stated that the Board asked staff to seek amendments to the bill. When staff contacted the author, they were notified the bill is now a 2-year bill and will not be moving for the remainder of this legislative year.

B. AB 1456 (Low) – Professional Licensure

Mr. Glasspiegel stated this bill extends the exemption waivers to five years. This bill was signed on July 31, 2017 and became effective immediately.

C. AB 1188 (Nazarian) – Health Professions Development: Loan Repayment

Mr. Glasspiegel stated this bill will change the fee for the Health Practitioner Education Fund from $10.00 to $20.00 every renewal. The bill was presented to the governor on September 13, 2014 and, if it is signed, it will become effective July 1, 2018.

D. SB 547 (Hill) – Professions and Vocations: Weights and Measures (Board Omnibus Bill)

Mr. Glasspiegel stated the bill would remove specification in statute of who must pay the psychological assistant registration fee to the Board and would specify that the delinquency fee for Board licensees is 50 percent of the renewal fee, not to exceed $150.00. As of September 13, 2017, the bill is set for the third reading and final vote on the floor before being presented to the governor.

E. SB 572 (Stone) – Healing Arts Licensees: Violations: Grace Period

Mr. Glasspiegel stated this bill would prohibit healing arts boards under the Department of Consumer Affairs from issuing a disciplinary action or otherwise penalizing a licensee who commits a violation that does not cause irreparable harm to a consumer and is
remedied within 15 days. The author is no longer pursuing this bill for the remainder of this year’s legislative session. Dr. Horn stated that the Board took an “Oppose” position on this bill.

F. SB 798 (Hill) – Healing Arts: Boards

Mr. Glasspiegel stated this bill is the Sunset Bill for the Medical Board of California, which previously included provisions transferring the licensing and regulation of Research Psychoanalysts to the Board of Psychology. These provisions were removed from the bill in the July 6 amendments, and the bill now would keep the licensing and regulation of Research Psychoanalysts under the Medical Board. Ms. Jones stated that at the August teleconference meeting, the Board changed their position on this bill from Support if Amended to Watch. Mr. Glasspiegel stated that since then, the bill was amended to remove a requirement for disclosing a probationary status and removed the provision of doctor/patient confidentiality while the Medical Board is completing an investigation.

2) Watch Bills

Based on discussions from previous Board meetings, Ms. Jones would like to specifically discuss Agenda Items XX and AAA.

XX. SB 755 (Beall) Civil Discovery: Mental Examination

Mr. Glasspiegel stated this bill would limit the mental examination of a child that is less than 15 years of age and has credible evidence of being sexually abused to psychological testing of no more than three hours, including breaks, unless the court grants an extension for good cause. This bill would also require the examination to be conducted by a licensed clinical psychologist or licensed physician. Mr. Glasspiegel stated the bill was signed by the Governor on July 24, 2017.

AAA. ACR 8 (Jones-Sawyer) Adverse Childhood Experiences: Post-Traumatic “Street” Disorder

Mr. Glasspiegel stated this bill was signed by the Governor on September 7, 2017. He provided an overview of the bill, stating this bill would recognize adverse childhood experiences (ACEs), also known as post-traumatic “street” disorder in communities of color, as having lasting negative outcomes to both physical and mental health with growing implications for California. Mr. Glasspiegel reminded the Board that this bill is a resolution and that no law was created with the signing of this resolution. Ms. Jones stated that there are different types of resolutions but in terms of this bill, it was passed as written. The resolution merely highlights the problem. Mr. Foo emphasized that highlighting the problem is key to elevating the conversation.

Kimberly Sweidy, a member of the public, expressed her disagreement with the bill since it focuses primarily on communities of color and lower socioeconomic status. Ms.
Sweidy believes adverse childhood experiences affect all children, and the focus should not be limited to any one group of children.

Catherine Campbell, California Protective Parents Association, expressed her belief that all children are affected by adverse childhood experiences. Ms. Campbell stated that this is not just a street disorder, and that it happens on every street in America. She stated that although she is glad this is being recognized, she will be contacting the Assembly Member to find out why it is written the way it is.

Christina Mendez, a student at Palo Alto University, stated she worked many years in schools in Oakland and East Palo Alto where a lot of children go through experiences of being shot at, getting recruited for gangs, or not having enough food. Ms. Mendez stated that it is not to say that children of a higher socioeconomic status don't experience adverse childhood experiences, but "life on the streets" is an issue.

c) 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 stated there is no update since the last Board meeting. Discussion ensued regarding guidance in the interim. It was stated that guidance cannot be given without knowing the law. If there are any questions about reporting, one may call the child protective agencies.

**Agenda Item #17: Legislative Items for Future Meeting. The Board May Discuss Other Items of Legislation in Sufficient Detail to Determine Whether Such Items Should be on a Future Board Meeting Agenda and/or Whether to Hold a Special Meeting of the Board to Discuss Such Items Pursuant to Government Code Section 11125.4**

The Board requested that agenda item #16(c) regarding CANRA be taken off the agenda until there is an update.

**Agenda Item #18: Regulatory Update, Review, and Consideration of Additional Changes**

a) 16 CCR Section 1396.8 – Standards of Practice for Telehealth

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

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

d) 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing Professional Development
Mr. Glasspiegel explained that these are all the regulatory packages that Board staff are currently working on. He stated that the packages for Standards of Practice for Telehealth and Continuing Professional Development are pending initial review and that staff is working on developing the documents for the packages. Mr. Glasspiegel stated that the Verification of Experience and Supervision Agreement Forms package has been approved and the Psychological Assistant package is in the initial review stage.

Board discussion ensued regarding the changes being made and the history of Continuing Professional Development (CPD) package.

**Agenda Item #19: Outreach Committee Updates**

**a) Strategic Plan**

Ms. Sorrick stated that the highlighted areas indicate the changes to completion dates for identified action items and noted that some of them were due to regulatory changes. Dr. Horn stated that she presents webinars to training programs, internships and post-docs to talk about licensing. Dr. Jo Linder-Crow and Dr. Horn discussed the possibility of conducting such a webinar that CPA would host.

**b) Communications Plan**

Ms. Bernal and Ms. Sorrick stated that there have not been any changes since the June 2017 Board meeting.

**c) Website**

Mr. Glasspiegel provided the Board with a website and social media update. He also stated that the *Summer Journal* is up on the website as of that morning.

**d) Focus Group on User-Friendliness of Board Website**

Ms. Bernal stated that there have not been any changes since the June 2017 Board meeting. Mr. Glasspiegel stated that this is expected to happen in 2018.

**e) Newsletter**

Ms. Bernal stated the *Summer Journal* was posted on the Board's website today and Mr. Glasspiegel stated that an email blast would be sent to the interested parties list.

**f) Outreach Activities**

Dr. Horn spoke about her experience attending the American Psychological Association (APA) summit which had a seminar focused on continuing professional development.
g) Outreach Plan for High Schools, Community Colleges, and State and University System to Increase Licensing Population

Ms. Bernal stated that there have not been any changes to the Outreach Plan for High Schools, Community Colleges, and State and University System to Increase Licensing Population since the June 2017 Board meeting.

h) 2018-2019 Outreach and Education Campaign

Ms. Bernal stated that there have not been any changes to the 2018-2019 Outreach and Education Campaign since the June 2017 Board meeting.

i) DCA Brochure “Professional Therapy Never Includes Sex”

Ms. Bernal stated that Board staff is currently working with the Board of Behavioral Sciences and the Medical Board of California to collectively update the brochure. Ms. Sorrick spoke about the process of updating the brochure.

The Board and members of the public discussed holding more meetings at schools.

It was M(Erickson)/S(Acquaye-Baddoo)/C to accept the Outreach and Education Plan.

Vote: 8 aye (Acquaye-Baddoo, Bernal, Casuga, Erickson, Foo, Horn, Jones, Phillips), 0 no

Agenda Item #20: Update on Stakeholder Meetings on Pathways to Licensure

Ms. Cheung provided the Board with an overview of the stakeholders meeting. She stated that staff is in the process of organizing all the feedback received to present to the full Board.

Dr. Horn, Dr. Phillips, and Mr. Foo expressed their appreciation to the participants and the facilitators of the stakeholder meetings.

Ms. Jones spoke about the letter sent out regarding the stakeholder meetings inquiring about the need to specifically reference the public as a stakeholder.

Agenda Item #21: President’s Report

a) 2017/2018 Meeting Calendar and Locations

Dr. Phillips stated the only change to the meeting calendar is that the Outreach and Education Committee meeting scheduled on December 7, 2017 has been cancelled. Dr. Phillips encouraged all Board members to respond to the emails regarding the proposed meeting dates for 2018.
b) Committee Updates

Dr. Phillips stated that Dr. Casuga will be joining the Policy and Advocacy Committee.

Agenda Item #22: Recommendations for Agenda Items for Future Board Meetings. Note: The Board May Not Discuss or Take Action on Any Matter Raised During This Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code Sections 11125 and 11125.7(a)]

Ms. Jones stated that she would like a review of the regulatory process to be added as a future agenda item. Ms. Sorrick stated that staff can add a presentation of the regulatory process to the November agenda and an overview of the legislative process to the agenda for the February 2018 Board meeting.

Ms. Sorrick stated that staff will be adding the draft expert reviewer criteria to the agenda for the Enforcement Committee meeting and for full Board review once the Committee reviews the criteria.

ADJOURNMENT

The Board adjourned at 2:47 p.m.

President

Date

11/25/17