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**Agenda Item #4: Licensed Educational Psychologist (LEP): Presentation by Board of Behavioral Sciences Regarding LEP Functions for Discussion** ([3:20](#) / 2:37:52)

Dr. Horn explained that because there has been public confusion regarding the scope of practice of a Licensed Educational Psychologist (LEP), staff invited the Board of Behavioral Sciences (BBS) to address the matter.

Ms. Kim Madsen, BBS Executive Officer, presented an overview of the licensure requirements for LEPs. She explained that the BBS has had the regulatory responsibility of LEPs since 1970. Ms. Madsen described an LEP as a mental health professional licensed by the BBS to provide services within the scope of practice mandated in section 4989.14 of the Business and Professions Code. She reviewed the licensure requirements and enforcement and explained that all LEPs are or were school psychologists and may practice in a clinical or educational setting.

Ms. Elizabeth Betty Connolly, LEP, and BBS Board Chair, answered questions relating to the scope of practice and roles of LEPs.

Dr. Harb Sheets asked if an LEP provides broad psychological counseling or is it identified as specific to the issues the LEP is addressing. Ms. Connolly explained that an LEP's counseling to families is very focused. It must deal with a student's ability to access education. LEPs do not consider their scope of practice as psychotherapy, instead refer to it as educational counseling.

Dr. Horn asked if, when individuals practice in a school setting, are they called school psychologists or LEPs. Ms. Connolly explained that if LEPs work at a school setting, they are typically called school psychologists because school psychologists are credentialed to work in schools. LEPs are licensed to practice in private practice. Many LEPs contract with the schools. They may do that to fulfill tasks, jobs or needs when the school psychologist does not have the resources to do so.

Dr. Horn asked if Ms. Connolly ever experiences confusion by the public regarding whether LEPs are licensed psychologists and their scope of practice. Ms. Connolly responded that LEPs are required to be very clear about their scope of practice which is focusing on barriers to access education. Dr. Horn asked how the two boards could help the public understand the differences between licenses. Ms. Connolly explained it may present more challenges by doing this. This does not present a problem to her licensing population. If a client goes to an LEP with a problem that is not within the scope of practice, the client would be referred to an appropriate provider. Dr. Horn stated she is not sure if it is a problem for psychologists, but she is concerned about the confusion between the role of a licensed psychologist and an LEP as perceived by the public. Dr. Horn stated that she is not interested in creating a problem that does not exist. Ms. Madsen and Ms. Connolly agreed that the confusion might be addressed through Frequently Asked Questions, pamphlets, and websites.

Ms. Connolly further stated that there have been enforcement actions against LEPs but does not recall any for violation of practice outside their scope in the seven years she has been a BBS Board Member.

96 Mr. Foo asked how often enforcement issues were referred to the BOP by the BBS and  
97 vice versa. Ms. Madsen said the two boards partner very well and share information as  
98 appropriate.  
99

100 Dr. Harb Sheets questioned how many licensees have degrees higher than a master's  
101 degree. Ms. Connolly could not give a number, but she did not think it was a large  
102 number.  
103

104 Dr. Horn thanked Ms. Madsen and Ms. Connolly for the presentation and stated that  
105 she thinks the two boards have a good and collaborative working relationship.  
106

107 Ms. Cheung stated that the California Commission on Teacher Credentialing has been  
108 invited to discuss the Pupil Personnel Services Credentials at the Committee meeting  
109 scheduled in September.  
110

111 Public Comments:  
112

113 Cynthia Root, PhD, Staff Psychologist at the Alta California Regional Center (ACRC),  
114 shared confusion regarding LEPs and scope of practice. She stated that in the field,  
115 there is tremendous confusion regarding the boundaries between clinical psychologists  
116 and LEPs, particularly in autism diagnosis. She has researched the boundaries question  
117 extensively and received conflicting information. After discussion, Ms. Connolly  
118 explained that anything beyond educational scope cannot be done by LEPs for ACRC.  
119 Ms. Connolly offered to approach representatives of the Association of School  
120 Psychologists and suggested that a formal, written statement be drafted. Ms. Connolly  
121 stated that she does not feel that the BBS will be revising its scope of practice at this  
122 time. Ms. Madsen stated that she thinks there is value from both professions and most  
123 operate within their scope of practice. She believes there is plenty of room for everyone  
124 in California to work together to develop the best approach to help a child with  
125 educational needs. She also pointed out that the scope of practice has not changed  
126 since its inception in 1970.  
127

128 Dr. Horn thanked Dr. Root for her input.  
129

130 Mr. Foo questioned how many disciplinary actions against LEPs involve confusion by  
131 the public regarding the scope of practice. Ms. Madsen stated that the BBS receives  
132 very few complaints against LEPs, none of which were because the public was  
133 confused about the scope of practice.  
134

135 Elizabeth Winkelman, PhD, California Psychological Association (CPA), thanked Ms.  
136 Madsen and Ms. Connolly for the clarifying presentation. She questioned whether LEPs  
137 in school settings or in private practice give other types of diagnosis according to the  
138 DSM, such as anxiety or depression. Ms. Connolly stated generally not.  
139

140 Dr. Horn thanked Dr. Winkelman for her input.  
141

142 **Agenda Item #5: Foreign Degree Evaluation Services: Discuss Possible**  
143 **Amendments to Business and Professions Code Section 2914 ([42:40](#) / 2:37:52)**  
144

145 At the January 11, 2019, Licensing Committee meeting, the National Association of  
146 Credential Evaluation Services (NACES) and the National Register of Health Service  
147 Psychologists (NRHSP) presented their foreign degree evaluation processes. The  
148 Committee directed staff to provide background information on the foreign degree  
149 evaluation requirements and to draft amendments to Business and Professions (B&P)  
150 Code section 2914(c)(4) to add NRHSP as an approved foreign degree evaluation  
151 provider and specify what is to be included in an evaluation. The Committee reviewed  
152 the material.

153  
154 It was M(Foo)/S(Harb Sheets)/C to approve the following amendments to B&P Code  
155 section 2914(c)(4) and to recommend the Board to approve the language and seek  
156 legislation.

157  
158 Each applicant for licensure shall comply with all of the following requirements:

- 159  
160 (a) Is not subject to denial of licensure under Division 1.5 (commencing with Section 475).  
161  
162 (b) Possess an earned doctorate degree (1) in psychology, (2) in educational psychology, or  
163 (3) in education with the field of specialization in counseling psychology or educational  
164 psychology. Except as provided in subdivision (h), this degree or training shall be obtained  
165 from an accredited university, college, or professional school. The board shall make the final  
166 determination as to whether a degree meets the requirements of this section.  
167  
168 (c) (1) On or after January 1, 2020, possess an earned doctorate degree in psychology, in  
169 educational psychology, or in education with the field of specialization in counseling  
170 psychology or educational psychology from a college or institution of higher education that  
171 is accredited by a regional accrediting agency recognized by the United States Department  
172 of Education. Until January 1, 2020, the board may accept an applicant who possesses a  
173 doctorate degree in psychology, educational psychology, or in education with the field of  
174 specialization in counseling psychology or educational psychology from an institution that is  
175 not accredited by an accrediting agency recognized by the United States Department of  
176 Education, but is approved to operate in this state by the Bureau for Private Postsecondary  
177 Education.  
178  
179 (2) Paragraph (1) does not apply to any student who was enrolled in a doctoral program in  
180 psychology, educational psychology, or in education with the field of specialization in  
181 counseling psychology or educational psychology at a nationally accredited or approved  
182 institution as of December 31, 2016.  
183  
184 (3) No educational institution shall be denied recognition as an accredited academic  
185 institution solely because its program is not accredited by any professional organization of  
186 psychologists, and nothing in this chapter or in the administration of this chapter shall  
187 require the registration with the board by educational institutions of their departments of  
188 psychology or their doctoral programs in psychology.  
189  
190 (4) An applicant for licensure trained in an educational institution outside the United States  
191 or Canada shall demonstrate to the satisfaction of the board that he or she possesses a  
192 doctorate degree in psychology that is equivalent to a degree earned from a regionally  
193 accredited university in the United States or Canada. ~~These applicants shall provide the~~  
194 ~~board with a comprehensive evaluation of t~~The degree performed shall be evaluated by a

195 foreign credential evaluation service that is a member of the National Association of  
196 Credential Evaluation Services (NACES), or by the National Register of Health Services  
197 Psychologists (NRHSP). The evaluation shall:  
198 i) Provide a transcript of the degree used to qualify for licensure in English  
199 ii) Indicate that the degree used to qualify for licensure is verified using primary sources;  
200 iii) Determine that the degree is equivalent to a degree that qualifies for licensure pursuant  
201 to subsections (b) and (c)(1) through (3); and  
202 iv) Be submitted directly to the board by a member of the NACES or NRHSP.  
203 The applicant shall provide and any other documentation the board deems necessary.  
204

205 (d) (1) Have engaged for at least two years in supervised professional experience under the  
206 direction of a licensed psychologist, the specific requirements of which shall be defined by  
207 the board in its regulations, or under suitable alternative supervision as determined by the  
208 board in regulations duly adopted under this chapter, at least one year of which shall be  
209 after being awarded the doctorate in psychology. The supervisor shall submit verification of  
210 the experience required by this subdivision to the trainee in a manner prescribed by the  
211 board. If the supervising licensed psychologist fails to provide verification to the trainee in a  
212 timely manner, the board may establish alternative procedures for obtaining the necessary  
213 documentation. Absent good cause, the failure of a supervising licensed psychologist to  
214 provide the verification to the board upon request shall constitute unprofessional conduct.  
215

216 (2) The board shall establish qualifications by regulation for supervising psychologists.  
217

218 (e) Take and pass the examination required by Section 2941 unless otherwise exempted by  
219 the board under this chapter.  
220

221 (f) Show by evidence satisfactory to the board that he or she has completed training in the  
222 detection and treatment of alcohol and other chemical substance dependency. This  
223 requirement applies only to applicants who matriculate on or after September 1, 1985.  
224

225 (g) (1) Show by evidence satisfactory to the board that he or she has completed coursework  
226 in spousal or partner abuse assessment, detection, and intervention. This requirement  
227 applies to applicants who began graduate training during the period commencing on  
228 January 1, 1995, and ending on December 31, 2003.  
229

230 (2) An applicant who began graduate training on or after January 1, 2004, shall show by  
231 evidence satisfactory to the board that he or she has completed a minimum of 15 contact  
232 hours of coursework in spousal or partner abuse assessment, detection, and intervention  
233 strategies, including knowledge of community resources, cultural factors, and same gender  
234 abuse dynamics. An applicant may request an exemption from this requirement if he or she  
235 intends to practice in an area that does not include the direct provision of mental health  
236 services.  
237

238 (3) Coursework required under this subdivision may be satisfactory if taken either in  
239 fulfillment of other educational requirements for licensure or in a separate course. This  
240 requirement for coursework shall be satisfied by, and the board shall accept in satisfaction  
241 of the requirement, a certification from the chief academic officer of the educational  
242 institution from which the applicant graduated that the required coursework is included  
243 within the institution's required curriculum for graduation.  
244

245 (h) Until January 1, 2020, an applicant holding a doctoral degree in psychology from an  
246 approved institution is deemed to meet the requirements of this section if both of the  
247 following are true:

248  
249 (1) The approved institution offered a doctoral degree in psychology designed to prepare  
250 students for a license to practice psychology and was approved by the former Bureau for  
251 Private Postsecondary and Vocational Education on or before July 1, 1999.

252  
253 (2) The approved institution has not, since July 1, 1999, had a new location, as described in  
254 Section 94823.5 of the Education Code.

255  
256 *(Amended by Stats. 2016, Ch. 484, Sec. 3. (SB 1193) Effective January 1, 2017.)*

257  
258 Public Comment:

259  
260 Marilyn Immoos, PhD, California Department of Corrections and Rehabilitation (CDCR),  
261 stated that she is not speaking on behalf of CDCR but as a private person and licensed  
262 psychologist. She gave a brief description of the education in Austria and Switzerland  
263 and how difficult or impossible it is to make comparisons with other educational  
264 requirements. She stated that professionals are necessary to perform foreign degree  
265 evaluations.

266  
267 Vote: 3-0 (Aye: Foo, Harb Sheets, Horn)

268  
269 **Agenda Item #6: Informational Video for Supervisors: Discussion and**  
270 **Recommendations for Content to be Included in the Video** ([59:20](#) / 2:37:52)

271 **a) Laws and Regulations**

272 **b) Frequently Asked Questions (FAQs)**

273  
274 Ms. Xiong explained that at the October 25, 2018, meeting, the Committee raised  
275 concerns that some current or potential supervisors are unclear about their roles and  
276 responsibilities in providing supervision. The Committee agreed that an informational  
277 video would be an additional resource for supervisors. During the January 11, 2019,  
278 meeting, the Committee requested Board staff to work with legal counsel to propose  
279 content on legal requirement video(s).

280  
281 Staff presented draft content areas for the video(s) and a flowchart.

282  
283 Dr. Horn stated that there is going to be a stakeholder meeting at the September  
284 Committee meeting regarding the content of supervisor videos. Staff's draft content  
285 areas will be available at that meeting. Ms. Sorrick will reach out to the Department of  
286 Consumer Affairs' (DCA) SOLID unit to see if they are available to help facilitate the  
287 conversation among stakeholders in soliciting their input.

288  
289 The Committee discussed possible content and noted that it should address  
290 problematic areas and especially those that are detrimental to individuals seeking  
291 licensure. They will solicit input from the stakeholders regarding problems they have  
292 observed.

293

294 Ms. Cheung asked the Committee members to provide any suggestions regarding the  
295 organization of the presentation for the stakeholders meeting and any other items that  
296 should be included.

297  
298 Mr. Foo questioned if other interested Board members can participate in the  
299 stakeholders meeting. Ms. Marks explained that since the meeting is noticed as a  
300 Committee meeting, Board members can observe but not participate. Ms. Burns  
301 suggested that the meeting be webcasted, and Dr. Horn agreed.

302  
303 Dr. Harb Sheets will contact CPA to find out what it has on the subject because Biola  
304 University has been working on the same thing for its Ethics Committee.

305  
306 Mr. Foo questioned if there are funds in the Board's budget for production of the videos.  
307 Ms. Sorrick explained that it is covered by the pro rata the Board pays to DCA.

308  
309 Public Comments:

310  
311 Elizabeth Winkelman, PhD, CPA, stated she is very pleased with the creation of the  
312 videos and asked if Frequently Asked Questions (FAQ) will be posted on the website.  
313 Ms. Cheung explained that existing FAQs on the website are being updated. Ms.  
314 Cheung stated that if anyone feels it is appropriate, FAQs can be included in the  
315 materials at the September stakeholder meeting. Dr. Winkelman requested that the  
316 Board create an FAQ specifically addressing supervision. Ms. Cheung asked Dr.  
317 Winkelman to provide any specific questions that she has encountered relating to  
318 supervision, so they may be considered at the stakeholder meeting. Dr. Winkelman  
319 stated she will be happy to do that and will try to attend the stakeholder meeting.

320  
321 Marilyn Immoos, PhD, CDCR, thanked the Committee for creating the videos since she  
322 feels that they will be very valuable and offered CDCR's support in any way possible.  
323 She stated she receives many questions regarding supervision. Mr. Foo inquired if  
324 CDCR has supervision guidelines; and if so, would CDCR be willing to share them with  
325 the Board. Dr. Immoos explained that CDCR does not have general supervision  
326 guidelines because each local facility has its own operating procedures for its trainees.  
327 Dr. Immoos will collect supervision questions and information from various institutions  
328 and provide them to Ms. Cheung.

329  
330 **Agenda Item #7: Discussion and Consideration for Grievance Process: How to**  
331 **Resolve a Discrepancy Between Weekly Log and Verification of Experience**  
332 **(1:19:40 / 2:37:52)**

333  
334 Ms. Cheung explained that at the January 11, 2019, Committee meeting, there was a  
335 public comment regarding the Board's policy on considering weekly logs when there is a  
336 discrepancy of hours between what is stated on the weekly logs and that reported by  
337 the primary supervisor on the Verification of Experience (VOE) form. The member of the  
338 public also asked if the Committee would consider a grievance process when such a  
339 discrepancy occurs.

340  
341 The Committee was provided with current California Code of Regulations (CCR)  
342 Sections 1387 and 1387.5 and B&P Code section 2914 and the previous version of  
343 B&P Code section 2914.

344  
345 Ms. Cheung answered questions from Mr. Foo and Dr. Horn regarding circumstances  
346 when there are discrepancies.

347  
348 Ms. Sorrick stated that this is not a big issue; however, when an issue arises, there is  
349 not a process in place that allows the Board to address it. She explained that when B&P  
350 Code section 2914 was amended in 2014, the portion setting forth a process for  
351 discrepancies was removed. Ms. Sorrick suggested that if the Committee would agree  
352 to have a process be created in the Board's governing statutes and/or regulations, for  
353 example, B&P Code section 2914, staff could work with legal counsel to draft language  
354 that will provide a process when there are discrepancies of number of hours being  
355 reported on the VOE form and weekly logs.

356  
357 It was M(Harb Sheets)/S(Foo)/C to reinstate a process in regulations where a  
358 supervisee has an option to address a discrepancy between hours and weekly logs or  
359 when a supervisor is no longer available to verify hours.

360  
361 Ms. Sorrick stated that staff will work with legal counsel to draft appropriate language for  
362 Committee's consideration at its September meeting.

363  
364 Public Comment:

365  
366 Kristin Kaminski, PsyD, stated she addressed the Committee at its last meeting  
367 regarding this issue. She pointed out that she does not hear the Committee addressing  
368 the burden of proof on both sides of the conflict. Supervisors who are not going to verify  
369 hours must have to provide documentation. Dr. Kaminski wants the Committee to  
370 consider the power the supervisor has by not signing the VOE until the end.

371  
372 Dr. Horn shared that she attended a conference that addressed sexual harassment by  
373 supervisors to their supervisees. It happens often and is reported infrequently because  
374 supervisees feel it could jeopardize licensure. Because the issue that Dr. Kaminski  
375 brought up is a larger issue and not specifically on this agenda, it will be on a future  
376 Committee agenda.

377  
378 Vote: 3-0 (Aye: Foo, Harb Sheets, Horn)

379  
380 **Agenda Item #8: Review and Consideration or Revisions to the Goal of the**  
381 **Licensing Committee for the Strategic Plan: Recommendations to the Board**  
382 **(2:00:57 / 2:37:52)**

383  
384 Dr. Horn explained that each Board committee is reviewing its goal for the Strategic  
385 Plan and recommending any changes to the Board at its next meeting.

386  
387 Committee members discussed the current goal and suggested revisions.

388  
389 Public Comment:

390  
391 Elizabeth Winkelman, PhD, CPA, suggested that practice standards are too broad. She  
392 also suggested that the name could be changed to Licensure Committee.

393



394 The Committee took a brief break to allow staff to draft a revised goal.

395

396 When the Committee meeting resumed, Ms. Xiong presented the revised goal as  
397 follows:

398

399 The Licensure Committee

400

401 The goal of this Committee is to create and maintain a clear and efficient framework for  
402 licensure, examination processes, and continuing professional development through the  
403 Board's statutes and regulations to ensure licensees meet the qualifications necessary  
404 to practice safely and ethically. The committee communicates relevant information to its  
405 affected stakeholders.

406

407 It was M(Foo)/S(Harb Sheets)/C to recommend to the Board to adopt the name change  
408 of this Committee to the Licensure Committee and to adopt the Committee goal as  
409 presented by staff.

410

411 Vote: 3-0 (Aye: Foo, Harb Sheets, Horn)

412

413 **Agenda Item #9: Licensing Report** ([2:27:37](#) / 2:37:52)

414

415 Ms. Xiong referred the Committee to the Licensing Population Report provided, pointing  
416 out that the licensing populations of the Licensed Psychologists and Registered  
417 Psychological Assistants are increasing, and the Registered Psychologists category is  
418 decreasing slightly. She highlighted that for April 2019, the Psychologist applications for  
419 licensure skyrocketed due to enhancements to the BreEZe system that can now capture  
420 applications that have already expired and those applications that require a new  
421 submission in order to sit for the EPPP.

422

423 The Board currently has 18,644 Licensed Psychologists, 1,145 Registered  
424 Psychological Assistants and 131 Registered Psychologists, for a total of 20,186  
425 current, active licensees.

426

427 Mr. Foo questioned if there is a time during the year that applicants score better on  
428 tests. Dr. Horn responded "no" and explained that it should make no difference since  
429 forms of the EPPP are equated.

430

431 **Agenda Item #10: Continuing Education and Renewals Report** ([1:48:36](#) / 2:37:52)

432

433 Liezel McCockran, Continuing Education and Renewals Coordinator, provided  
434 Continuing Education (CE) and Audit/Renewals statistics for Licensed Psychologists  
435 and Registered Psychological Assistants.

436

437 CE audits are completed for January 2017 through June 2017. To date, the pass rate is  
438 73 percent with 13 percent of audits still pending review.

439

440 For January 2019 through May 2019, an average of 763 renewal applications were  
441 processed per month with an average of 599 Psychologists renewing as active and 108  
442 renewing as inactive. There is a higher percentage of licensees renewing online.

443

444 Mr. Foo asked if the percentage of licensees passing audits is getting higher. Ms.  
445 McCockran stated she has noticed this trend and attributes it to licensees consulting  
446 with other licensees on how to store their CE certificates and how to provide them to the  
447 Board.

448  
449 Dr. Horn asked for a timeline on becoming current with the audits. Ms. McCockran  
450 explained that she just completed the audits for 2017 and is going to start the audits for  
451 2018. She hopes to be current within six months to a year. She is considering the idea  
452 of doing audits every two months instead of waiting until one audit period is complete.  
453 She will be discussing this with Ms. Burns, her manager.

454  
455 Ms. McCockran answered questions regarding the citation and abatement processes  
456 and concerns regarding the number of non-responses.

457  
458 Dr. Horn commended and thanked the licensing and CE staff on the lengths they go to  
459 help licensees and applicants.

460  
461 There was no public comment.

462  
463 **Agenda Item #11: Recommendations for Agenda Items for Future Licensing**  
464 **Committee Meetings**

465  
466 Ms. Sorrick advised it was discovered through another DCA board that there is a way to  
467 add statutory authority to delegate to the Licensing Committee the ability to make  
468 certain licensing decisions without bringing them back to the full Board. This would be  
469 helpful for efficiency purposes that the Board could look to the Licensing Committee to  
470 make final determinations on some issues such as degree equivalency or extension  
471 requests. Staff plan to bring the following to the August Board meeting for the Board's  
472 general guidance:

- 473  
474 1. FAQs on supervision requirements  
475 2. California Commission on Teacher Credentialing presentation  
476 3. Sexual harassment by supervisors to supervisees

477  
478 Public Comment:

479  
480 Dr. Winkelman requested that the Board not limit the supervision FAQ to just sexual  
481 harassment but address any types of complaints regarding supervisors. Dr. Horn  
482 agreed with Dr. Winkelman's request.

483  
484 **CLOSED SESSION**

485  
486 The Committee met in closed session pursuant to Government Code Section  
487 11126(c)(2) to discuss and consider qualifications for licensure at 2:14 p.m.

488  
489 **RETURN TO OPEN SESSION**

490  
491 The Committee returned to open session at 3:20 p.m.

492  
493

494 **ADJOURNMENT**

495

496 The Committee adjourned at 3:20 p.m.

497

498

499

500



Committee Chairperson

September 13, 2019

Date