Licensing Committee Meeting Minutes

Department of Consumer Affairs
1747 N. Market Blvd., HQ2 Hearing Room #186
Sacramento, CA 95834
(916) 574-7720

Thursday June 13, 2019

Agenda Item #1: Call to Order/Roll Call/Establishment of Quorum

Jacqueline Horn, PhD, Committee Chairperson, called the meeting to order at 10:00 a.m.

A quorum was present and due notice had been sent to all interested parties.

Members Present
Jacqueline Horn, PhD, Chairperson
Seyron Foo, Public Member
Mary Harb Sheets, PhD

Others Present
Antonette Sorrick, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, DCA Legal Counsel
Stephanie Cheung, Licensing Manager
Cherise Burns, Central Services Manager
Sandra Monterrubio, Enforcement Program Manager
Mai Xiong, Breeze/Licensing Coordinator
Liezel McCockran, Continuing Education/Renewals Coordinator
Mary Lynn Ferreira, Licensing Analyst

Agenda Item #2: Public Comment(s) for Items not on the Agenda

There was no public comment.

Agenda Item #3: Approval of the Licensing Committee Meeting Minutes: January 11, 2019 (2:10 / 2:37:52)

Dr. Horn asked if there were any additions or corrections to the January 11, 2019, minutes, in addition to non-substantive ones previously provided to staff.

It was M(Foo)/S(Harb Sheets)/C to approve the minutes as amended.

There was no public comment.

Vote: 3-0 (Aye: Foo, Harb Sheets, Horn)
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.
Mr. Foo asked how often enforcement issues were referred to the BOP by the BBS and vice versa. Ms. Madsen said the two boards partner very well and share information as appropriate.

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

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

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

Public Comments:

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

Dr. Horn thanked Dr. Root for her input.

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

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

Dr. Horn thanked Dr. Winkelman for her input.

**Agenda Item #5: Foreign Degree Evaluation Services: Discuss Possible Amendments to Business and Professions Code Section 2914** (42:40 / 2:37:52)
At the January 11, 2019, Licensing Committee meeting, the National Association of Credential Evaluation Services (NACES) and the National Register of Health Service Psychologists (NRHSP) presented their foreign degree evaluation processes. The Committee directed staff to provide background information on the foreign degree evaluation requirements and to draft amendments to Business and Professions (B&P) Code section 2914(c)(4) to add NRHSP as an approved foreign degree evaluation provider and specify what is to be included in an evaluation. The Committee reviewed the material.

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

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

(a) Is not subject to denial of licensure under Division 1.5 (commencing with Section 475).

(b) Possess an earned doctorate degree (1) in psychology, (2) in educational psychology, or (3) in education with the field of specialization in counseling psychology or educational psychology. Except as provided in subdivision (h), this degree or training shall be obtained from an accredited university, college, or professional school. The board shall make the final determination as to whether a degree meets the requirements of this section.

(c) (1) On or after January 1, 2020, possess an earned doctorate degree in psychology, in educational psychology, or in education with the field of specialization in counseling psychology or educational psychology from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education. Until January 1, 2020, the board may accept an applicant who possesses a doctorate degree in psychology, educational psychology, or in education with the field of specialization in counseling psychology or educational psychology from an institution that is not accredited by an accrediting agency recognized by the United States Department of Education, but is approved to operate in this state by the Bureau for Private Postsecondary Education.

(2) Paragraph (1) does not apply to any student who was enrolled in a doctoral program in psychology, educational psychology, or in education with the field of specialization in counseling psychology or educational psychology at a nationally accredited or approved institution as of December 31, 2016.

(3) No educational institution shall be denied recognition as an accredited academic institution solely because its program is not accredited by any professional organization of psychologists, and nothing in this chapter or in the administration of this chapter shall require the registration with the board by educational institutions of their departments of psychology or their doctoral programs in psychology.

(4) An applicant for licensure trained in an educational institution outside the United States or Canada shall demonstrate to the satisfaction of the board that he or she possesses a doctorate degree in psychology that is equivalent to a degree earned from a regionally accredited university in the United States or Canada. These applicants shall provide the board with a comprehensive evaluation of the degree performed shall be evaluated by a
foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), or by the National Register of Health Services Psychologists (NRHSP). The evaluation shall:

i) Provide a transcript of the degree used to qualify for licensure in English

ii) Indicate that the degree used to qualify for licensure is verified using primary sources;

iii) Determine that the degree is equivalent to a degree that qualifies for licensure pursuant to subsections (b) and (c)(1) through (3); and

iv) Be submitted directly to the board by a member of the NACES or NRHSP.

The applicant shall provide any other documentation the board deems necessary.

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

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

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

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

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

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

(3) Coursework required under this subdivision may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course. This requirement for coursework shall be satisfied by, and the board shall accept in satisfaction of the requirement, a certification from the chief academic officer of the educational institution from which the applicant graduated that the required coursework is included within the institution's required curriculum for graduation.
(h) Until January 1, 2020, an applicant holding a doctoral degree in psychology from an approved institution is deemed to meet the requirements of this section if both of the following are true:

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

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

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

Public Comment:

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

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

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

a) Laws and Regulations

b) Frequently Asked Questions (FAQs)

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

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

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

The Committee discussed possible content and noted that it should address problematic areas and especially those that are detrimental to individuals seeking licensure. They will solicit input from the stakeholders regarding problems they have observed.
Ms. Cheung asked the Committee members to provide any suggestions regarding the organization of the presentation for the stakeholders meeting and any other items that should be included.

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

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

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

Public Comments:

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

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

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

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

The Committee was provided with current California Code of Regulations (CCR) Sections 1387 and 1387.5 and B&P Code section 2914 and the previous version of B&P Code section 2914.
Ms. Cheung answered questions from Mr. Foo and Dr. Horn regarding circumstances when there are discrepancies.

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

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

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

Public Comment:

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

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

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

**Agenda Item #8: Review and Consideration or Revisions to the Goal of the Licensing Committee for the Strategic Plan: Recommendations to the Board**

(2:00:57 / 2:37:52)

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

Committee members discussed the current goal and suggested revisions.

Public Comment:

Elizabeth Winkelman, PhD, CPA, suggested that practice standards are too broad. She also suggested that the name could be changed to Licensure Committee.
The Committee took a brief break to allow staff to draft a revised goal.

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

The Licensure Committee

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

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

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


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

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

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

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

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

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

For January 2019 through May 2019, an average of 763 renewal applications were processed per month with an average of 599 Psychologists renewing as active and 108 renewing as inactive. There is a higher percentage of licensees renewing online.
Mr. Foo asked if the percentage of licensees passing audits is getting higher. Ms. McCockran stated she has noticed this trend and attributes it to licensees consulting with other licensees on how to store their CE certificates and how to provide them to the Board.

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

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

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

There was no public comment.

Agenda Item #11: Recommendations for Agenda Items for Future Licensing Committee Meetings

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

1. FAQs on supervision requirements
2. California Commission on Teacher Credentialing presentation
3. Sexual harassment by supervisors to supervisees

Public Comment:

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

CLOSED SESSION

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

RETURN TO OPEN SESSION

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

The Committee adjourned at 3:20 p.m.

September 13, 2019

Committee Chairperson

Date