BOARD MEETING

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

Thursday, August 15, 2019

Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order at 9:33 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present
Stephen Phillips, JD, PsyD, President
Seyron Foo, Vice-President
Alita Bernal
Sheryll Casuga, PsyD
Marisela Cervantes
Mary Harb Sheets, PhD
Jacqueline Horn, PhD

Members Absent
Lea Tate, PsyD

Others Present
Antonette Sorrick, Executive Officer
Norine Marks, DCA Legal Counsel
Cherise Burns, Central Services Manager
Stephanie Cheung, Licensing Program Manager
Sandra Monterrubio, Enforcement Program Manager
Liezel McCockran, Continuing Education and Renewals 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 stated that because of the Board’s movement towards a PaperLite system, Board members would be viewing the meeting packets via electronic devices rather than paper copies.

Agenda Item #3: Public Comment for Items not on the Agenda. 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)]
No public comments were made regarding specific agenda items that were not on the agenda.

**Agenda Item #4: President’s Report**

Dr. Phillips addressed the meeting calendar.

a) 2019 Meeting Calendar and Locations – There was no discussion on this item.

b) 2020 Meeting Calendar Draft – Discussion ensued regarding dates and locations for the 2020 quarterly Board Meetings and the potential pros and cons of having consistent weeks and months for the quarterly Board Meetings in the future.

It was M(Harb Sheets)/S(Bernal)/C to approve the quarterly Board Meeting Calendar for 2020.

Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

c) Committee Updates

Dr. Phillips provided updates on the Outreach and Communications Committee, Enforcement Committee, and Sunset Review Committee.

Outreach and Communications Committee Chair Dr. Lea Tate and Dr. Horn will rejoin the committee.

Dr. Phillips will temporarily step in as chair of Enforcement Committee to assist with Ms. Cervantes’ transition and her possible future role as Chair of that Committee.

Sunset Review Committee is coming into its review year and there will be much for the President and Vice-President to do as members of this committee.

d) Roles and Responsibilities of Board President and Vice-President

Dr. Phillips gave a description of the roles and responsibilities as well as the time commitment of these two offices.

**Agenda Item #5: Executive Officer’s Report**

Ms. Sorrick provided the Executive Officer’s Report which included a staffing update.

**Agenda Item #6: DCA Executive Office Report**

Dr. Phillips introduced the Board and Bureau Services letter in the materials and explained that Ms. Nelson could not attend. Ms. Sorrick provided a summary of the report.
Agenda Item #7: Discussion and Possible Approval of the Board Meeting
Minutes: April 24-26, 2019

It was M(Foo)/S(Harb Sheets)/C to approve the minutes as amended with any technical, non-substantive changes previously submitted by Board Members.

Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

Agenda Item #8: Budget Report

Dr. Phillips asked Ms. Burns to provide the Board with the Budget update.

Ms. Burns stated that Board finances are healthy and that DCA has no concerns about the Board’s ability to meet costs.

Dr. Harb Sheets asked about an increase in fees charged to the Board and how such an increase might affect the budget.

Ms. Burns replied that the fees charged by the Department of Justice (DOJ) have increased and some costs related to investigations are rising while others are decreasing. But whatever happens with these costs, the Board always has the option of requesting a midyear Budget Augmentation for DOJ related fees.

Mr. Foo asked how the Board can be under-budget when it has often spent more money.

Ms. Burns clarified that DCA is working through the process of aligning the Board’s actual spending with what the Budget Office allocates and that difficulties with Fi$cal contribute to the delay in doing this realignment.

Agenda Item #9: Licensing Report

Ms. Cheung presented the Licensing report to the Board. She highlighted that there has been an increase in Psychologist licenses and Psychological Assistant registrations and a slight decrease in the number of Registered Psychologists.

Ms. Cheung called attention to the workflow report in the attachments. In Attachment B, she pointed out that the apparent spike in open applications was a result of a BreEZe enhancement to close expired applications which inadvertently closed a number of applications in error. Staff has since corrected the error and this accounted for the spike.

Agenda Item #10: Continuing Education and Renewals Report
Ms. McCockran presented the Continuing Education (CE) and Renewals report to the Board.

Dr. Horn inquired as to when the Board’s CE audits would be up-to-date. Ms. McCockran replied that the audits are anticipated to be caught up by June of 2021.

**Agenda Item #11: Closed Session**

The Board met in closed session pursuant to Government Code Section 11126(c)(3) to discuss disciplinary matters including the above Petitions, Proposed Decisions, Stipulations, Petitions for Reconsideration, and Remands.

**Agenda Item #12: Outreach and Education Committee Report – Consideration and Possible Approval of Committee Recommendations (Bernal – Chairperson, Tate)**

Ms. Bernal presented the Outreach and Education Committee report to the Board.

a) Review and Consideration of Revisions to the Name and Goal of the Outreach and Education Committee

Ms. Bernal read the revised name and goal to be considered by the Board for approval. Board discussion ensued regarding possible variations of the words to be used in renaming the Committee and grammatical changes needed in the Committee goal.

It was M(Bernal)/S(Horn)/C to review and adopt the new name “Outreach and Communications Committee”, and with its revised goal, be entered into the Board’s Administrative Procedure Manual.

Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

The revised goal reads as follows:

The goal of the Outreach and Communications Committee is to engage, inform, and educate consumers, students, applicants, licensees, and other stakeholders, regarding the evolving practice of psychology, the work of the Board, and its relevant laws and regulations.

b) Discussion and Possible Action on Requesting the Association of State and Provincial Psychology Boards Develop Best Practices for Psychologists When Using Social Media.

Ms. Sorrick discussed an email communication from her counterpart in Saskatchewan, Canada, who chairs the ASPPB Social Media Task Force. This Task Force is developing guidelines for the use of social media that will be presented to ASPPB at their October 2019 Board meeting, and a future white paper to be drafted by Spring of 2020 and would include guidelines on the use of social media.
Board discussion ensued as to whether there were any emergent trends that concern the Board and whether any such trends should be addressed at present.

Ms. Sorrick recommended waiting to see the white paper and draft guidelines that are presented to ASPPB before taking Board action.

The Board viewed a video created by the National Council of State Boards of Nursing on the topic of using social media in a way that does not violate patient confidentiality.

Dr. Melodie Schaefer, CPA Division II and CAPIC, asked whether the Board would develop structured information regarding patient communication using texts and email as part of a composite plan, in order to address different media separately.

c) Strategic Plan Action Plan Update

Ms. Sorrick provided an update on the Strategic Plan Action Plan. In response to Ms. Bernal’s question about whether the new Committee name will be updated in the Strategic Plan, Ms. Sorrick explained that the Committee’s name will be updated, but that goals will not be updated because they are general topic areas, not committee names.

d) Review and Potential Action on User-Friendliness Website Focus Group Notes – Recommendations to the Board

Ms. Burns provided a summary of the Board’s efforts to enhance its website’s user-friendliness saying that after the anticipated restructuring of its website in 2020, the Board will focus on moving to a mobile friendly platform.

Ms. Cervantes asked whether the Board has a strategy for consolidating its social media and website architecture.

Ms. Burns explained that due to limited resources, the Board is not currently developing a strategy to consolidate social media and website architecture.

e) Board’s Social Media Update

Ms. Bernal provided the Board with the social media update.

Ms. Cervantes suggested that rather than reporting website hits, the Board could tie that data to its strategic goals to give that data a useful interpretation.

f) Website Update

Ms. Bernal provided the Board with the website update.
g) Update on Newsletter

Ms. Sorrick provided the Board with an update on the newsletter. She noted that the Fall Journal was with Publications.

h) DCA Brochure “Therapy Never Includes Sexual Behavior” – Update

Ms. Bernal provided the Board with an update on the brochure.

Ms. Sorrick informed the Board that a Spanish translation is in the works and that the Board is cost-sharing with the other participating boards. Staff has already received 300 requests for copies of the English version and is ordering additional copies.

Ms. Burns commented that non-certified translations into languages beyond English and Spanish may be obtained by using the Google translation service on DCA’s website since the electronic version of the brochure is ADA-compliant and therefore can be translated on the website into many different languages.

Dr. Phillips acknowledged Ms. Bernal’s efforts and leadership on this Committee and noted that Dr. Tate was unable to attend this meeting, but would be assuming the chairpersonship of the Committee in the future.

Agenda Item #13: Legislative and Regulatory Affairs Committee Report – Consideration and Possible Approval of Committee Recommendations (Foo – Chairperson, Casuga, Phillips)

a) Board Sponsored Legislation for the 2019 Legislative Session: Review and Possible Action

1) SB 275 (Pan) – Amendments to Section 2960.1 of the Business and Professions Code Regarding Denial, Suspension and Revocation for Acts of Sexual Contact

Mr. Foo provided the Board with an update on the bill and how under the bill “Sexual Behavior” would be added to the violations that would result in a proposed decision, including an order of revocation.

Dr. Phillips stated that this is now a 2-year bill and that technical amendments would be discussed at the October Board Meeting.

2) SB 786 (Committee on Business, Professions and Economic Development) Healing Arts – Update on Amendments to Sections 2940-2944 of the Business and Professions Code Regarding Examinations

Mr. Foo provided the Board with an update on the omnibus bill and recommended the Board adopt a Support position.
It was M(Harb Sheets)S(Horn)/C to take a Support position on SB 786.

Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

b) Review and Consideration of Proposed Legislation: Potential Action to Take Positions on Bills

1) Review and Consideration of Proposed Legislation Not Previously Reviewed

A) Potential Action on Recommendations to Take Active Positions

i) AB 1076 (Ting) Criminal Records: automatic relief.

Mr. Foo provided the Board with an update on this bill and recommended the Board adopt an oppose position.

Ms. Cervantes asked whether the Board could still access information through a court filing if AB 1076 passes and records are sealed.

Ms. Burns explained that courts would not be able to turn records over to us if AB 1076 passes and records are sealed.

It was M(Harb Sheets)/S(Casuga)/C to adopt an oppose position on AB 1076.

Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

B) Potential Action on Recommendation to Watch Bills

ii) AB 798 (Cervantes) Maternal Mental Health.

Mr. Foo provided an update on this bill.

Ms. Burns addressed Dr. Horn’s question about whether the Board should still take a position on this bill since it now appears to be dead, saying that there is a good chance that this bill might come back next year.

iii) SB 660 (Pan) Postsecondary education: mental health counselors.

Mr. Foo provided the Board with an update on this bill.

2) Review of Bills with Active Positions Taken by the Board

A) AB 1145 (Garcia) Child abuse: reportable conduct.

Ms. Burns provided an update on this bill.
B) SB 53 (Wilk) Open meetings.

Ms. Burns provided the Board with an update on this bill. This bill is currently on suspension in the Assembly Appropriations Committee. Both the Board and DCA continue to oppose this bill.

Dr. Jo Linder-Crow, Executive Director of CPA, asked whether the Board’s committees are considered “advisory committees” and would therefore be subject to this legislation. Ms. Marks confirmed that this was the case.

C) SB 66 (Atkins) Medi-Cal: federally qualified health center and rural health clinic services.

Ms. Burns provided the Board with an update on this bill.

D) SB 425 (Hill) Health care practitioners: licensee’s file: probationary physician’s and surgeon’s certificate: unprofessional conduct.

Ms. Burns provided the Board with an update on this bill.

3) Review of Bills with Watch Status

(3)(A) – (3)(V) Review of Bills with Watch Status:

Mr. Foo opened these bills up for Board discussion since these bills have already been reviewed.

B) AB 5 (Gonzalez)

Dr. Harb Sheets asks why the Board hadn’t adopted an active position on this bill. Dr. Phillips explained that this topic is not so much a question of access to care and has more to do with the tax implications for psychologists and their relationship with the IRS.

Dr. Jo Linder-Crow, CPA, commented that CPA does see AB 5 as an access to care issue, because if sites have to hire employees rather than independent contractors, this would force sites to cut down on staff size, which would reduce availability to consumers.

4) Review of Two-Year Bills with Watch Status

(4)(A) – (4)(P) Review of Two-Year Bills with Watch Status:

Mr. Foo opened these bills up for Board discussion since these bills have already been reviewed. There was no discussion of these bills.
c) Update on California Psychological Association Legislative Proposal Regarding New Registration Category for Psychological Testing Technicians

Mr. Foo introduced Dr. Elizabeth Winkelman, CPA to provide an update.

Dr. Winkelman explained that CPA is developing a bill to authorize psychological testing technicians to work under psychologists and neuropsychologists to administer tests. The rationale is that there is a lack of access and long wait times for neuropsychological testing. She stated that many states and associations already acknowledge the use of testing technicians in this capacity. She also informed the Board that legislative language was currently being developed and within a few months a sponsor would be sought before bringing this bill back before the Board.

Agenda Item #14: 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

Mr. Foo provided an update to the Board on this item and explained that the Maternal Health Bill (AB 577 (Eggman)) will likely be on a future agenda.

Agenda Item #15: Regulatory Update, Review, and Consideration of Additional Changes (Foo)

Mr. Foo introduced this item and explained that only 15(e) required Board action, and that the rest of the items were open for discussion if there were questions or comments.

e) 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing Professional Development

Mr. Foo stated that staff is requesting that the Board adopt amended language for item 15(e). Ms. Burns explained that some language was inadvertently removed regarding the requirement to retain CEs for regular renewals. Ms. Burns requested that this language be adopted, because it includes the language that was previously left out in the new language.

It was M(Horn)/S(Casuga)/C to approve the amended Continuing Professional Development language as proposed for notice.

Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

Add subsection (k)(1) and renumber (k) to (k)(2) in 16 CCR § 1397.61. Continuing Professional Development Requirements. [Effective January 1, 2021.]
(k)(1) Each person who applies to renew his or her license shall certify under penalty of perjury that he or she has complied with all the requirements of this section within the licensure period they are currently in and shall maintain proof of compliance for four (4) years from the effective date of the renewal, and shall submit such proof to the Board upon request.

(k)(2) Each person who applies to reactivate or reinstate his or her license shall certify under penalty of perjury that he or she has complied with all the requirements of this section within the 24 month period prior to the request to reactive or reinstate and shall maintain proof of compliance for four (4) years from the date of the reactivation or reinstatement, and shall submit such proof to the Board upon request.

Meeting adjourned at 4:10 pm.

Friday, August 16, 2019

Agenda Item #16: Call to Order/Roll Call/Establishment of a Quorum

Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order at 9:00 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present
Stephen Phillips, JD, PsyD, President
Seyron Foo, Vice-President
Alita Bernal
Sheryll Casuga, PsyD
Marisela Cervantes
Mary Harb Sheets, PhD
Jacqueline Horn, PhD

Members Absent
Lea Tate, PsyD

Others Present
Antonette Sorrick, Executive Officer
Norine Marks, DCA Legal Counsel
Cherise Burns, Central Services Manager
Stephanie Cheung, Licensing Program Manager
Sandra Monterrubio, Enforcement Program Manager
Liezel McCockran, Continuing Education and Renewals Coordinator

CLOSED SESSION
The Board met in closed session pursuant to Government Code Section 11126(c)(3) to discuss disciplinary matters including Petitions, Proposed Decisions, Stipulations, Petitions for Reconsideration, and Remands.

OPEN SESSION

The Board returned to open session at 10:06 a.m.

**Agenda Item #17: Public Comment for Items not on the Agenda. 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)]**

Catherine Campbell, California Protective Parents Association, commented that the Board did not mention AB 1179 (Rubio) in its review of other recent legislation. Ms. Campbell advised the Board that this bill is a very important step for improving accountability of child custody evaluators and that the Board should adopt a Support position, because psychologists in the court system are dismissing allegations of sexual abuse.

Dr. Horn asked Ms. Campbell which code section AB 1179 was based on. Ms. Campbell responded that it is based on Family Code Section 3118.

Kathleen Russell, Center for Judicial Excellence, commented that the Board adopted changes recommended by the Enforcement Committee but that there was no reference to these changes on the August 2019 Board Meeting agenda. Dr. Phillips explained that the Enforcement Committee update would be provided as part of agenda item #18 in the Enforcement Report.

**Agenda Item #18: Enforcement Report (S. Monterrubio)**

Ms. Monterrubio provided the Enforcement Report to the Board and gave an update on the investigative process.

Dr. Phillips inquired about the outcome of the Child Custody Stakeholders Meeting. Ms. Monterrubio replied that the Child Custody Stakeholders Meeting was discussed at the last Enforcement Committee, and that staff was directed to develop Frequently Asked Questions (FAQs) about the complaint process and additional training for experts. There has not been another Enforcement Committee Meeting since that date due to a change in leadership, so these topics will be taken up at the Enforcement Committee in September 2019.

Dr. Elizabeth Winkelman, CPA, spoke of an Accusation posted on the Board’s website that pointed to gross negligence in the manner a psychologist communicated electronically with a minor. Dr. Winkelman expressed that this topic is of great concern
to her constituents and asked whether the Board would provide guidance in the use of electronic communication in such situations.

Dr. Phillips explained that the allegation of gross negligence arose only in the context of this particular case and that this case should not be interpreted as establishing precedent.

Dr. Winkelman suggested that psychologists look at disciplinary actions posted on the Board’s website for educational purposes and asked whether this was not the intended purpose of posting these actions online.

Dr. Phillips cautioned that public disciplinary actions do not provide comprehensive summaries of investigations and may be limited in their practical educational applicability. Dr. Phillips went on to say that the Enforcement Committee could discuss this matter further, as to whether the informational summaries the Board provides in its email blasts and Journal are resulting in misinformation based on how readers are interpreting the information.

Dr. Melodie Schaefer, CPA Division II and CAPIC, commented that she would prefer that the Board send out educational materials distinguishing between appropriate and inappropriate communications with patients rather than sending out email alerts of disciplinary actions.

Dr. Horn replied to Dr. Schaefer that on the previous day of this meeting, the Board had discussed the impacts of social media and the proper way to use it.

Dr. Schaefer responded that in this profession, social media and electronic communication were not the same thing.

Dr. Phillips responded to Dr. Schaefer that the Board’s role is to enforce the standard of care, but not to dictate what that standard is, since the standard arises from practice of the profession. He admonished that the Board could inadvertently paralyze the development of such standards by taking a position at one moment in time.

Kathleen Russell, Center for Judicial Excellence, questioned why there is nothing on this meeting’s agenda regarding the outcome and implementation of the Child Custody Stakeholder Meeting and requested that the Enforcement Committee develop an implementation timeline.

Dr. Phillips advised that due to a change in Enforcement Committee leadership, implementation has been delayed, but will continue with the September 2019 Enforcement Committee meeting. Dr. Phillips further emphasized that while the Enforcement Committee is conducted in a non-public setting, all of the legislative and regulatory discussion that comes out of that Committee is brought to the full Board for the public to hear and discuss.
Catherine Campbell, California Protective Parents Association, voiced concerns regarding the current practice in the child custody evaluation system of dismissing abuse and questioned why licensees are not suspended instead of given probation in light of these allegations.

Dr. Phillips explained that due process allows the Board to suspend a license under some limited circumstances, but the Board must provide due process and look at all the evidence involved when determining discipline.

**Agenda Item #19: Discussion and Consideration of the Board’s Policy for Holding Cases for Closed Session (S. Monterrubio)**

Ms. Monterrubio provided the Board with an update on this item and explained what it meant to hold a vote for closed session discussion.

Discussion ensued among Board members regarding their preferences for either a one vote or two votes policy to hold.

Ms. Sorrick emphasized that while a vote is held, the licensee is able to continue practicing with an unfettered license until discipline is imposed following the closed session discussion.

Dr. Horn questioned whether a hold could be utilized to bring up larger themes and trends for discussion by the whole Board.

Dr. Phillips suggested it might be more reasonable to bring such questions to staff or to the Board President to be agendized and discussed at the Enforcement Committee without holding up a vote.

Mr. Foo asked why it is optional for Board members to disclose why they voted to hold a case. Discussion ensued regarding whether Board members should disclose the reason they vote to hold.

Dr. Phillips expressed his concern with disclosing the reason for holding a case due to the nature of the Board’s adjudicatory role in the process, but that he appreciates that Ms. Monterrubio notifies him of who voted and their reason, if specified, to hold a case for discussion.

Ms. Marks advised that for clarity purposes, it would be best for Board members with questions to contact Board staff before voting to hold. This way, staff is not confused about how to record the vote.

Dr. Jo Linder-Crow, CPA, asked about Dr. Phillips’ referring to Board staff as “prosecutors”. Dr. Phillips explained the distinction between Board staff, who file the Accusation, and Board Members, who are triers-of-fact.
Dr. Linder-Crow further asked whether the Board reviews every single Decision, to which Ms. Marks replied that this is generally the case, except in cases of stipulated surrenders or stipulated revocations, which fall under the delegated authority of the Executive Officer. Dr. Harb Sheets added that the Board does vote on Stipulations, which they review along with the Accusation and any other supporting materials.

Dr. Elizabeth Winkelman, CPA, inquired about matters that involve lesser degrees of discipline.

Ms. Monterrubio explained that all discipline comes through the Office of the Attorney General, and that Citation and Fines are not discipline and usually do not rise to the attention of the full Board.

Agenda Item #20: Health Professions Education Foundation Presentation on Licensed Mental Health Services Provider Education Program (LMHSPEP) and Mental Health Loan Assumption Program (MHLAP) (N. Asprec)

This item was presented by Norlyn Asprec, Executive Director at Health Professions Education Foundation.

Discussion ensued regarding specific program components, the number of awards granted, and the funding sources for these grants. There was also discussion regarding the program’s outreach efforts to school and rural settings, special funding for former foster youth, and the large differences in educational costs for psychologists vs. Board of Behavioral Sciences licensees.

Dr. Jo Linder-Crow, CPA, asked whether as a 501(3)(c) the program is under California regulation and Ms. Asprec replied that it was. Dr. Linder-Crow inquired further about the composition of the board and how awardees were selected. Ms. Asprec explained that the Board of Trustees was comprised of thirteen members, with some appointed by the Governor’s Office, some by the Senate Pro-Tem, and some by the Assembly Rules Committee Speaker. Ms. Asprec continued by saying that awardees are chosen by a selection committee made up of members of the board as well as experts in the field from educational settings.

Dr. Linder-Crow asked why psychologists were not included in the $1M allocation for former foster home applicants, which only included BBS. Ms. Asprec, with additional supporting comments made by Mr. Foo and Dr. Phillips, clarified that this was a result of legislation and that Ms. Asprec did not have the background information Dr. Linder-Crow sought on this subject. Dr. Linder-Crow concluded by stating that she would do her own research into the matter.

Agenda Item #21: Licensing Committee Report – Consideration and Possible Approval of Committee Recommendations (Horn – Chair, Foo, Harb Sheets)
a) Licensed Educational Psychologist (LEP): Report on Presentation by Board of Behavioral Sciences Regarding LEP Functions for Discussion

Dr. Horn provided the Board with an update on this item.

Board discussion ensued regarding confusion in the distinction between an LEP and a school psychologist and where there might be overlap between the two professions. Concerns were raised that since an LEP’s scope of practice is limited to scholastic performance and would not include psychotherapy, an LEP might inadvertently fail to refer an autistic pupil to critical services with a licensed psychologist for issues beyond scholastic performance. There was also discussion regarding the confusion between each profession’s scope of practice and how, if there was confusion at the Board level, there must be even more confusion on the part of consumers. Board members also expressed concerns regarding consumer harm that could occur if children were only provided services related to their scholastic performance and not appropriately referred to the Board’s or Board of Behavioral Sciences’ licensees for appropriate mental health services.

The Board was informed that this issue is an update and the matter will be further discussed at the September 2019 Licensure Committee meeting before being brought back to the full Board for possible action.

Dr. Winkelman, CPA, commented that consumers are confused about this topic and inquired whether the Board could help guide policy development regarding when an LEP should refer a pupil out for psychotherapeutic services.

Dr. Melodie Schaefer, CPA Division II and CAPIC, commented that the Board should contemplate whether any license or certificate containing the word “psychologist” should be brought under the purview of this Board.

b) Foreign Degree Evaluation Services: Review and Consideration of Amendments to Business and Professions Code Section 2914(c)

Dr. Horn provided a summary of the Licensing Committee’s amended language and criteria for evaluating credentials of foreign graduates and recommended the Board approve the language.

Discussion ensued regarding the amount of legislative workload the Board has taken on for 2020 and how the Board may want to pursue some of these legislative priorities as part of the Sunset Review process.

It was M(Horn)/S(Foo)/C to adopt the language and criteria for evaluating credentials of foreign graduates as amended.

Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes
The amended language for Business and Professions Code Section 2914(c)(4) is as follows:

(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. 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 in English, or translated into English by the credential evaluation service, 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.

c) Informational Video for Supervisors: Discussion and Recommendations for Content to be Included in the Video

Dr. Elizabeth Winkelman from CPA thanked the Board for developing these supervisor materials and inquired whether the Licensure Committee would consider doing an online FAQ in addition to the video FAQ. Dr. Horn confirmed that there would be a written FAQ as well.

d) Discussion and Consideration for Grievance Process: How to Resolve a Discrepancy between Weekly Log and Verification of Experience

Dr. Horn introduced Ms. Cheung to provide the Board with an update on this item. Ms. Cheung provided a summary of the issue and informed the Board that staff will bring recommendations regarding a grievance process to the September 2019 Licensure Committee to address when there are discrepancies between weekly logs and Verifications of Experience.

Dr. Winkelman from CPA commented that there were additional issues beyond discrepancies between the weekly logs and Verifications of Experience dealing more with issues of harassment of supervisees by their supervisors. Ms. Cheung clarified that this item will be carried to a future Licensure Committee meeting agenda. Dr. Phillips commented that the issue of harassment of psychological assistants by their supervisors should not be discussed at the Licensure Committee but instead left to the Enforcement Committee.
Dr. Schaefer, CPA Division II and CAPIC, commented that while she meets weekly with her supervisees, she is not sure whether it is better left up to the supervisor or supervisee to stay on top of the logged hours.

e) Review and Consideration of Revisions to the Goal and Name of the Licensing Committee

Dr. Horn recommended that the Board approve revisions to this Committee’s name to “Licensure Committee” and to the goal of the Licensing Committee.

It was M(Foo)/S(Casuga)/C to adopt the goal and name change for the Licensing Committee.

Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

The revised goal reads as follows.

“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.”

f) Consideration of Licensing Committee Recommendations Regarding Requests for an Extension of the 72-Month Registration Period Limitation for Registered Psychological Assistant Pursuant to 16 CCR Section 1391.1(b)

Dr. Horn provided a summary of PSB #1’s extension request and the Licensing Committee’s recommendation regarding this request.

It was M(Horn)/S(Harb Sheets)/C to grant an extension to the 72-month period for PSB #1.

Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

Dr. Horn provided a summary of PSB #2’s extension request and the Licensing Committee’s recommendation regarding this request.

It was M(Horn)/S(Harb Sheets)/C to deny the licensee’s request for an extension to the 72-month period for PSB #2.

Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

g) Consideration of Licensing Committee’s Recommendations Regarding Request for Continuing Education (CE) Exception Pursuant to 16 CCR Section 1397.62(b)
Dr. Horn provided a summary of PSY #1’s CE exemption request and the Licensing Committee’s recommendation regarding this request.

Discussion ensued regarding PSY #1’s ability to meet the requirement after denial of the exemption and if there were any negative impacts on the ability to renew. Staff confirmed that PSY #1 had not yet taken the course and had adequate time to accrue the hours through an approved course before their next renewal.

It was M(Horn)/S(Harb Sheets)/C to accept the Licensing Committee’s recommendation to deny the licensee’s request for a CE exception.

Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

22) Consideration of Renaming Registered Psychological Assistant for Purposes of Changes to Pathways to Licensure

Dr. Horn provided a summary of the Pathways to Licensure changes relating to renaming “psychological assistant” to “psychological associate.” Board discussion ensued regarding the use of the registration titles “assistant” vs. “associate” and whether varying use of these terms in other jurisdictions led to consumer confusion when some jurisdictions allow independent practice under the title “associate”. There was also discussion as to why the change was made and whether the term “associate” is misleading to the public.

It was M(Foo)/S(Casuga)/W to authorize staff to make appropriate global changes in the statutory and regulatory language of Pathways to Licensure to change “psychological associate” back to “psychological assistant.”

Dr. Jo Linder-Crow, CPA, commented that the Board should honor stakeholders’ wishes and stay with “Associate” instead of reverting to the use of “Assistant.” She also noted that the Board of Behavioral Sciences now uses associate for their training categories. Dr. Linder-Crow stated that other states’ naming conventions should not sway this Board’s naming conventions.

Discussion ensued regarding the potential ramifications of having a title that could signify independent practice in other jurisdictions and whether this confusion could really be detrimental or whether it was better to stay keep the “associate” title.

Dr. Horn suggested the Licensure Committee revisit this subject at its September 2019 meeting and bring it back to the Board in October.

Dr. Elizabeth Winkelman, CPA, asked whether other states that use the title “associate” for independent practice categories require these individuals to be supervised for a number of years before applying for independent status. Dr. Phillips asked if staff could look into other jurisdiction’s use of the titles for the Licensure Committee.
Dr. Melodie Schaefer, from CPA Division II and CAPIC, commented that the National Register might be a good resource regarding the portability of licenses.

Dr. Phillips stated that he would prefer to find a term that respects stakeholder wishes and also engenders the true nature of the supervised experience.

Mr. Foo withdrew his motion.

Dr. Horn reiterated that this item will go to the September 2019 Licensure Committee and be brought back to the October Board Meeting.

23) Opportunity for Board Members to Express an Interest in Being President or Vice-President of the Board in 2020

Ms. Marks explained the process for electing officers.

Board discussion ensued and interest in serving in these elected offices was expressed by Mr. Foo, Dr. Horn, Dr. Phillips, and Dr. Casuga.

24) Recommendations for Agenda Items for Future Board Meetings. Note: The Board May Not Discuss or Take Action on Any Matter Raised During the 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)]

No Board or Public comment was made.

Meeting adjourned at 3:39 p.m.

Original signed by Stephen Phillips, JD, PsyD

President Date