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2 **BOARD MEETING**

3  
4 The State Capitol, Room 112  
5 Sacramento, CA 95814

6  
7 **February 27-28, 2020**

8  
9 **Thursday, February 27, 2020**

10  
11 **Members Present**

12 Seyron Foo, President  
13 Mary Harb Sheets, PhD, Vice-President  
14 Alita Bernal  
15 Sheryll Casuga, PsyD  
16 Marisela Cervantes  
17 Stephen Phillips, JD, PsyD  
18 Shacunda Rodgers, PhD  
19 Lea Tate, PsyD

20  
21 **Members Absent**

22 None

23  
24 **Legal Counsel**

25 Norine Marks

26  
27 **Others Present**

28 Antonette Sorrick, Executive Officer  
29 Jeffrey Thomas, Assistant Executive Officer  
30 Stephanie Cheung, Licensing Program Manager  
31 Curtis Gardner, Probation Monitor  
32 Jason Glasspiegel, Central Services Coordinator  
33 Nicole Walker, Special Investigator

34  
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Thursday, February 27, 2020
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36 **Agenda Item #1: Call to Order/Roll Call/Establishment of a Quorum**

37  
38 Seyron Foo, Board President, called the open session meeting to order at 9:33 a.m. Mr.  
39 Foo thanked Senator Glazer and staff of the Senate Business, Professions and  
40 Economic Development Committee for making this room available to the Board. A  
41 quorum was present and due notice had been sent to all interested parties.

42  
43 **Agenda Item #2: President's Welcome**

44 Mr. Foo read the Board's Mission Statement. On behalf of the Board, he then expressed  
45 gratitude to Dr. Phillips for his years of service as Board President. Dr. Phillips  
46 expressed his appreciation for his kind words.

47  
48 Mr. Foo then administered the Oath of Office to reappointed Board Member Sheryll  
49 Casuga, PsyD, and newly-appointed Shacunda Rodgers, PhD.

50  
51 Dr. Casuga expressed that she was honored to be a Board Member and looks forward  
52 to serving.

53  
54 Dr. Rodgers expressed her gratitude and thanked her supporters who were in  
55 attendance.

56  
57 Dr. Phillips then read and presented a Certificate of Appreciation to former Board  
58 Member Jacqueline Horn, PhD, who served until November 2019. Dr. Horn received a  
59 standing ovation. She acknowledged that she was proud to have served this Board and  
60 that she has confidence that the Board will continue to put California consumers at the  
61 fore of its business.

62  
63 Dr. Casuga expressed that Dr. Horn's legacy would continue to influence the Board's  
64 efforts.

65  
66 Mr. Foo expressed that Dr. Horn had made an indelible mark on the Board and that he  
67 was grateful to her for mentorship.

68  
69 **Agenda Item #3: Public Comment for Items not on the Agenda. The Board May**  
70 **Not Discuss or Take Action on Any Matter Raised During this Public Comment**  
71 **Section, Except to Decide Whether to Place the Matter on the Agenda of a Future**  
72 **Meeting [Government Code sections 11125 and 11125.7(a)]**

73  
74 Catherine Campbell of California Protective Parent Association expressed her  
75 appreciation for Dr. Horn's service on the Board. Ms. Campbell then commented that  
76 she had concerns that there were fewer Board meetings being held overall and noted  
77 that there was no Enforcement Report at this meeting. Ms. Campbell expressed that  
78 this led to a lack of transparency, especially ahead of the Board's upcoming Sunset  
79 Review. She then read a list of steps the Board could take that would demonstrate  
80 "institutional courage."

81  
82 **Agenda Item #6: DCA Executive Office Update**

83  
84 Mr. Foo introduced Kimberly Kirchmeyer as the newly-appointed DCA Director to give  
85 the DCA Executive Report. Ms. Kirchmeyer provided background on her history and  
86 explained that DCA is there to provide what services boards and bureaus need to  
87 protect consumers.

88 Ms. Kirchmeyer stated that her initial focus was on client service and satisfaction,  
89 through a combination of data and technology to enable making informed decisions.

90 DCA's goals include:

91 a) Reducing the timeline for processing regulations

92 b) Getting Fi\$Cal online

93 c) Decreasing the time it takes to investigate a licensee through DOI. Looking forward to  
94 producing a report regarding improvements to DOI, some of which are already  
95 implemented.

96 d) ADA compliance continues to be critical.

97 e) Ensuring that all legislation is actually being implemented by boards and bureaus.

98 Ms. Kirchmeyer stated that she intends to meet one-on-one with each board and  
99 bureau, but that the Executive team is currently short-staffed.

100 On January 22, 2020, Governor Newsom appointed Lourdes Castrillo Ramirez as the  
101 Secretary of the Business, Consumer Services and Housing Agency, replacing Alexis  
102 Podesta. Ms. Kirchmeyer expressed her thanks to Ms. Podesta for being a strong  
103 advocate for all the boards and bureaus under DCA.

104 DCA Legal has created a Regulations Unit and it is now fully-staffed. This new unit is  
105 getting up to speed to work with boards and bureaus to face the challenges presented  
106 by the implementation of AB 2138. DCA is rolling out the Sharewell portal, which is a  
107 database for sharing regulations package status in real-time with boards and bureaus.

108 Fi\$Cal is working with OIS to develop a project that will allow programs to obtain  
109 aggregate expenditure reports on the same schedule that they used to receive them  
110 from CalSTRS. Programs will be able to use that data to run ad hoc reports in QBIRT.

111 DCA Executive stays committed to the Board to provide support as it goes through the  
112 Sunset process and stated that her team will provide updates on scheduling.

113 Ms. Kirchmeyer emphasized that ADA compliance on the Board's website is required.  
114 DCA is hiring a contractor and additional staff to address the need to bring all online  
115 documents into compliance with the ADA statute.

116 The Organizational Improvement Office (OIO) provides Change Management Services,  
117 Business Process Mapping, and Information Technology System Requirement  
118 documentation to DCA Boards and Bureaus to increase efficiency and productivity. OIO  
119 is currently reviewing DCA Centralized Services and have already completed a study on  
120 DCA Legal Affairs Division. OIS intake is currently under review, and a study of OHR is  
121 now beginning.

122 Ms. Kirchmeyer invited questions and Dr. Phillips expressed that it was refreshing to  
123 have someone as Director who actually comes from a program perspective and knows  
124 what the Board needs.

125  
126 Ms. Sorrick expressed that she is a big fan of SOLID as a pro rata program. She  
127 commented that part of the Board's Strategic Plan is to have SOLID complete a review  
128 of our Central Services, Enforcement and Licensing Units, and is looking forward to the  
129 process improvements SOLID will provide.

130  
131 Dr. Jo Linder-Crow of CPA offered Ms. Kirchmeyer her congratulations on her  
132 appointment as Director. Dr. Linder-Crow inquired about whether the online tracking of  
133 regulations would be available to public. Ms. Kirchmeyer replied in the negative but  
134 pointed out that Ms. Sorrick could provide that regulatory tracking information to the  
135 public at Board meetings.

136  
137 No further public comment was offered.

138  
139 **Agenda Item #4: President's Report**

140  
141 a) Dates and Locations of 2020 Board and Committee Meetings – Meeting information  
142 was provided in the meeting packet.

143  
144 b) Committee Updates – Mr. Foo congratulated Dr. Harb Sheets on her assignment as  
145 Chair of the Licensure Committee and Dr. Rodgers for her assignment to the Outreach  
146 and Communications Committee. He mentioned that there are few changes to  
147 committee assignments and that Dr. Tate would be joining the Licensure Committee.

148  
149 No public comments.

150  
151 **Agenda Item #5: Executive Officer's Report**

152  
153 Ms. Sorrick provided the Executive Officer's Report. Ms. Sorrick described which  
154 positions were currently vacant and commented that the Board is recruiting to fill these  
155 vacancies while in the meantime existing staff is absorbing the workload. She  
156 mentioned that the reduced number of meetings overall is due to fiscal considerations  
157 and that more information will be given on the second day of this meeting in the Budget  
158 Report.

159  
160 Mr. Foo acknowledged Patrick Le for his close work with the Board during his time with  
161 DCA Board and Bureau Services.

162  
163 No public or Board comments were offered.

164

165 **Agenda Item #7: Discussion and Possible Approval of the Board Meeting**  
166 **Minutes: October 3-4, 2019**

167  
168 Mr. Glasspiegel presented this item.

169  
170 It was M(Tate)/S(Harb Sheets)/C to approve the minutes as presented.

171  
172 Dr. Linder-Crow questioned the use of the term 'syndrome' without specifying whether  
173 this referred to 'parental alienation syndrome' or not.

174  
175 Discussion ensued as to the intended use of those terms in the context of the  
176 Enforcement Report, Agenda Item # 27, page 17 of the October 2019 minutes (line 706  
177 in the meeting materials packet). Dr. Phillips pointed out that 'parental alienation' and  
178 'parental alienation syndrome' are different things, and that the latter is debunked.

179  
180 It was M(Tate)/S(Harb Sheets)/C to approve the minutes as amended with Dr. Linder-  
181 Crow's recommendation to add 'parental alienation' in front of the word 'syndrome' in  
182 the Enforcement Report, Agenda Item # 27, page 17 of the October 2019 minutes as  
183 discussed and to not add 'syndrome' to 'parental alienation' in the previous sentence  
184 (line 705 in the combined packet).

185  
186 Vote: 8 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rodgers, Tate), 0  
187 noes

188  
189 **Agenda Item #8: Discussion and Possible Approval of the Board Meeting**  
190 **Minutes: November 8, 2019**

191  
192 Mr. Glasspiegel presented this item.

193  
194 Ms. Bernal inquired as to whether the question of her attendance at previous event had  
195 been addressed in these minutes. Ms. Sorrick replied that the minutes in consideration  
196 took her attendance into account and that the particulars of Ms. Bernal's attendance were  
197 included in the Sunset Report.

198  
199 It was M(Tate)/S(Phillips)/C to approve the minutes as presented.

200  
201 No public comment and no further Board discussion offered.

202  
203 Vote: 8 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rodgers, Tate), 0  
204 noes

205  
206 **Agenda Item #9: Petition for Early Termination of Probation – Molly O'Griffin,**  
207 **PsyD**

208

209 Administrative Law Judge Wilbert Bennett presided. Deputy Attorney General John  
210 Gatschet was present and represented the People of the State of California. Molly  
211 O’Griffin, PsyD was present and represented herself.

212

213 **Agenda Item #10: Closed Session**

214

215 In the interest of time, the Board postponed this closed session and combined it with  
216 Agenda Item #12: Closed Session.

217

218 **Agenda Item #11: Petition for Reinstatement of License – Joshua Craig, PsyD**

219

220 Administrative Law Judge Wilbert Bennett presided. Deputy Attorney General John  
221 Gatschet was present and represented the People of the State of California. Joshua  
222 Craig, PsyD was present and represented himself

223

224 **Agenda Item #12: Closed Session**

225

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

229

230 The meeting adjourned at 4:00 p.m.

231

232 **Friday, February 28, 2020**

233

234 **9:30 a.m. – OPEN SESSION**

235

236 **Agenda Item #13: Call to Order/Roll Call/Establishment of a Quorum**

237

238 Seyron Foo, Board President, called the open session meeting to order at  
239 approximately 9:45 am. A quorum was present and due notice had been sent to all  
240 interested parties.

241

242 **Members Present**

243 Seyron Foo, President

244 Mary Harb Sheets, PhD, Vice-President

245 Alita Bernal

246 Sheryll Casuga, PsyD

247 Marisela Cervantes

248 Stephen Phillips, JD, PsyD

249 Shacunda Rodgers, PhD

250 Lea Tate, PsyD

251

252 **Members Absent**

253 None

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**Legal Counsel**

Norine Marks

**Others Present**

Antonette Sorrick, Executive Officer  
Jeffrey Thomas, Assistant Executive Officer  
Stephanie Cheung, Licensing Program Manager  
Jason Glasspiegel, Central Services Coordinator

**Agenda Item #14: Public Comment for Items Not on the Agenda. Note: The Board May Not Discuss or Take Action on Any Matter Raised During this Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code sections 11125 and 11125.7(a)].**

Kathleen Russell, Executive Officer of Center for Judicial Excellence, expressed her displeasure with the reduced meeting opportunities and the lack of an Enforcement Report at today’s meeting. She emphasized that B&P §2920.1 speaks to public protection being paramount and that she was frustrated that there was no report today to provide a timeline for implementation of Enforcement Committee decisions. She acknowledged that she did not attend the Board’s October 2019 meeting where the Enforcement Committee presented an update. She commented that the Board’s licensees are complicit in influencing court decisions that leave children vulnerable and exposed to violence and abuse by parents.

Dr. Jo Linder-Crow iterated that CPA’s comments in the October 2019 minutes reflected CPA’s feeling that the stakeholder meeting exceeded the original stated purpose of the meeting. CPA would be more than willing to participate in future stakeholder meetings.

**Agenda Item #15: Budget Report**

Mr. Glasspiegel provided initial budget numbers from the meeting materials packet and then introduced Budget Analyst Paul McDermott and his supervisor Karen Muñoz from the Budget Office.

Mr. McDermott explained that the budget process is any change or adjustment to the budget, beginning in Fall, from the previous year’s budget. He explained that a Budget Change Proposal (BCP) was a formal process for changing allocations to the Board’s budget.

He said that employee compensation, retirement rates, etc. are reviewed to make the budget square. The budget process culminated with the release of Governor Newsom’s budget on January 10, 2020.

298 Mr. McDermott described his monthly meetings with Ms. Sorrick and Mr. Glasspiegel to  
299 try and head off potential budget issues. Out of these meetings, the first adjustment was  
300 to 'tighten' the budget by cutting Board costs.

301  
302 He explained that the Board had identified several areas to cut, starting with staff  
303 overtime, personnel services, and other discretionary spending, such as seasonal help  
304 and travel. These cuts to discretionary spending were necessary for the Board to  
305 remain solvent at the end of the fiscal year.

306  
307 Mr. McDermott commented that the bottom line of the budget was the most important  
308 consideration, and as long as that continued to show a positive number, the Board  
309 should be fine.

310  
311 Mr. McDermott then described the Board's operating expenses. He pointed out that the  
312 biggest costs to the Board's budget were wages and salaries, OAG costs, office  
313 administration, and rent. The first step was to address increases to OAG, which  
314 triggered the need for an augmentation.

315  
316 Dr. Phillips asked Mr. McDermott to explain what an augmentation was. Mr. McDermott  
317 replied that an augmentation was a change to a particular line item to increase the  
318 allocation for that item according to the Governor's budget.

319  
320 The Board's projection for fiscal year-end is for the budget to be six-tenths of a percent  
321 (0.6%) in the black. Even so, fiscal restraints will continue beyond the end of this fiscal  
322 year until the health of the budget improves further.

323  
324 Mr. McDermott commented that even though expenditures are tight, the Board's ability  
325 to remain solvent looked good. He stated that he will continue to work with Mr.  
326 Glasspiegel to get ahead of budget issues and meet the numbers for year end.

327  
328 Ms. Sorrick asked Mr. McDermott to explain how the Board came to have unfunded  
329 positions and how the Board did not have access to funds that appeared to be allocated  
330 for its use.

331  
332 Mr. McDermott replied that a review of November 2019 Board meeting documents  
333 showed that the Board had filled four authorized positions without funding and had been  
334 absorbing the costs of those positions all the way back to 2015-2016. This amounted to  
335 nearly \$500,000 in Board costs for these unfunded positions. The Budget Office will be  
336 starting the BCP process for the Board in March, 2020 to square up these four  
337 positions, in addition to two other unfunded positions the Budget Office has identified.

338  
339 In response to Ms. Sorrick's second question, he explained that funds are not intended  
340 to be used like a checking account with ready access, but instead are to be used in the



341 case of a shortfall, such as an augmentation for high OAG costs. Even though the  
342 Board cannot access all of these funds, the Board could, through proper processes,  
343 move money around to cover shortfalls.

344  
345 Dr. Phillips pointed out that as a result of the costs of unfunded positions and other  
346 functions, the Board has had to cut meetings back, which hurts the Board's  
347 transparency, and means the Board is hindered in its ability to meet its governance  
348 responsibilities. Dr. Phillips expressed being mystified at having been told that the  
349 Board could hire staff but that it should not seek BCPs because there was money in the  
350 budget to fund the positions.

351  
352 Ms. Muñoz commented that the recent OAG cost increase had a huge impact on the  
353 Board's operational budget that the Board had no control over and which the Budget  
354 Office could not have foreseen. These OAG costs, along with facilities cost increases  
355 and the cost of those unfunded positions, all contributed to the Board finding itself in this  
356 present financial condition.

357  
358 Dr. Phillips commented that Fi\$Cal had limited applicability for the Board by providing  
359 too much detailed data and not enough aggregated data. He expressed particular  
360 concern that the Budget Office discovered that the Board was in excess of \$600,000 in  
361 the red, but did not notify the Board timely and now the Board is hobbled by the budget  
362 and for the first time, budgetary considerations were holding the Board back from  
363 vigorously pursuing its policy work. He asked for an explanation for why the Budget  
364 Office did not notify the Board sooner that there was such a large shortfall in the fund.

365  
366 Ms. Muñoz replied that the \$600,000 plus in question was identified before the Board  
367 received its augmentation for employee compensation, additional general salary  
368 increases, retirement, etc. were not included in the Board's budget, but were being  
369 projected. The actual numbers were not available until closer to the release date of the  
370 Governor's Budget, although the Budget Office was anticipating these expenses and  
371 were considering augmentations already. In other words, the Budget Office could not  
372 release this information ahead the Governor's Budget release, but the Budget Office  
373 was aware of the areas that might need augmentation. Ms. Muñoz said that the Budget  
374 Office could start including that information in the budget while waiting for the release of  
375 the Governor's budget, in order to keep the Board better-informed.

376  
377 Dr. Phillips remarked that the sooner budgetary information is available, the sooner the  
378 Board can prepare for these types of situations.

379  
380 Ms. Cervantes commented that there was a delay of information coming to board staff  
381 and that staff was unable to answer questions at a previous Board meeting. She  
382 emphasized that while the Board is public-facing, the Budget Office was not.

383

384 Dr. Tate asked whether other boards are going through this same situation and Mr.  
385 McDermott replied that the Board's fund situation is not unique to this Board.

386  
387 Mr. McDermott commented that the high costs of OAG, rent and salary are affecting  
388 everybody, and that other boards and bureaus are having wide-ranging experiences in  
389 their ability to absorb these costs.

390  
391 Dr. Harb Sheets asked how Mr. McDermott sees the Budget Office and the Board  
392 moving forward, in terms of the interaction with Mr. Glasspiegel or Ms. Sorrick so that  
393 the Board is always aware of where it stands. Mr. McDermott replied to Dr. Harb Sheets  
394 that the Budget Office is working closely every day with Mr. Glasspiegel and providing  
395 updates as they are available, with a minimum time lag. Going forward, there will be a  
396 concerted effort to provide information as quickly as possible, at least on a monthly  
397 basis.

398  
399 Dr. Harb Sheets asked whether the Board should expect to be in the same situation  
400 next year, and if so, when does the Budget Office anticipate that the Board will be back  
401 to operating in the black.

402  
403 Mr. McDermott answered that it will take a year and a half, which is to say once the  
404 Board starts allocating the unfunded positions rather than absorbing the costs of them.

405  
406 Mr. Glasspiegel commented that changes won't become effective until FY 21-22.

407  
408 Ms. Cervantes asked Ms. Sorrick about changes in the number of renewals due to an  
409 aging licensed population and how that might affect the budget.

410  
411 Ms. Sorrick replied that licensing numbers have remained mostly static and that it would  
412 be hard to predict what effect those numbers might have on the budget. Ms. Sorrick  
413 asked Ms. Cheung for corroboration and Ms. Cheung commented that this assessment  
414 was accurate.

415  
416 She expressed hope that the Board would be able to get the BCP, but that the Board  
417 would still be looking at a structural deficit. She commented that in FY 2024-2025 the  
418 Board would have to look at its fee structure to ascertain whether the Board would be able  
419 to continue to function at these levels. At that point, the Board might have to consider  
420 fee changes. The Board currently subsidizes \$100 per test candidate to take CPLEE.  
421 Dr. Casuga asked whether the Board could anticipate things like the need for future  
422 positions and unexpected expenses in a BCP.

423  
424 Ms. Sorrick replied that to have a healthy budget and to be able to afford expenses out  
425 of the bottom-line causes control agencies to assume incorrectly that the Board's  
426 budget situation is fine. On the other hand, once the Board's bottom-line goes down,

427 control agencies take another look and assume that the Board needs to bring its  
428 spending in line with its revenue, to 'right things up.'

429  
430 Ms. Muñoz expanded on Ms. Sorrick's comment to say that when the Board goes  
431 through the BCP process to secure funding for positions, control agencies take into  
432 account that the Board had been absorbing positions for a while and would likely  
433 assume the Board can continue to do so. A BCP cannot be submitted based on  
434 speculative situations, and she commented that control agencies were always willing to  
435 listen, but would insist on solid justification before they would be willing to allocate new  
436 funds.

437  
438 Ms. Muñoz explained that all boards have different needs and that she could not  
439 unilaterally say whether every board absorbed costs the same way.

440  
441 Dr. Linder-Crow pointed out that fees paid by licensees pay for Board operations. Board  
442 meetings are the only opportunity for stakeholders to interact with the Board, and  
443 without public meetings, stakeholders have no input. She commented that there was no  
444 money for out-of-state travel and pointed out that with the largest number of licensed  
445 psychologists in the country, it was hard to believe that California is not represented at  
446 national meetings where important issues are discussed, issues that affect the industry  
447 nationwide. California is a leader, but the Board is not present there at the national  
448 level. She called attention to the lower in-state travel budget, too. She commented that  
449 when the Board cuts meetings, it means the Board and its Committees have fewer  
450 opportunities to discuss policies, and disciplinary cases are delayed, meaning  
451 consumers are suffering due to unfit licensees continuing to be licensed. As a member  
452 of the public, she is offended to have less opportunity to interact with the Board. She  
453 said the licensees her association represents will have the same response.

454  
455 Kathleen Russell of Council for Judicial Excellence spoke to the high turnover at the  
456 Budget Office and expressed hope that DCA will work to reverse that trend. She pointed  
457 out that Dr. Linder-Crow is not the public, but rather a representative for a constituency.  
458 She agreed with Dr. Linder-Crow's assessment that the public suffers when they are  
459 unable to interact with the Board. She commented that when there is less public input,  
460 there is a greater tendency for policy to favor licensee interests. She emphasized that  
461 the Board's mission is to protect consumers.

462  
463 Dr. Phillips commented that a substantial portion of the Board's fund goes to  
464 enforcement functions and that the Board cannot make cuts to that function and still  
465 continue to protect the public. He agreed that Board meetings really are the only place  
466 where the public can interact, that the Board wants to be transparent, and that  
467 budgetary constraints were interfering with the Board's business and transparency.

468

469 Dr. Melodie Schaeffer of California Psychology Internship Council (CAPIC) said that it  
470 was an ethical breach to increase the risk to consumers by reducing meeting frequency.

471  
472 Mr. Foo asked Ms. Muñoz whether enforcement funding was discretionary or non-  
473 discretionary.

474  
475 Ms. Muñoz replied that enforcement funding was not discretionary.

476  
477 Mr. Foo asked whether our budget situation arose because of OAG fee increases  
478 combined with increased enforcement activity. Mr. Glasspiegel replied in the affirmative.

479  
480 Mr. Foo asked Ms. Sorrick whether the Board's day to day enforcement functions are  
481 being impacted. Ms. Sorrick replied that enforcement functions have not been impacted,  
482 that cases are still being opened and referred.

483  
484 Mr. Foo asked whether the Board is in violation of any statute by reducing the number  
485 of meetings each year. Ms. Sorrick replied that the Board is only required to meet twice  
486 a year and that the Board is encouraged to alternately hold one meeting in the northern  
487 part of the state and one in the southern part of the State, but deferred to Ms. Marks to  
488 comment on the statutory requirement.

489  
490 Ms. Marks replied to Ms. Sorrick's assertion by saying that the Board must hold at least  
491 one regular meeting or upon the request of two members of the Board and that this  
492 requirement dates back to 1967.

493  
494 Mr. Foo asked whether enforcement activity continues on a daily basis and Ms. Sorrick  
495 confirmed that work in the Enforcement Unit continues unabated every day.

496  
497 Ms. Sorrick added that staff is still moving forward on all voted and approved policies  
498 from the Board, even if those matters are not mentioned in updates at Board or  
499 Committee meetings. She emphasized that the work of the Enforcement Unit does not  
500 cease.

501  
502 Mr. Foo asked whether Proposed Decisions, Stipulations, etc. would still come year-  
503 round for voting by the Board and Ms. Sorrick confirmed this.

504  
505 Ms. Sorrick pointed out that the Board has the option to call closed-session meetings as  
506 necessary for disciplinary actions. She stated that the work of the Board would continue,  
507 either noticed and held in public or via teleconference.

508  
509 Mr. Foo noted that the remaining Board meeting would be in Fiscal Year 2020-2021.

510

511 Ms. Sorrick replied that there would also be an April 2020 Board teleconference to  
512 discuss AB 2138.

513  
514 Mr. Foo asked whether the April teleconference would be public.

515  
516 Ms. Sorrick confirmed that the April teleconference would be public and emphasized  
517 that Board meetings always are public. The public is able to participate in a  
518 teleconference either by joining a Board member remotely at a noticed public location or  
519 by coming to DCA Headquarters where staff would be hosting the meeting.

520  
521 Dr. Phillips expressed appreciation for the Budget Office's information, and recognized  
522 Ms. Sorrick, Mr. Glasspiegel and former Board Central Services Manager Ms. Burns for  
523 responding expeditiously in their efforts to get in front of the problem.

524  
525 **Agenda Item #16: Licensing Report**

526  
527 Ms. Cheung provided the update on this item.

528  
529 Ms. Cheung praised Ms. Kelli Okuma and Ms. Mary Lynn Ferreira for their service and  
530 expertise over the past eight years as retired annuitants as the Board anticipates their  
531 departure. The Board responded warmly with a round of applause.

532  
533 After Ms. Cheung provided a brief overview of the meeting materials, Dr. Harb Sheets  
534 noted that initial applications increased in January and asked Ms. Cheung for an  
535 explanation of that increase. Ms. Cheung replied that this apparent increase was  
536 actually the way the BreEZe system reflected open applications and approved  
537 applications and did not represent a real increase.

538  
539 Dr. Casuga asked regarding psychologists how long it takes for an application to be  
540 processed after successful completion of the CPLEE. Ms. Cheung replied that due to a  
541 larger volume of applications and supporting materials, the processing time currently is  
542 between twenty-eight and thirty-five days.

543  
544 Ms. Sorrick asked Ms. Cheung to give a general overview of her experiences of working  
545 with the Organizational Improvement Office in reviewing licensing processes.

546  
547 Ms. Cheung replied that she has been meeting regularly with that office. She described  
548 having to detail the Board's licensing processes step-by-step. By reviewing what  
549 aspects of the program are considered value-added, what things could be streamlined,  
550 etc., she developed a sense of what was needed to make the program more efficient.

551  
552 Mr. Foo noted a one hundred percent increase in applications for EPPP exam eligibility  
553 and wondered whether this was due to a perception among candidates that the  
554 Enhanced EPPP was soon to be arriving. He asked Ms. Cheung whether this  
555 perception translated into an increase in the number of exam eligibility applications. Ms.

556 Cheung replied that staff has received a number of calls from candidates asking about  
557 the Enhanced EPPP, but that she does not attribute any spike in applications for the  
558 examination to this perception.

559  
560 No public comment and no further Board discussion offered.

561  
562 **Agenda Item #17: Continuing Education and Renewals Report**

563  
564 Mr. Glasspiegel provided the update on this item.

565  
566 Dr. Harb Sheets commented that it was nice to see that the number of failed CE audits  
567 has decreased. She asked Mr. Glasspiegel for corroboration of that decrease and he  
568 replied that the numbers varied widely by month. Mr. Thomas joined Mr. Glasspiegel  
569 and responded anecdotally that he has perceived a downward trend in the failure rate of  
570 audits, but that this was not a metric that was tallied.

571  
572 Dr. Casuga commented that at the last strategic planning meeting, it had been  
573 discussed that for reasons of transparency, the licensed Members of the Board would  
574 be audited for their own CE compliance. She asked whether any of them had been  
575 audited and were part of these numbers. Mr. Thomas replied that none of the Board  
576 Members had come up for audit as yet, but that an audit could occur when they come  
577 up for license renewal. Mr. Glasspiegel confirmed Mr. Thomas' statement and pointed  
578 out that the audits will be on the way to Board Members when they renew.

579  
580 Ms. Sorrick commented that licensees will be receiving renewal postcards soon instead  
581 of the multi-page renewal packets that used to be sent out at renewal time. The Board's  
582 post office box will remain open for another year to catch any of the discontinued  
583 renewal packets that might still be out in circulation. Closing the post office box will be a  
584 cost-savings for the Board.

585  
586 No public comment and no further Board discussion offered.

587  
588 **Agenda Item 18: Legislative and Regulatory Affairs Update**

589  
590 Mr. Foo provided the update on this item.

591  
592 Bills on this list have not changed with the exception of watch bills under item 18(b)(2).

593  
594 Mr. Foo asked for comments about Board Member visits to the Legislature earlier in the  
595 week.

596  
597 Dr. Phillips commented that his team was warmly received, especially regarding SB  
598 275, and that they received questions about the bill. He hoped that thank-you letters  
599 would be sent and that the Board would continue to make these visits and give  
600 Members of the Legislature an opportunity to have a dialogue with the Board.

601  
602 Dr. Harb Sheets said her team was warmly received, especially regarding SB 275. She  
603 commented that some questions arose about the implication of adding the word  
604 'behavior' in the context of sexual contact.

605  
606 Dr. Casuga was struck by how knowledgeable the legislators were about Sunset and  
607 that they had asked very well-informed questions and were familiar with SB 275.

608  
609 Dr. Harb Sheets added that when they had talked about going from the Continuing  
610 Education model to Continuing Professional Development (CPD) that one legislator  
611 asked whether this would cause licensees to lose touch with their professional  
612 community due to not participating in workshops, thereby missing out on new  
613 information and experiences. Her response was that CPD was only one component of  
614 maintaining the ability to practice safely. Licensees would still have opportunities to  
615 obtain education and remain current in their field.

616  
617 Ms. Cervantes expressed that it might be helpful on these visits to be able to leave  
618 behind a one-page sheet of the Board's current requests. She commented that  
619 legislators had very specific technical questions, and of the offices she visited most  
620 were knowledgeable about SB 275 and were generally supportive of it.

621  
622 Mr. Foo commented that he had a similar experience on his visits and that the folders  
623 we left behind were helpful. He mentioned that the "Therapy Never Includes Sexual  
624 Behavior" brochure was a well-received item. He was struck by the familiarity many  
625 legislators had with the work of this Board.

626  
627 Dr. Casuga echoed Mr. Foo's statement especially in regards to the brochure.

628  
629 Mr. Foo provided a description of SB 275, stating that it is currently in the Assembly  
630 Business & Professions Committee with a hearing to occur in April.

631  
632 Mr. Glasspiegel explained what the intention of this bill would be and how it would be  
633 implemented.

634  
635 Ms. Cervantes thanked staff and Ms. Sorricks for preparing the Board for these meetings  
636 at the Capitol and that she felt prepared for the visits.

637  
638 Dr. Rodgers described that for her as a new Board Member, it was a powerful  
639 experience. She expressed her appreciation and gratitude for being able to be a part of  
640 the meetings.

641  
642 No public comment and no further Board discussion offered.

643

644 **18(a)(2) Pathways to Licensure Statutory Revisions – Amendments to Sections**  
645 **27, 2909, 2909.5, 2910, 2911, 2913, 2914, 2915, 2915.5, 2915.7, 2940, 2942, 2943,**  
646 **2946, and 2960 of the Business and Professions Code, and Section 1010 of the**  
647 **Evidence Code.**

648  
649 Mr. Foo provided the update on this item. The entire Pathways package is going to be  
650 rolled into the Board’s Sunset Review process. Therefore, the Board will no longer be  
651 seeking an author to make changes to Pathways.

652  
653 No public comments and no further Board discussion offered.

654  
655 **18(b)(1)(A) AB 1145 (Garcia) Child abuse: reportable conduct**

656  
657 Mr. Glasspiegel provided the update on this item.

658  
659 This bill is now at the Senate Rules Committee.

660  
661 No public comment and no further Board discussion offered.

662  
663 **18(b)(1)(B) SB 53 (Wilk) Open meetings**

664  
665 Mr. Glasspiegel provided the update on this item.

666  
667 Dr. Phillips asked what it meant for a bill to be held under submission, and Mr.  
668 Glasspiegel replied that in this case it probably meant the bill would die.

669  
670 No public comment and no further Board discussion offered.

671  
672 **18(b)(1)(C) SB 66 (Atkins) Medi-Cal: federally qualified health center and rural**  
673 **health clinic services**

674  
675 Mr. Glasspiegel provided the update on this item.

676  
677 This bill is inactive with no changes to date.

678  
679 **18(b)(2) Review of Bills with Recommended Watch Status**

680  
681 Mr. Foo provided the update on this item.

682  
683 No public comment and no further Board discussion offered.

684  
685 Mr. Foo mentioned the Legislative & Regulatory Affairs Committee would be meeting by  
686 teleconference in June 2020.



687  
688 Ms. Sorrick added that there would likely be three bills that would be discussed during  
689 the AB 2138 teleconference on April 17, 2020.

690  
691 **18(c) Update on California Psychological Association Legislative Proposal**  
692 **Regarding New Registration Category for Psychological Testing Technicians**

693  
694 Mr. Glasspiegel deferred to Dr. Linder-Crow on this item.

695  
696 Dr. Linder-Crow provided the update on this item and stated that more work needs to be  
697 done on the bill, so CPA will not be introducing it at this time.

698  
699 No public comment and no further Board discussion offered.

700  
701 **Agenda Item #19: Legislative Items for Future Meeting. The Board May**  
702 **Discuss Other Items of Legislation in Sufficient Detail to Determine Whether**  
703 **Such Items Should be on a Future Board Meeting Agenda and/or Whether to**  
704 **Hold a Special Meeting of the Board to Discuss Such Items Pursuant to**  
705 **Government Code Section 11125.4**

706  
707 Mr. Foo introduced this item.

708  
709 No items recommended and no public comments

710  
711 Ms. Cervantes asked about timelines and changes to meeting schedules, and whether  
712 the reduced meeting frequency will allow the Board to have time to weigh in on bills.

713  
714 Mr. Foo replied that the Administrative Procedure Manual allows for the delegation  
715 of authority to staff where a position has already been taken.

716  
717 No additional public comment and no further Board discussion offered.

718  
719 **Agenda Item #20: Regulatory Update, Review, and Consideration of Additional**  
720 **Changes**

721  
722 Mr. Glasspiegel provided the update on this item.

723  
724 The only change was to item 'f' which is the regulatory package for AB 2138. The notice  
725 period has been extended to April 7, 2020, with a hearing at DCA on April 8, with  
726 possible adoption at the Board's teleconference meeting on April 17. Regulatory  
727 language was changed based on Veterinary Medical Board's (VMB) changes. Since  
728 VMB was the first to submit their package, other Boards and Bureaus are waiting to see  
729 how their package succeeds before submitting their own.

730

731 Mr. Foo asked Ms. Marks to provide a summary of AB 2138.

732

733 Ms. Marks explained the nature of the bill, how it changed the impact of a criminal act in  
734 terms of what a Board could consider when deciding whether to deny a license. She  
735 explained that staff had to develop additional criteria for a petitioner, applicant or  
736 licensee to show rehabilitation. These considerations affected all of DCA. July 1, 2020 is  
737 the effective date of the bill, so all boards and bureaus need to have their regulations in  
738 place by that date.

739

740 Ms. Marks explained that the meeting materials contained the changes staff felt the  
741 Board would be interested in approving based on the VMB language. She expressed  
742 that these changes should reflect what the Board had already established as substantial  
743 relationship criteria for denial or discipline without actually changing Board policy, or  
744 rehabilitation criteria. She pointed out that there is uncertainty as to how the Office of  
745 Administrative Law (OAL) will respond to the changes, as to whether they are  
746 substantive or non-substantive.

747

748 Discussion ensued about the awkwardness of some of the language with multiple  
749 instances of 'licensee' and other seeming redundancies. Ms. Marks pointed out that a  
750 technical change could deal with minor wording changes later.

751

752 Mr. Foo asked whether staff believed §1394(c)(1-8) addresses the spirit of AB 2138 and  
753 advances consumer protection. Mr. Glasspiegel confirmed that they do allow staff to  
754 continue the mission of consumer protection while simultaneously implementing the  
755 changes brought about by AB 2138 to the extent possible.

756

757 Ms. Marks commented that Legal Affairs suggested that boards and bureaus could go  
758 with very broad language about substantial relationships. Given that other boards and  
759 bureaus responded to AB 2138 with shorter lists of crimes, the Board decided to be  
760 more particular regarding substantially-related crimes so the OAG would not have to  
761 determine whether such behaviors as 'stalking' would be substantially related to the  
762 practice of psychology. The Board had decided it would be best to be very clear so as  
763 not to be an issue at a hearing. That is why the Board's list of crimes is longer than what  
764 other boards and bureaus included.

765

766 Mr. Foo would find it helpful at the April 2020 teleconference to include the original AB  
767 2138 staff memo to explain what this bill does, even to use the original memo.

768

769 Mr. Glasspiegel commented to Ms. Marks that CCR § 1395.1 could be amended before  
770 the Board voted to approve the language.

771

772 Discussion ensued whether all the included language was necessary.

773  
774 Mr. Glasspiegel revised the language accordingly.

775  
776 The newly-amended language reads:

777  
778 **When considering the suspension or revocation of a license or registration**  
779 **issued by the Board, on the ground that a person holding a license or registration**  
780 **under the Psychology Licensing Law (chapter 6.6 of division 2 of the Code) has**  
781 **been convicted of a crime, the Board in will evaluateing whether the licensee or**  
782 **registrant has made a showing of the rehabilitation of such person and his or her**  
783 **eligibility and is presently fit for a license or registration.**

784  
785 It was M(Phillips)/S(Casuga)/C to approve the technical and non-substantive changes to  
786 the AB 2138 regulations package language as well as making the language changes in  
787 the first sentence of §1395.1 as amended.

788  
789 Ms. Marks clarified that this vote was to approve this language for the 15-day notice  
790 period of modified text for the regulatory package.

791  
792 No further Board discussion and no public comment was offered.

793  
794 Votes: 8 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rodgers, Tate),  
795 0 noes

796  
797 Ms. Marks requested a motion to delegate Ms. Sorrick to make non-substantive  
798 changes.

799  
800 It was M(Phillips)/S(Tate)/C to delegate Ms. Sorrick to make non-substantive changes.

801  
802 No public comment and no further Board discussion.

803  
804 Votes: 8 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rodgers, Tate),  
805 0 noes

806  
807 Mr. Foo called for additional Board or public comments on remaining items and saw  
808 none.

809  
810 **Agenda Item #25: Enhanced EPPP – A Board Member Experience**

811  
812 Dr. Casuga described her experience taking the Enhanced EPPP.

813

814 Dr. Horn, who works for ASPPB on the EPPP2, was in attendance and took notes on  
815 what Dr. Casuga said about the test. Dr. Horn commented on the EPPP and Dr.  
816 Casuga's feedback and described the format of the test and how it is developed.

817  
818 In response to comments by Dr. Phillips regarding skills-based criteria, Dr. Horn  
819 explained that ASPPB has this test because boards were doing away with oral exams  
820 and that this was originally a way to fill that void.

821  
822 Ms. Cervantes asked what demographic groups and categories ASPPB is looking at  
823 when they develop their exams, pointing out that there is evidence in her field of  
824 educational research that bias does occur in examination development. Dr. Horn replied  
825 that it had to do with who was taking the exam. The new Enhanced test has newer  
826 layers, including built in reviews for bias.

827  
828 Ms. Cervantes asked whether gender and age are factored in and Dr. Horn affirmed  
829 that they are, along with other identifiers.

830  
831 Ms. Cervantes told Ms. Sorricks that she wants to see data on pass rates for ethnicity  
832 and different groups to demonstrate that decisions about utilizing the exam are based  
833 on data. Ms. Sorricks explained that staff doesn't collect that information on various  
834 groups taking the exam unless it is voluntarily supplied. Ms. Cervantes asked whether  
835 that information was available elsewhere and said absent that information, it would be  
836 difficult for her to decide what impact the Enhanced EPPP will have on the licensing  
837 population. Dr. Phillips commented that it is a legal issue. Individuals can volunteer this  
838 information, but we cannot by law force them to divulge some personal demographic  
839 data. Ms. Cervantes said that in the aggregate there should be some evidence that  
840 would allow the Board to make a sound decision. Dr. Horn agreed that we want as  
841 much information as possible, but from the perspective of creating the exam, it is not a  
842 biased exam. The Board will have to make the decision sooner or later, but also to think  
843 how our licensees could be disadvantaged if they don't take the exam that the rest of  
844 the nation does.

845  
846 Mr. Foo supports Ms. Cervantes' sentiment that ASPPB should be aware of this desire  
847 for data-informed decision-making. Dr. Horn said she can take this back to ASPPB, but  
848 that it is definitely a concern that is shared.

849  
850 Ms. Cervantes commented that during the legislative visits, two members commented  
851 on access to services in their home counties.

852  
853 Dr. Rodgers thanked Drs. Horn and Casuga and asked whether licensees received a  
854 score for each test. Dr. Horn replied in the affirmative. She asked Dr. Horn about implicit  
855 bias, namely whether there are questions on the test that cause the taker to examine  
856 their own implicit biases. Dr. Horn explained that embedded in the questions are issues

857 of cultural competencies. For Part 2, the test-taker would not be questioned on cultural  
858 competency, since that specific competency would be intrinsic in the question itself. To  
859 answer the question correctly, the test taker must already have that cultural awareness.

860

861 Ms. Bernal thanked Dr. Horn for her service.

862

863 Dr. Phillips asked Ms. Sorrick whether she had a sense of how many licensees at  
864 renewal would be willing to volunteer their ethnicity information and she replied that she  
865 had no way of knowing. She suggested the Board could run a report to see how many  
866 responded to the demographic survey. The Board has statutory limitations on the  
867 amount and type of data it can require. Even the more detailed data that Medical Board  
868 of California receives is still voluntary. Ms. Sorrick pointed out that staff could run a  
869 QBIRT report to get an idea of what data is available.

870

871 Dr. Phillips commented that it has historically been frustrating that the Board is unable  
872 to obtain meaningful data. He expressed hope that there would be additional data to  
873 inform the Board.

874

875 Ms. Sorrick emphasized that the Board does not want to give the impression that it is  
876 making licensing decisions based on demographic information.

877

878 Dr. Casuga commented that candidates have to pay for expensive exam preparation  
879 courses, without which they may not be able to pass. She suggested that ASPPB could  
880 provide test practice templates to which Dr. Horn replied that there were practice exams  
881 online.

882

883 Dr. Casuga asked Ms. Sorrick whether the Board could do a pilot of the CPLEE, to see  
884 a sample of the CPLEE.

885

886 Ms. Sorrick expressed doubt in response to Dr. Casuga's question since the CPLEE is  
887 an existing examination. Ms. Sorrick said she would reach out to Office of Professional  
888 Examination Services (OPES) to see about obtaining mock or retired questions. Ms.  
889 Sorrick pointed out that the practice examination is on the Applicants tab of the Board's  
890 website among other materials and bulletins. Once EPPP2 launches, it will be able to  
891 be included in the Occupational Analysis.

892

893 Dr. Phillips commented on the process that he was hopeful OPES includes implicit bias  
894 concerns in their development process.

895

896 Ms. Sorrick mentioned that Tracey Montez of OPES will be able to comment on the  
897 examination development process and that staff is gathering information to provide the  
898 Board a look at the makeup of the panel developing the exam.

899

900 Dr. Phillips asked whether the process of examination development considered sexual  
901 orientation and gender.

902  
903 Ms. Sorrick replied in the negative.

904  
905 Dr. Phillips continued by calling to mind heteronormative bias as one of the biases that  
906 the examination development process should consider.

907  
908 Ms. Bernal asked generally whether associations or graduate programs would have this  
909 demographic data available. She suggested that this could be something the Outreach  
910 and Communications Committee could take up.

911  
912 Partly in reply to Ms. Bernal, Dr. Phillips commented that he too would be interested to  
913 know what information these sources might actually have.

914  
915 Dr. Casuga asked Dr. Horn and Ms. Sorrick whether there were early career  
916 psychologists on the panel and Dr. Horn replied that 52% of the panel are early-career  
917 licensees.

918  
919 Dr. Casuga echoed the same question regarding the CPLEE.

920  
921 Mr. Thomas replied that there is a balance between early-career and experienced  
922 licensees on the expert panel for the CPLEE development.

923  
924 Ms. Marks commented that OPES does strive to have a balance between early-career  
925 and experienced licensees on the panel because the purpose of the exam is to test the  
926 competency level of an entry-level applicant.

927  
928 Mr. Foo called for public comment and there was no public comment offered.

929  
930 Drs. Phillips and Casuga thanked Dr. Horn for participating and sharing her expertise at  
931 this meeting. Dr. Horn replied that, now that she is no longer a Member of this Board,  
932 she is happy to be able to provide clarity on ASPPB matters where previously she  
933 would have had to recuse herself.

934  
935 **Agenda Item #21: Update on Sunset Review**

936  
937 Dr. Phillips introduced this topic and turned it over to Mr. Glasspiegel to provide the  
938 Sunset Review update.

939  
940 Mr. Glasspiegel provided the Sunset Review update.

941

942 Dr. Phillips said that on March 24, 2020, the Executive Committee and the Sunset  
943 Committee will be appearing at the hearing to respond to any questions the Board might  
944 have. He explained the purpose of the Sunset review process.

945  
946 Ms. Sorrick followed up Dr. Phillips' comment explaining the sunset review process.  
947 First, the Board receives a draft background paper with questions for the Board to  
948 answer. She explained that this process is driven by newer issues and that the Board  
949 should not expect to see new questions or issues arising because those should all have  
950 been addressed previously.

951  
952 She commented that there may be follow-up questions to staff for fact-checking that  
953 should be received a week before the hearing.

954  
955 Dr. Phillips commented that this time around is a little different in that there will be  
956 substantive provisions included in the Sunset legislation.

957  
958 Mr. Foo mentioned that foreign degree evaluations will be another new area.

959  
960 Ms. Cervantes asked whether Sunset could be extended longer than four years and Ms.  
961 Sorrick replied that the duration is up to the discretion of the Sunset Review  
962 Committees. In the past, some boards and bureaus came up for review more often, but  
963 the cycle is not statutory.

964  
965 Mr. Thomas commented that the Board did automatically receive an extension one time  
966 due to legislative workload.

967  
968 No further Board or public comments were offered.

969  
970 **Agenda Item #22: Review and Consider Feedback Regarding ASPPB Closure of**  
971 **Practice Guidelines**

972  
973 Mr. Thomas presented this item.

974  
975 In November, 2019, the ASPPB Termination Task Force distributed guidelines for  
976 comments, which Ms. Sorrick forwarded to the Board Members for their comments to  
977 the Task Force. The comment period closed January 6, 2020, and now the document  
978 will go back to ASPPB Board of Directors for a vote. Thereafter, it will be brought back  
979 to this Board for vote.

980  
981 Dr. Harb Sheets described how the San Diego Psychological Association (SDPA) was  
982 the first organization to identify the need for a contingency plan in the case of death of a  
983 licensee. SDPA created a professional will that resembled the materials currently under  
984 the consideration of this Board. She pointed out that the document was available on the

985 SDPA website for reference. To provide a document like this for the use by our  
986 licensees, the Board would be providing a public service.

987  
988 Dr. Phillips responded to Dr. Harb Sheets' question about whether most psychologists  
989 have a professional will by reminding the Board that it is hard to know where regulations  
990 stop and standard of practice starts. The Board has not traditionally tried to address  
991 standard of care or practice to allow for the evolution of the field.

992  
993 No further Board or public comment.

994  
995 **Agenda Item #23: Review and Consideration of Changes to Board's**  
996 **Administrative Manual**

997  
998 Ms. Sorrick provided the update on this item, with comments from Mr. Thomas.  
999

1000 Discussion ensued about the content of the Administrative Procedure Manual and  
1001 several revisions were suggested, which would be brought back to the Board for  
1002 consideration at the next meeting.

1003  
1004 No further Board comments and no public comments.

1005  
1006 **Agenda Item #24: Update Regarding *Mathews v. Becerra* – California Child Abuse**  
1007 **and Neglect Reporting Act (CANRA) and Mandated Reporting – Penal Code**  
1008 **Sections 261.5, 288, and 11165.1**

1009  
1010 Mr. Glasspiegel provided this update, describing that the Board has received regular  
1011 updates over recent years. The Board was awaiting an opinion from the legislature  
1012 before taking a position and that opinion had been held up while *Mathews v. Becerra*  
1013 went through litigation. In December 2019, a Supreme Court decision remanded the  
1014 case back to the Superior Court, which is mandated to hear the case.

1015  
1016 As a result, the Board is effectively back to square one in waiting for a clear answer on  
1017 this matter.

1018  
1019 Ms. Marks confirmed Mr. Glasspiegel's explanation and provided additional information  
1020 about the background of the case, in particular how the definition of sexual abuse was  
1021 expanded to include the downloading of pornographic images or videos.

1022  
1023 Dr. Phillips commented that the way the statute is written, it appears that the simple act  
1024 of downloading constitutes grounds for child abuse reporting and that psychologists are  
1025 now policing all patients who may be using child pornography. He feels that this  
1026 effectively cuts off people dealing with child pornography issues from treatment. This is  
1027 no closer to a clear answer than in 2014. He also mentioned the confusion created by



1028 sexting by teenagers and the need to report normative adolescent behavior in some  
1029 communities.

1030  
1031 No further Board comment and no public comment offered.

1032  
1033 **Agenda Item #26: Recommendations for Agenda Items for Future Board**  
1034 **Meetings. Note: The Board May Not Discuss or Take Action on Any Matter Raised**  
1035 **During This Public Comment Section, Except to Decide Whether to Place the**  
1036 **Matter on the Agenda of a Future Meeting [Government Code Sections 11125 and**  
1037 **11125.7(a)].**

1038  
1039 Mr. Foo introduced this item.

1040  
1041 Mr. Foo expressed that he would like to see an Enforcement Report at the April  
1042 teleconference as well as at the July and November Board meetings. Additionally, he  
1043 suggested that Ms. Cervantes and Ms. Sorrick should talk about data, as in what data is  
1044 available now and what is the landscape and collecting data.

1045  
1046 Dr. Harb Sheets explained that there are questions about the implications of California  
1047 recognizing regionally-accredited credentialing programs, namely how this would impact  
1048 potential licensees.

1049  
1050 Dr. Casuga requested an update on the Licensure Committee stakeholder meeting re:  
1051 Licensed Educational Psychologists (LEPs) versus Licensed Psychologists.

1052  
1053 Ms. Sorrick asked Ms. Cheung whether staff reported on the Licensure Committee at  
1054 October 2019 Board meeting. Ms. Cheung replied that it was reported at the October  
1055 Board meeting. The plan had been to have the stakeholder meeting in 2020, but staff  
1056 will need to strategize this meeting given current resources.

1057  
1058 Dr. Casuga asked whether the stakeholder meeting would happen before next Board  
1059 meeting and Ms. Sorrick replied in the negative.

1060  
1061 Mr. Foo called for public comment on Future Items.

1062  
1063 David Person spoke representing 'hundreds of parents erased from their children's  
1064 lives' due to parental alienation. Mr. Person called for better assessment of children. He  
1065 referred to Dr. Linder Crow's comment that all stakeholders should be included and that  
1066 Dr. Craig Childress be invited as an expert at the stakeholder meeting. Mr. Person  
1067 inquired as to what it takes to be a stakeholder.

1068  
1069 Ms. Sorrick pointed out that there is no follow-up child custody stakeholder meeting in  
1070 the works and that in the meeting the Board brought together state agencies along with

1071 two consumer groups. She stated she would be happy to share the recommendations  
1072 that came out of that meeting with him after the conclusion of the Board meeting. She  
1073 commented that the best way to become a stakeholder is to attend meetings and sign  
1074 up for the Board's email blasts.

1075

1076 Ms. Bernal asked which organization Mr. Person represented and he replied that the  
1077 people he represents are a network, not a formal organization.

1078

1079 The meeting adjourned at 3:32 pm.