

November 2-3, 2023, Minutes

Sheraton Gateway LAX
6101 West Century Boulevard
Los Angeles, CA 90045
(310) 642 – 1111

Board Members

Lea Tate, PsyD, President
Shacunda Rodgers, PhD, Vice President
Sheryll Casuga, PsyD, CMPC
Marisela Cervantes, EdD, MPA
Seyron Foo
Mary Harb Sheets, PhD
Julie Nystrom
Stephen Phillips, JD, PsyD
Ana Rescate

Board Staff

Antonette Sorrick, Executive Officer
Stephanie Cheung, Licensing Manager
Sandra Monterrubio, Enforcement Program Manager
Liesel McCockran, CPD/Renewals Coordinator
Troy Polk, Legislative and Regulatory Analyst
Anthony Pane, Board Counsel
Karen Halbo, Regulatory Counsel

Thursday, November 2, 2023

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

President Tate called the meeting to order at 9:05 a.m., roll was taken, and a quorum established.

Ms. McCockran provided information regarding Continuing Professional Development (CPD) credit for the meeting.

There was no Board or public comment offered.

Agenda Item 2: President's Welcome

President Tate welcomed all participants and provided some housekeeping items as to the meeting schedule and noted the attendance of former Board President, Dr. Richard Sherman.

a) Mindfulness Exercise

Dr. Rodgers provided a mindfulness exercise.

There was no Board or public comment offered.

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

There was no Board or public comment offered on this item.

Agenda Item 4: Discussion and Possible Approval of the Board Meeting Minutes: August 18, 2023

Dr. Tate presented this item.

It was M/(Foo)/S(Phillips)/C to approve the August 18, 2023, Board Meeting Minutes with any non-substantive, technical corrections from Dr. Rodgers.

There was no Board or public comment offered.

Vote

7 Ayes (Casuga, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate), 0 Noes

Dr. Tate stated that Agenda Item 10 would be taken up next.

Agenda Item 10: Licensing and Examination Report

Ms. Cheung provided this update which was included in the meeting materials beginning on page 90.

Discussion ensued on how applicants could access application timeframes on the website to be better able to set expectations of when their application may be completed. It was noted by Ms. Cheung that this timeframe was updated every two weeks based on the current data and workflow.

Dr. Harb Sheets, Chair of Licensure Committee, thanked Ms. Cheung for her leadership of the Licensing Unit and provided comment that the process of obtaining licensure requires thoughtful consideration of each application and was not always a simple process.

Discussion ensued on Attachment E, which was included in the meeting materials beginning on page 99.

Public Comment

Dr. Elizabeth Winkelman, California Psychological Association (CPA), commented on the improved processing times of the Licensing Unit.

Discussion ensued on the Psychological Testing Technician registration. It was noted that the Board website would publish an FAQ page for the Testing Technician registration with detailed information for reference.

There was no further Board or public comment offered.

Dr. Tate thanked all participants for the discussion and stated that Agenda Item 7 would be taken next.

Agenda Item 7: DCA Update

Dr. Tate introduced Ms. Yvonne Dorantes, Assistant Deputy Director for Board and Bureau Relations at the Department of Consumer Affairs (DCA)

Ms. Dorantes provided this update which included staffing updates, training options and requirements, and changes to the Bagley Keene guidelines.

Dr. Tate thanked Ms. Dorantes for the update.

Ms. Sorrick thanked Ms. Dorantes for the efforts DCA has made on Diversity, Equity, and Inclusion (DEI) and stated that she and Mr. Burke had attended related trainings that they had found helpful.

There was no further Board or public comment offered.

Agenda Item 5: President's Report

a) Meeting Calendar

This item was not taken up in the interest of time.

Agenda Item 6: Executive Officer's Report

a) Personnel Update

This item was not taken up in the interest of time.

Agenda Item 8: Budget Report

This item was not taken up in the interest of time.

Agenda Item 9: Enforcement Report

This item was not taken up in the interest of time.

Agenda Item 11: Continuing Professional Development and Renewals Report

This item was not taken up in the interest of time.

Agenda Item 12: Petition for Reinstatement - Barbara T. Kreedman, Ph.D.

Administrative Law Judge Deena Ghaly presided. Deputy Attorney General Christine Friar Walt was present and represented the People of the State of California. Mr. Adam Brown was present and represented Dr. Barbara Terry Freedman, Ph. D, who was also present.

Agenda Item 13: Petition for Early Termination of Probation - Fatima M Coley, Psy.D

Administrative Law Judge Deena Ghaly presided. Deputy Attorney General Christine Friar Walt was present and represented the People of the State of California. Dr. Fatima M. Coley, Psy.D, was present and represented herself.

Agenda Item 14: The Board will Meet in Closed Session Pursuant to Government Code Section 11126(c)(3) to Discuss Disciplinary Matters Including Petitions for Reinstatement, Modification, or Early Termination, Proposed Decisions, Stipulations, Petitions for Reconsideration, and Remands.

Agenda Item 15: The Board will Meet in Closed Session Pursuant to Government Code Section 11126(c)(3) to Discuss Disciplinary Matters Including Petitions for Reinstatement, Modification, or Early Termination, Proposed Decisions, Stipulations, Petitions for Reconsideration, and Remands.

RETURN TO OPEN SESSION

Agenda Item 16: Outreach and Communications Committee Report and Consideration of and Possible Action on Committee Recommendations

a) Strategic Plan Action Plan Update

Ms. Sorrick provided this update which was included in the meeting materials beginning on page 110. She noted that the Board had a Strategic Planning Session in Burlingame on December 7-8, 2023.

There was no Board or public comment offered.

b) Social Media Update

Ms. Sorrick provided this update which was included in the meeting materials beginning on page 133. This included an update on limited analytics that were available to the Board from various social media sites.

Discussion ensued on the outreach efforts of the Board and it was determined a discussion and possible goal could be set at the Strategic Planning Session in December 2023.

There was no further Board or public comment offered.

c) Website Statistics Update

Ms. Sorrick provided this update which was included in the meeting materials beginning on page 136.

There was no further Board or public comment offered.

d) Update on Newsletter

Dr. Tate provided this update and referenced the latest newsletter which was included in the meeting materials beginning on page 143.

There was no further Board or public comment offered.

e) Outreach Activities Update

Ms. Sorrick provided this update which was included in the meeting materials beginning on page 160. She thanked CPA for the outreach opportunity for Board staff participation in two stakeholder events in 2023.

Ms. Sorrick stated her hope that when fees were aligned with revenue, there would once again be opportunity to travel out-of-state to Association of State and Provincial Psychology Boards (ASPPB) meetings and represent the Board.

Dr. Casuga expressed support for Board staff to be able to participate in outreach activities to dispel fear applicants and licensees may have and to put friendly faces to the people on the other side.

Dr. Phillips stated he had attended the Los Angeles Psychological Association (LACPA) convention and that staff in attendance had done a great job with providing information and direction.

Dr. Harb Sheets echoed Dr. Phillips and stated that she had attended the San Diego CPA convention and had similar compliments to staff.

Public comment

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233 Scott Parker, CEO, CPA, stated his appreciation for Board Member and staff
234 attendance at the conventions.

235
236 Dr. Andrea Davis commented that the Board consider more outreach directed to new
237 applicants and younger people coming into the profession.

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239 There was no further Board or public comment offered.

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241 f) Review Barriers to Telehealth Survey and Identify Next Steps

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243 Ms. Sorrick provided this update which was included in the meeting materials beginning
244 on page 161.

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246 Dr. Phillips stated the intent to make four motions based on the recommendations of the
247 Outreach and Communications Committee.

248
249 It was M/(Phillips)/S(Tate)/C to assign to the Licensure Committee the task of reviewing
250 competency requirements for doctoral programs, training settings, and supervised
251 experience within the context of the Barriers to Telehealth Survey results.

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253 There was no Board or public comment offered.

254
255 Vote

256
257 7 Ayes (Casuga, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate), 0 Noes

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259 It was M/(Phillips)/S(Tate)/C to assign to the enforcement committee to review
260 compliance concerns in light of telehealth requirements including HIPPA, Business and
261 Professions Code Section 2290.5 and California Code of Regulations Section 1396.8 in
262 light of the telehealth survey results.

263
264 There was no Board or public comment offered.

265
266 Vote

267
268 7 Ayes (Casuga, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate), 0 Noes

269
270 It was M/(Phillips)/S(Rodgers)/C to assign to the Outreach and Communications
271 Committee via webcast, podcast, newsletter articles, and social media to engage in
272 partnerships with stakeholders such as the American Psychological Association, the
273 Association of Black Psychologists, the Association of State and Provincial Psychology
274 Boards, the California Psychological Association, and the Trust Regarding Practice
275 Standards and Best Practices in light of the results of the telehealth survey.

Discussion ensued on an estimated timeframe for completion of each task which would be determined by each Committee based on their task.

Dr. Casuga suggested the Association of Regional Center Agencies be added to the list of stakeholders to include to have input regarding developmental delays.

There was no further Board or public comment offered.

Vote

7 Ayes (Casuga, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate), 0 Noes

It was M/(Phillips)/S(Casuga)/C to assign to the Board to provide insight from the survey results for purposes of the board's Strategic Planning Session in December regarding telehealth and future practice issues in light of the results of the telehealth survey.

There was no Board or public comment offered.

Vote

7 Ayes (Casuga, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate), 0 Noes

Agenda Item 17: Enforcement Committee Report and Consideration of Committee Recommendations

a) Expert Recruitment Opportunities and Discuss whether active practice (which is defined as at least 80 hours per month) should be reduced to 40 hours per month.

Ms. Sorrick provided this update which was included in the meeting materials beginning on page 613.

Dr. Phillips, Enforcement Committee Chair, provided a summary of the discussion included in the materials and the committee recommendation that the Board consider adding additional functions to what constitutes the 80 hours of active practice instead of reducing the number of hours to 40.

It was M/(Foo)/S(Tate) to adopt the Enforcement Committee recommendation that the Board consider adding the additional functions to what constitutes the 80 hours of active practice instead of reducing the number of hours to 40.

Discussion ensued on functions to add to the list. Suggestions included:

- Participation on a Board or Committee of a professional organization
- Expertise in intellectual disabilities including autism or a similar diagnosis.

It was determined that this discussion would go back to Committee for further comment and a more complete list in the effort to broaden the candidate pool of subject matter experts and it would be brought back to the Board. As such, the motion died on the floor.

Public comment

Dr. Andrea Davis stated her support to expand the functions to what would constitute 80 hours of active practice.

There was no further public comment offered.

The Board went to Closed Session.

The meeting adjourned at 5:47 p.m.

Friday, November 3, 2023

9:30 a.m. – 5:00 p.m. or until Completion of Business

Agenda Item 18: Call to Order/Roll Call/Establishment of a Quorum

President Tate called the meeting to order at 9:31 a.m., roll was called, and a quorum established.

Agenda Item 19: Pursuant to Government Code section 11126(a)(1) the Board will conduct the annual performance evaluation and consider the salary of its Executive Officer.

CLOSED SESSION

Agenda Item 20: The Board will Meet in Closed Session Pursuant to Government Code Section 11126(c)(3) to Discuss Disciplinary Matters Including Petitions for Reinstatement, Modification, or Early Termination, Proposed Decisions, Stipulations, Petitions for Reinstatement and Modification of Penalty, Petitions for Reconsideration, and Remands.

RETURN TO OPEN SESSION

Agenda Item 21: 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 Director of the Center for Judicial Excellence, made a comment which included a request for reconsideration on a disciplinary decision.

There was no further public comment offered.

Dr. Tate stated that Agenda Item 24 would be taken next.

Agenda Item 24: Election of Officers

Mr. Pane led the process of elections.

Dr. Casuga nominated Dr. Tate for the position of President. There were no other nominations for President.

There was no Board or public comment offered.

Vote

7 Ayes (Casuga, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate), 0 Noes

Dr. Casuga nominated Dr. Rodgers for the position of Vice-President. There were no other nominations for Vice-President.

There was no Board or public comment offered.

Vote

7 Ayes (Casuga, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate), 0 Noes

Dr. Tate was re-elected as Board President and Dr. Rodgers was re-elected as Vice President.

Agenda Item 22: Legislative and Regulatory Affairs Committee Update

a) Board-Sponsored Legislation

1) SB 816 (Roth) Professions and Vocations - Fee Schedule

Mr. Polk provided this update which was included in the meeting materials beginning on page 624 and provided as informational only, with no action required.

Discussion ensued on this item which included historical context of fees having not been raised in 30 years, the structural imbalance, and various increases and decreases which would go into effect in January 2024.

There was no further Board and no public comment offered.

2) SB 887 (Senate Committee on Business, Professions and Economic Development) Suicide Risk Assessment and Intervention Coursework and Aging and Long-Term Care Coursework: Business and Professions Code sections 2915.4 and 2915.5

Mr. Polk provided this update which was included in the meeting materials beginning on page 625 and provided as informational only, with no action required.

Discussion ensued about this bill and the hope that it would make the licensing process easier.

There was no further Board and no public comment offered.

b) Review of Bills for Active Position

1) AB 282 (Aguiar-Curry) Psychologists: licensure

Mr. Polk provided this update which was included in the meeting materials beginning on page 626 and provided as informational only, with no action required.

Dr. Elizabeth Winkelman, California Psychological Association (CPA), thanked Board for support on this bill and asked for anticipated date it would go into effect.

Ms. Cheung stated the anticipated date is Q4 in 2025 which would be just in time for implementation of the new structure of January 1, 2026.

Mr. Foo stated his understanding that the timeline was not a process the Board could control.

Ms. Cheung agreed and explained the lengthy regulatory process which typically takes 2-3 years.

There was no further Board or public comment offered.

2) AB 665 (Carrillo) Minors: consent to mental health services

Mr. Polk provided this update which was included in the meeting materials beginning on page 627 and provided as informational only, with no action required.

Dr. Phillips stated that this was an interesting bill and provided a brief description of the benefits of the bill.

There was no further Board and no public comment offered.

3) AB 883 (Mathis) Business Licenses: U.S. Department of Defense SkillBridge program

Mr. Polk provided this update which was included in the meeting materials beginning on page 629 and provided as informational only, with no action required.

There was no Board or public comment offered.

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461 4) SB 331 (Rubio) Child custody: child abuse and safety
462

463 Mr. Polk provided this update which was included in the meeting materials beginning on
464 page 630 and provided as informational only, with no action required.
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466 Kathleen Russell, Executive Director of the Center for Judicial Excellence, stated they
467 would be having a follow up meeting with the DOJ and that she would keep the Board
468 informed of the discussion.
469

470 Dr. Phillips congratulated Ms. Russell on her tireless efforts.
471

472 There was no further Board or public comment offered.
473

474 5) AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of-
475 interest policy
476

477 Mr. Polk provided this update which was included in the meeting materials beginning on
478 page 632 and provided as informational only, with no action required.
479

480 There was no Board or public comment offered.
481

482 6) SB 372 (Menjivar) Department of Consumer Affairs: licensee and registrant records:
483 name and gender changes
484

485 Mr. Polk provided this update which was included in the meeting materials beginning on
486 page 633 and provided as informational only, with no action required.
487

488 There was no Board comment offered.
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490 Dr. Elizabeth Winkelman, CPA, stated CPA co-sponsored this bill and asked about the
491 implementation process.
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493 Ms. Cheung stated that this would be a global process and that the Board currently did
494 not have an implementation process but would keep the public updated.
495

496 Dr. Winkelman provided a brief description of the bill.
497

498 There was no further Board or public comment offered.
499

500 7) SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing
501

502 Mr. Polk provided this update which was included in the meeting materials beginning on
503 page 635 and provided as informational only, with no action required.
504

505 There was no Board or public comment offered.

8) SB 815 (Roth) Healing Arts

Mr. Polk provided this update which was included in the meeting materials beginning on page 637 and provided as informational only, with no action required.

Mr. Foo asked about the implementation plan and whether the Board would be inheriting staff from medical board as a result of inheriting this new registration category.

Dr. Phillips stated that unfortunately the Board would not receive more staff.

There was no further Board and no public comment offered.

9) SB 805 (Portantino) Health care coverage: pervasive developmental disorders or autism

Mr. Polk provided this update which was included in the meeting materials beginning on page 639 and provided as informational only, with no action required.

There was no Board comment offered.

Dr. Andrea Davis, President of the DIR/Floortime Coalition of California, expressed gratification of Board's support of the bill and offering support to work on the exact requirements.

Dr. Tate thanked Dr. Davis for her comment and feedback.

c) Watch Bills

1) AB 248 (Mathis) Individuals with intellectual or developmental disabilities: The Dignity for All Act

2) AB 1163 (Rivas) State forms: gender identity

3) AB 1707 (Pacheco) Health professionals and facilities: adverse actions based on another state's law

4) SB 58 (Weiner) Controlled substances: decriminalization of certain hallucinogenic substances

5) SB 373 (Menjivar) Board of Behavioral Sciences, Board of Psychology, and Medical Board of California: licensee's and registrants' addresses

6) SB 802 (Roth) Licensing boards: disqualification from licensure: criminal conviction.

Mr. Polk asked if the Board had any questions on the Watch Bills.

Dr. Casuga appreciates staff taking on watch bills that were recommended by Board members, and specifically AB 248.

There was no further Board and no public comment offered.

d) 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 requested a briefing of implications on Proposition 63 as well as accompanying measure of facilities. If staff finds nothing substantive for staff to come back and say an analysis was done and there was no need for a full briefing.

Dr. Casuga asked the Board to watch bills related to anything that could affect the profession, such as drug assisted therapies, psychological services related to AI.

There was no further Board and no public comment offered.

Agenda Item 23: Regulatory Update, Review, and Consideration of Additional Changes

a) 16 CCR sections 1391.13, and 1391.14 – Inactive Psychological Associates Registration and Reactivating a Psychological Associate Registration

Mr. Polk provided a brief description of the package as well as the update of where this regulatory package is in in the rulemaking process.

There was no Board or public comment offered.

b) 16 CCR 1395.2 – Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing Licensees

Mr. Polk provided a brief description of the package as well as the update of where this regulatory package is in in the rulemaking process.

There was no Board or public comment offered.

c) 16 CCR sections 1380.3, 1381, 1381.1, 1381.2, 1381.4, 1381.5, 1382, 1382.3, 1382.4, 1382.5, 1386, 1387, 1387.1, 1387.2, 1387.3, 1387.4, 1387.5, 1387.6, 1387.10, 1388, 1388.6, 1389, 1389.1, 1391, 1391.1, 1391.3, 1391.4, 1391.5, 1391.6, 1391.8, 1391.11, and 1391.12 – Pathways to Licensure

Mr. Polk provided a brief description of the package as well as the update of where this regulatory package is in in the rulemaking process.

There was no Board or public comment offered.

d) 16 CCR sections 1380.6, 1393, 1396, 1396.1, 1396.2, 1396.4, 1396.5, 1397, 1397.1, 1397.2, 1397.35, 1397.37, 1397.39, 1397.50, 1397.51, 1397.52, 1397.53, 1397.54, 1397.55 - Enforcement Provisions

598
599 Mr. Polk provided a brief description of the package as well as the update of where this
600 regulatory package is in in the rulemaking process.

601
602 There was no Board or public comment offered.

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604 e) 16 CCR sections 1397.35 – 1397.40 – Corporations

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606 f) 16 CCR sections 1381, 1387, 1387.10, 1388, 1388.6, 1389, and 1389.1 – EPPP-2

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

612
613 Mr. Foo asked that in the future we have one administrative hearing in the morning and
614 one in the afternoon.

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616 Dr. Casuga asked that we continue to have the mindfulness exercise.

617
618 Kathleen Russell asked for clarification if the packets she had provided would be
619 delivered to the members.

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621 Mr. Pane will make them available to the Board once they are reviewed and approved
622 for distribution by legal counsel.

623
624 The meeting adjourned 1:58 p.m.