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Legislative And Regulatory Affairs Committee Meeting 1 2 3 **Committee Members** 4 Marisela Cervantes, EdD, MPA, Chairperson 5 Sheryll Casuga, PsyD Stephen Phillips, JD, PsvD 6 7 8 **Board Staff** 9 Antonette Sorrick, Executive Officer Jonathan Burke, Assistant Executive Officer 10 11 Cynthia Whitney, Central Services Manager 12 Stephanie Cheung, Licensing Manager Sandra Monterrubio, Enforcement Program Manager 13 14 Sarah Proteau. Central Services Office Technician 15 Evan Gage, Special Projects Analyst 16 Anthony Pane, Board Counsel 17 Sam Singh, Regulatory Counsel 18 Friday, April 12, 2024 19 20 Agenda Item #1: Call to Order/Roll Call/Establishment of a Quorum 21 22 Dr. Cervantes called the meeting to order at 1:00 p.m. A quorum was present and due 23 notice had been sent to all interested parties. 24 25 Agenda Item #2: Chairperson's Welcome and Opening Remarks 26 27 Dr. Cervantes offered opening remarks. 28 29 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 30 Comment Section, Except to Decide Whether to Place the Matter on the Agenda 31 32 of a Future Meeting [Government Code sections 11125 and 11125.7(a)]. 33 34 Dr. Cervantes called for public comment. 35 36 Public comment addressed concerns over PSYPACT's financial impact to California-

Agenda Item #4: Discussion and Possible Approval of Legislative and Regulatory
Affairs Committee Meeting Minutes: June 16, 2023

resident licensees. Further comment was offered regarding legislation about suicide

It was (M)Phillips(S)Casuga(C) to adopt the June 16, 2023, Legislative and Regulatory Affairs Committee meeting minutes.

46 Dr. Cervantes called for public comment. 47 48 No public comment was offered. 49 50 Votes: 3 ayes (Casuga, Cervantes, Phillips), 0 noes 51 52 Motion passed. 53 54 Agenda Item #5: Legislation from the 2024 Legislative Session: Review and 55 **Possible Action** 56 57 Mr. Polk provided the update on this item. 58 59 a) Legislative Proposals 60 61 1) Psychological Associates: Business and Professions Code Section 2913: Change of 62 Supervisor Fee: Business and Professions Code Section 2987: Health and Safety Code 63 124260 64 Board Staff submitted a proposal to the Senate Committee on Business, Professions 65 66 and Economic Development (BP&ED) for technical, non-substantive changes to be included in the Committee's omnibus bill. 67 68 69 The proposal included amendments to Business and Professions Codes (BPC) 2913, 70 2987, and Health and Safety Code (HSC) 124260. 71 72 Amendment to Business and Profession Code (BPC) 2987 regarded the \$25 fee 73 associated with a request to change supervisors for psychological testing technicians, 74 as the \$25 was inadvertently removed from BPC 2987, when Senate Bill (SB) 816 was 75 passed last year, and the proposal would add the fee back into BPC 2987. 76 77 Amendment to BPC 2913 addressed current language related to the requirements of a 78 foreign master's degree, and the advancement to candidacy, as the current language 79 created confusion to not only applicants seeking registration as a psychological 80 associate but also to Licensing Staff; the proposed amendments would clarify the 81 requirements. 82 83 On March 1, 2024, the proposed language for BPC 2913 was amended, and the 84 amendment and proposal were approved by the Board. The amended language was 85 submitted to the Senate BP&ED consults to be included in the proposal. 86 87 The last amendment was to Health and Safety Code (HSC) 124260 to update the 88 language as the code referenced outdated registration categories for "registered 89 psychologist" and "psychological assistant". 90

On March 18, 2024, Senate Bill 1526 was introduced by the Senate Business,

Professions and Economic Development Committee. The Language included the

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proposed amendment to HSC 124260. The other proposal had not been included.
Board Staff had been in contact with the Committee consultant regarding the other two
proposals. The consultant advised that the other proposals were still being reviewed for
consideration for SB 1526.

Through discussions with the Committee Consultant, it was discovered that other BPC and HSC codes also included the outdated registration categories. Board staff advised that the proposed changes would need to apply to those sections as well, and that Board staff would continue to monitor SB 1526 and the other proposed amendments.

Staff advised the Committee to recommend that the full Board ask the Senate Committee to consider the additional changes to be included in SB 1526.

Dr. Cervantes called for public comment.

No public comment was offered.

Votes: 3 ayes (Casuga, Cervantes, Phillips), 0 noes

Motion passed.

b) Review of Bills with Active Positions Recommendations to the Board

1) AB 2270 (Maienschein) Healing arts: continuing education: menopausal mental and physical health

On February 8, 2024, AB 2270 was introduced by Assembly Member Maienschein.

AB 2270 was introduced to give medical providers, including psychologists, the option to complete coursework in menopausal mental and physical health as part of the continuing education or professional development requirements by adding BPC 2914.4.

On February 26, 2024, AB 2270 was referred to the Assembly Committee on Business and Profession.

On April 1, 2024, the bill was amended by the Business and Professions Committee which removed the term "physical health" from the course requirement and added "within the scope of their practice to BPC 2914.4. and read as "a licensee shall have the option of taking coursework on menopausal mental and physical health within the scope of their practice to satisfy continuing education requirements".

However, the bill was amended on April 10, to add BPC 2914.4, so it now reads "In determining its continuing professional development, the board shall consider including a course in menopausal mental or physical health." The new language still does not fully require the course to be completed in order to meet the requirements, but board staff will continue to monitor AB 2270.

- 140 Dr. Phillips asked Mr. Polk whether coursework would still need to satisfy continuing
- professional development requirements as they relate to continuing education. Mr. Polk
- confirmed that this was the case. Dr. Phillips commented that there was currently
- 143 nothing preventing someone from taking coursework on maternal mental health, and
- questioned whether it was necessary to take any action. Dr. Casuga commented that
- she agreed with Dr. Phillips, and asked Mr. Polk for a recommended position.

No other boards currently support this bill, although the California Retired Teachers
Association is in support.

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150 Board staff would continue to monitor AB 2270.

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152 It was (M)Phillips(S)Casuga(C) to recommend to the full Board to take a position of Support for AB 2270.

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155 Dr. Cervantes called for public comment.

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Public comment regarded the necessity for this coursework to be imposed by legislation since this coursework was already available as an option.

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Dr. Phillips commented further that taking a Support position signals the Board's awareness of this bill's importance for licensees.

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163 Drs. Cervantes and Casuga concurred.

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Dr. Casuga commented that a Support position might encourage licensees to take this coursework when it might not have occurred to them before, and it might encourage providers to generate more such coursework.

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Votes: 3 ayes (Casuga, Cervantes, Phillips), 0 noes

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171 Motion passed.

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173 Public comment was allowed at the conclusion of the passing vote.

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Public comment referred to recent research on menopausal mental health that should be considered by providers who want to be well-prepared to address these issues.

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178 2) AB 2282 (McKinnor) Family reunification services

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On February 8, 2024, AB 2282 was introduced by Assembly Member McKinnor.

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AB 2282 provided that reunification services would not need to be rendered to a parent or guardian when a court finds that the parent or guardian of the child had been convicted of a violent felony against a child.

- AB 2282 would also limit criminal convictions used to deny reunification services to families. It would amend the law to deny services only to the most serious and violent felons who have endangered children or their family.
- By expanding the scope of individuals requiring reunification services, the bill would impose additional duties on county child welfare departments.
- The Board took a support position on SB 331 which in 2023 established the Safe Child Act, thereby prohibiting a court from ordering family reunification treatments in a custody or visitation dispute. AB 2282 was not specific to child custody.
- Board staff would continue to monitor AB 2282 for any additional amendments.
- Dr. Phillips commented that the Board had heard much testimony in the past about family reunification camps, and took an interest in previous legislation, noting that this legislation clarifies the scope of these services and is not necessarily under the auspice of the Board. Dr. Phillips recommended taking a Watch position on AB 2282.
- Board Counsel Mr. Pane confirmed that no action needed to be taken to watch the bill.
- 206 Dr. Phillips withdrew his motion.207

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- 208 Dr. Casuga agreed that a Watch position was appropriate.
- No public comment called for because this was a non-action item.
- 212 3) AB 2581 (Maienschein) Healing arts: continuing education: maternal mental health 213
- On February 14, 2024, AB 2581 was introduced by Assembly Member Maienschein.
- AB 2581 would give medical providers, including psychologists, the option to take a course in maternal mental health as part of the continuing education or professional development requirements under BPC 2914.4.
- On March 4, 2024, AB 2581 was referred to the Assembly Committee on Business and Profession.
- Board staff had been in contact with Committee consultants regarding the impact of the bill and possible amendments to the bill language.
- The bill was amended on April 10 to match the amended language of AB 2270 to read "In determining its continuing professional development, the board shall consider including a course in menopausal mental or physical health."
- 230 Board Staff would continue to monitor AB 2581.
- 232 It was (M)Casuga(S)Phillips(C) to recommend that the Board take a Support position on 233 AB 2581.

Dr. Cervantes called for public comment. No public comment was offered. Votes: 3 ayes (Casuga, Cervantes, Phillips), 0 noes Motion passed. 4) AB 2703 (Aguiar-Curry) Federally qualified health centers and rural health clinics: psychological associates On February 14, 2024, AB 2703 was introduced by Assembly Member Aguiar-Curry. The bill was co-sponsored by The California Psychological Association (CPA) and the Primary Care Association. AB 2703 would amend the current law to permit psychological associates to perform services in Federally Qualified Health Centers (FQHC) and Rural Health Centers (RHC) and allow the centers to be reimbursed for the services. As the existing law does not specifically allow these FQHC's and RHC's to be reimbursed for services provided by psychological associates, AB 2703 would promote greater access to care. On March 4, 2024, AB 2703 was referred to the Assembly Committee on Health. It was (M)Casuga(S)Phillips(C) to recommend that the Board take a Support position on AB 2703. Dr. Cervantes called for public comment. Dr. Elizabeth Winkelman from CPA thanked the Committee for taking a Support position. No further public comment offered. Votes: 3 ayes (Casuga, Cervantes, Phillips), 0 noes Motion passed. 5) AB 2862 (Gipson) Licenses: African American applicants On February 15, 2024, AB 2862 was introduced by Assembly Member Gipson.

AB 2862 would require various business and professions, including healing arts boards, under the Department of Consumer Affairs to prioritize African American applicants seeking licensure, especially applicants who are descended from a person who was enslaved in the United States.

On March 11, 2024, AB 2862 was referred to the Assembly Committee on Business and Professions and the committee on Judiciary.

In meetings with the Department of Consumer Affairs Legislative Unit and other healing arts boards, concerns arose regarding the verification of documents, and to whose discretion it would fall to determine which applicants qualified for the expedited processing; it was unclear whether or not this determination would be made by staff, since the current bill language does not provide further clarification or language addressing the concerns.

Board staff would continue to monitor this bill.

Dr. Phillips commented that there is a growing list of populations that are being considered for expedited licensure. Ms. Cheung commented that there are currently five other categories of applicants, namely asylees, and military personnel and their spouses, who receive expedited licensure.

Ms. Cheung commented that the expedited processing of a particular category of application does not create workflow issues for staff, because the application is merely prioritized, and does not create additional work thereby.

Dr. Casuga asked Mr. Polk whether this bill is still in early stages. Mr. Polk confirmed that this is the case, and many of the fiscal and other considerations would take shape later through the amendment process. Dr. Casuga commented that it was too early to take an active position and recommended that staff continue to watch this bill.

Drs. Cervantes and Phillips concurred.

6) SB 1012 (Wiener) The Regulated Psychedelic Substances Control Act

On February 5, 2024, SB 1012 was introduced by Senator Wiener.

On February 14, 2024, SB 1012 was referred to the Senate Committees on Business, Professions and Economic Development and Public Safety.

 SB 1012 would enact the Regulated Psychedelic-Assisted Therapy Act, which would establish the Board of Regulated Psychedelic Facilitators within the Department of Consumer Affairs to license and regulate psychedelic-assisted therapy facilitators. The new Board would be required to establish education, training, and other qualifications and requirements for obtaining a license as a regulated psychedelic-assisted therapy facilitator and would require the Board to be appointed by April 1, 2025, and begin accepting license applications by April 1, 2026.

Regulated Psychedelic Facilitator qualification would be open to anyone 21 years of age or older, who had completed curriculum in regulated psychedelic facilitation and related subjects, accumulating the hours of coursework as established by the Board, such as would incorporate appropriate school assessment of student knowledge and skills, prior experience accepted by the Board as an equivalent to, or equivalent to a portion of, the required curricula or practicum requirement, including existing licensure in a health or mental health profession, and any practicum experience that is required by the Board, and the individual had passed a regulated psychedelic facilitator competency assessment examination that meets generally recognized principles and standards and that is created and administered by the Board or an entity designated by the Board.

Dr. Casuga asked how this new type of licensed practice might affect the practice of psychologists. Mr. Polk commented that the current language leaves room for a licensed psychologist to obtain dual licensure as a Regulated Psychodelic Facilitator if they completed the curriculum and passed the assessment. There is still the question of whether this new qualification should be administered by an entirely new board or brought under the authority of an existing board.

Mr. Polk commented that he would continue to monitor the language now and after it is taken up by committees.

Dr. Phillips voiced concern that a new class of provider was being created by this bill, and this provider need not necessarily be a medical or mental health professional.

Ms. Sorrick commented that in past discussions where a bill under discussion might have multidisciplinary impacts affecting different populations of stakeholders, sometimes it was appropriate to hold a stakeholder meeting where the impacted Boards could have a place at the table.

It was (M)Phillips(S)Casuga(C) to recommend to the full Board to take an Oppose position to SB 1012.

Dr. Casuga commented that the Board should be given the opportunity to articulate its concerns, and that there should be a stakeholder meeting to discuss overlap between impacted disciplines.

Dr. Cervantes called for public comment.

Public comment touched on the perception that any confusion arising from a lack of clarity to this bill affected consumers perhaps more than it affected mental health professionals. Further comment advised that the Board should absolutely have a seat at the table when this bill is being discussed, or else the Board will not have a say in the final result.

Votes: 3 ayes (Casuga, Cervantes, Phillips), 0 noes

373 Motion passed.

7) SB 1067 (Smallwood-Cuevas) Healing arts: expedited licensure process: medically underserved area or population.

On February 12, 2024, SB 1067 was introduced by Senator Smallwood-Cuevas.

SB 1067 would require each healing arts board under the Department of Consumer Affairs to develop a process to expedite the licensure process by giving priority to applicants who are seeking licensure if they demonstrate that they intend to practice in a medically underserved area or serve a medically underserved population.

On February 21, 2024, SB 1067 was referred to the Senate Committee on Business, Professions and Economic Development.

In meeting with the Department of Consumer Affairs Legislative Unit, the Medical Board advised that their Board currently expedites applicants who meet the criteria, since the definitions are federally defined, and HCAI provides a database based on Zip Code to determine whether the applicants would be providing services in those specific areas.

Health and Safety Code (HSC) 128552 defines "Medically underserved area" as an area with health professional shortage or an area of the state where unmet priority needs for physicians exist. HSC 128552 also defines "medically underserved population" as individuals in the Medi-Cal program and uninsured populations.

Dr. Phillips commented that the term "medically underserved" was problematic because it fell outside of the Board's purview. He commented that if the language were amended to provide specificity over which individuals would be covered by this definition, and what documentation would be required.

Dr. Casuga expressed concern over how board staff might be impacted. She commented that she would like more details about how the bill might be implemented.

It was (M)Phillips(S)Casuga(C) to recommend that the Board take a Support if Amended position on SB 1067 if it clarified a) what constituted an underserved area and population and b) what documentation would be necessary from the licensee as to their intention to serve that area.

Dr. Cervantes called for public comment.

No public comment was offered.

Votes: 3 ayes (Casuga, Cervantes, Phillips), 0 noes

Motion passed.

c) Bills with Active Positions Taken by the Board

421 Mr. Polk presented this item. 422 423 1) AB 2051 (Bonta) Psychology interjurisdictional compact 424 425 Assembly Bill 2051 was introduced by Assemblymember Bonta. 426 427 AB 2051 would incorporate California under the Psychology Interjurisdictional Compact 428 (PSYPACT), to facilitate the practice of telepsychology and the temporary in-person, 429 face-to-face practice of psychology across state lines. 430 431 On March 1, 2024, the Board adopted an Oppose position. 432 433 On March 15, 2024, an Oppose Letter was submitted to the members of the Assembly 434 Business and Professions Committee, as well as the author's office. 435 436 AB 2051 was scheduled to heard in the Assembly Business and Professions Committee 437 on April 16, 2024. Staff provided in-person testimony in opposition. 438 439 Dr. Cervantes called for staff and Committee comment. 440 441 Dr. Casuga asked who from board staff would be attending the April 16 meeting. 442 Assistant Executive Officer Jonathan Burke will be attending the meeting. 443 444 No further staff or Committee comments were offered. 445 Agenda Item #6: Legislative Items for Future Meeting. The Committee May 446 447 Discuss Other Items of Legislation in Sufficient Detail to Determine Whether Such 448 Items Should be on a Future Committee or Board Meeting Agenda and/or Whether 449 to Hold a Special Meeting of the Committee or Board to Discuss Such Items 450 **Pursuant to Government Code Section 11125.4** 451 452 Dr. Cervantes called for Committee and staff comments. 453 454 Mr. Polk commented that in the legislative roundtable that staff had with the legislative 455 affairs unit in DCA, staff was made aware of AB 1991. 456 457 AB 1991 was introduced by Assembly Member Bonta. 458 459 AB 1991 would require boards that regulate healing arts licensees or registrants to 460 collect workforce data from their licensees or registrants and would require the 461 demographic/workforce survey to be completed at the time of electronic license or 462 registration renewal and would no longer be optional or give the option to "decline to 463 answer". Applicants who fail to complete the survey would be subject to discipline and 464 would not be able to renew their license or registration until the demographic data was 465 provided.

An update would be provided to the full Board at the May 2024 Board meeting.

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Dr. Cervantes called for public comment.

No public comment offered.

Agenda Item #7: Regulatory Update, Review, and Consideration of Additional Changes

Mr. Polk provided the update on this item.

<u>a) 16 CCR sections 1391.13 and 1391.14 – Inactive Psychological Associates</u>
Registration and Reactivating a Psychological Associate Registration

On March 21, 2024, the regulatory package was approved by Agency and sent to the Office of Administrative Law for approval of publishing. The regulatory package was approved for publishing by OAL. The 45-public comment period started on April 5th and would be completed on May 21, 2024.

This regulatory package would do the following:

Allows a psychological associate to request that the Board place their active registration in an inactive status. In addition, the proposed regulations would allow the Board to place the registration in an inactive status when the registrant has no primary supervisor. While the registration is in an inactive status, time would not be counted towards the cumulative total of six years registration limitation. The Board is also proposing the adoption of the process for reactivating an inactive psychological associate registration.

Dr. Cervantes called for Committee comment.

No comment offered.

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

Production Phase. Review of the proposed regulatory language at the May 19, 2023 Board Meeting was postponed to the August 18, 2023 Board Meeting. At the August 18, 2023, Board Meeting the Board voted to adopt the proposed regulatory language. Staff was preparing the initial submission documents for DCA and Agency review before filing with OAL for notice publication.

This regulatory package would do the following:

Update the Board's disciplinary guidelines including conforming changes required by the passage of AB 2138, the Board's new regulations regarding criminal convictions and substantial relationship criteria, and the Department's Uniform Standards for Substance Abusing Licensees.

- 516 c) 16 CCR sections 1380.3, 1381, 1381.1, 1381.2, 1381.4, 1381.5, 1382, 1382.3,
- 517 1382.4, 1382.5, 1386, 1387, 1387.1, 1387.2, 1387.3, 1387.4, 1387.5, 1387.6, 1387.10,
- 518 <u>1388, 1388.6, 1389, 1389.1, 1391, 1391.1, 1391.3, 1391.4, 1391.5, 1391.6, 1391.8,</u>
- 519 1391.11, and 1391.12 Pathways to Licensure

Status: Drafting Phase. This phase includes preparation of the regulatory package and collaborative reviews by Board staff and legal counsel.

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This regulatory package would do the following:

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Streamlines the licensing process and removes unnecessary barriers for applicants and the supervisors who support their training.

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- 529 <u>d) 16 CCR sections 1380.6, 1393, 1396, 1396.1, 1396.2, 1396.3, 1396.4, 1396.5, 1397, 1397.1, 1397.2, 1397.35, 1397.37, 1397.50, 1397.51, 1397.52, 1397.53, 1397.51, 1397.52, 1397.53, 1397.53, 1397.51, 1397.52, 1397.53, 1397.53, 1397.51, 1397.52, 1397.53, 1397.53, 1397.51, 1397.52, 1397.53, 1397.53, 1397.51, 1397.52, 1397.53, 1397.51, 1397.52, 1397.53, 1397.51, 1397.52, 1397.53, 1397.51, 1397.52, 1397.53, 1397.51, 1397.52, 1397.53, 1397.51, 1397.52, 1397.53, 1397.51, 1397.52, 1397.53, 1397.51, 1397.52, 1397.53, 1397.51, 1397.51, 1397.52, 1397.53, 1397.51, 1397.51, 1397.52, 1397.53, 1397.51, 1397.</u>
- 531 1397.54, and 1397.55 Enforcement Provisions

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Status: Drafting Phase. This phase includes preparation of the regulatory package and collaborative reviews by Board staff and legal counsel.

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This regulatory package would update the Board's enforcement provisions.

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e) 16 CCR sections 1397.35, 1397.37, 1397.39, and 1937.40 - Corporations

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Status: Drafting Phase. This phase includes preparation of the regulatory package and collaborative reviews by Board staff and legal counsel.

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This regulatory package would update the Board's requirements for professional corporations provisions.

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

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Status: Drafting Phase. This phase includes preparation of the regulatory package and collaborative reviews by Board staff and legal counsel. On May 19, 2023, the Board approved the statutory and regulatory changes that would implement the EPPP part 2 Skills Exam, effective January 1, 2026.

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This regulatory package updates the statutory and regulatory sections needed to implement the EPPP-2.

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Agenda Item #8: Recommendations for Agenda Items for Future Board Meetings.
Note: The Committee 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)].

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Dr. Cervantes called for Committee and staff comment.

564	No Committee or staff comment offered.
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566	Dr. Cervantes called for public comment.
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568	No public comment offered.
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570	<u>ADJOURNMENT</u>
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572	The meeting adjourned at 2:53 p.m.
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