

Legislative And Regulatory Affairs Committee Meeting**Committee Members**

Marisela Cervantes, EdD, MPA, Chairperson

Sheryll Casuga, PsyD

Stephen Phillips, JD, PsyD

Committee Members Absent

None

Board Staff

Antonette Sorrick, Executive Officer

Jonathan Burke, Assistant Executive Officer

Cynthia Whitney, Central Services Manager

Stephanie Cheung, Licensing Manager

Evan Gage, Special Projects Analyst

Anthony Pane, Board Counsel

Sam Singh, Regulatory Counsel

Friday, June 14, 2024

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

Dr. Cervantes called the meeting to order at 10:07 a.m. A quorum was present and due notice had been sent to all interested parties.

Agenda Item #2: Chairperson's Welcome and Opening Remarks

Dr. Cervantes offered opening remarks.

Ms. Whitney made a statement regarding CPD credit for meeting attendees.

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)].

Dr. Cervantes called for public comment.

Public comment addressed concerns over meetings not being held live to allow in-person attendance.

Dr. Phillips joined the meeting at 10:25 am.

Agenda Item #4: Discussion and Possible Approval of Legislative and Regulatory Affairs Committee Meeting Minutes: April 12, 2024

46
47 Dr. Cervantes called for Committee comments.

48
49 No Committee comment was offered.

50
51 It was (M)Casuga(S)Phillips(C) to adopt the April 12, 2024, Legislative and Regulatory
52 Affairs Committee meeting minutes.

53
54 Dr. Cervantes called for public comment.

55
56 No public comment was offered.

57
58 Votes: 3 ayes (Casuga, Cervantes, Phillips), 0 noes

59
60 **Agenda Item #5: Legislation from the 2024 Legislative Session: Review and**
61 **Possible Action**

62
63 Mr. Polk provided the update on this item.

64
65 a) Legislative Proposals SB 1526 – Consumer Affairs - Psychological Associates:
66 Business and Professions Code (BPC) Section 2913: Change of Supervisor Fee:
67 Business and Professions Code Section 2987: Health and Safety Code (HSC) 124260

68
69 On April 17th, SB 1526 was amended to include HSC's 1374.72 and 128454 to update
70 registration categories.

71
72 Staff will continue to monitor this bill.

73
74 This item was informational only and no Committee action was taken.

75
76 b) Review of Bills with Active Positions Recommendations to the Board

77
78 Mr. Polk provided the update on this item.

79
80 1. AB 236 (Holden) Health care coverage: provider directories

81
82 Update begins on page 108 of the materials packet.

83
84 Staff recommended maintaining a watch on this bill.

85
86 Dr. Cervantes called for Committee comment.

87
88 Dr. Phillips commented that there is concern among licensees who continue to be
89 reflected on outdated listings, but that this issue falls outside of the Board's purview. He
90 agreed with the watch recommendation.

91

Dr. Casuga agreed with Dr. Phillips and with the staff recommendation to maintain a watch on this bill.

This item was informational only, and no Committee action was taken.

2. SB 294 (Wiener) Health care coverage: independent medical review

Update begins on page 152 of the materials packet.

Staff recommended maintaining a watch on this bill.

Dr. Cervantes called for Committee comments.

Dr. Phillips commented that since this bill deals with insurance, it is again somewhat outside of the Board's purview, though he appreciates the reasons for it. He agreed with the staff recommendation to watch this bill.

Dr. Casuga commented that she was always mindful that mental health services should be available equitably, while acknowledging that this bill falls outside the Board's purview. She agreed with the staff recommendation to maintain a watch on this bill.

Dr. Cervantes agreed that this bill falls outside of the Board's purview, and supported maintaining a watch position on this bill.

3. SB 999 (Wiener) Health coverage: mental health and substance use disorders

Update begins on page 171 of the materials packet.

Staff recommended maintaining a watch on this bill.

Dr. Cervantes called for Committee comment.

Based on Mr. Polk's assertion that much of this bill pertains to Health Code, Dr. Phillips commented in support of a watch position.

Dr. Casuga expressed support of a watch position while echoing her earlier comments about supporting access to mental health services.

4. SB 1120 (Becker) Health care coverage: utilization review

Update begins on page 192 of the materials packet.

Staff recommended maintaining a watch on this bill.

Dr. Cervantes called for Committee comment.

Dr. Phillips echoed his sentiments regarding the earlier bills in this item and supported a watch position.

Dr. Casuga commented that it was good to review bills such as the foregoing, even though they may not directly impact the provision of mental health services per se. She supported a watch position.

Dr. Cervantes concurred on supporting a watch position on this bill.

5. SB 1451 (Ashby) Professions and vocations

Update begins on page 215 of the materials packet.

Staff recommended a position of Support if Amended, with the intent that with the addition of clarifying language, licensees would still be able to identify themselves by the term “doctor”, as long as the use was not misleading or easily misconstrued.

Mr. Pane commented that enforcement of the term “doctor” is under the control of the Medical Board of California (MBC), and that this bill seeks to provide more context for how that term might be used.

Dr. Cervantes called for Committee comment.

Dr. Phillips commented on the importance of bringing clarification to the bill, especially to recognize that licensees of the Board are not likely to impersonate licensees of MBC and should have the right to assert the achieving a doctorate degree. He supports the staff recommendation to take a Support If Amended position, or possibly to take an Oppose Unless Amended, whichever was most appropriate.

Dr. Cervantes commented in favor of taking an Oppose Unless Amended position.

It was (M)Phillips(S)Casuga(C) to recommend to the Board taking an Oppose Unless Amended position on SB 1451 to further contextualize the use of the word ‘doctor’, or the prefix ‘Dr.’.

Dr. Casuga asked staff to comment on what impacts there might be to board operations if SB 1451 passed in its current form, without the desired amendments.

Mr. Polk commented that it would be possible that more complaints would be filed with the board, without the clarification sought by the Board as to the use of the terms ‘doctor’ and ‘Dr.’.

Ms. Sorrick commented that licensees have expressed not wanting to run afoul of the Medical Practice Act, so further context and clarification is desirable to avoid this.

Dr. Cervantes called for public comment.

Dr. Andrea Davis of CPA Local Advocacy Networking Committee recommended an Oppose Unless Amended position on SB 1451, commenting that the bill as written might cause California to be the only jurisdiction in the world where Psychologists' use of these terms would be questioned.

Dr. Elizabeth Winkelman of CPA commented that there already are restrictions on how Psychologists use these terms, so it is important to fix the existing language so that prohibitions do not needlessly expand and put Psychologists on difficult legal standing.

June Hayes, PhD commented in support of taking an Opposed Unless Amended position, given the excessive scope of this bill's language, which would implicate many professionals across many fields for their use of these terms.

Further comment spoke to the discredit done to licensees by being prohibited from using these terms after having worked many years to obtain a doctorate, and that there would be confusion as to whether use of these terms was prohibited across the board, or only in medical settings.

Tyler Rinde, Director of Government Affairs at CPA, commented that the language in question was added a few days before the Senate B&P Committee hearing, and stakeholders were not notified about the addition; however, clarifying language exempting psychologists and other professionals possessing a doctorate degree has not been put forth, and Mr. Rinde appreciates the Committee's position to oppose the bill unless amended.

Additional comment was offered in support of the Committee's position to oppose this bill unless amended.

Mr. Pane commented that under current statute, the Medical Board prohibits the holder of a doctorate degree from identifying themselves as a medical surgeon, and this is how the statute has been applied up until the present. This bill intends to provide additional clarification about how the existing prohibition is to be applied.

Dr. Phillips commented that while the proposed language is overbroad and could sweep up psychologists or others who rightly use the term 'doctor', the intent of the bill would seem to have more to do with the use of titles like 'naturopathic doctor' or 'functional medical doctor', which could cause confusion as to that individual's qualifications.

Dr. Casuga commented that for the field of psychology, it is important to maintain that psychologists have parity with medical doctors in terms of providing critical services to consumers which are distinct from what other practitioners holding a doctorate might provide. She added that psychologists should continue to be recognized for their educational attainment without being concerned about violating Medical Board statute.

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

c) Bills with Active Positions Taken by the Board

1. AB 1991 (Bonta) Licensee and Registrant Records
2. AB 2051 (Bonta) Psychology interjurisdictional compact
3. AB 2270 (Maienschein) Healing arts: continuing education: menopausal mental and physical health
4. AB 2581 (Maienschein) Healing arts: continuing education: maternal mental health 2
5. AB 2703 (Aguiar-Curry) Federally qualified health centers and rural health clinics: psychological associates
6. SB 1012 (Wiener) The Regulated Psychedelic-assisted Therapy Act and the Regulated Psychedelic Substances Control Act
7. SB 1067 (Smallwood-Cuevas) Healing Arts: expedited licensure process: medically underserved area or population

Mr. Polk provided an update on AB 1991, starting on page 245 of the meeting materials.

Mr. Polk then provided an update on SB 1012, commenting that it failed to move out of the Appropriations Committee and was no longer moving through the legislative process.

Mr. Polk provided an update on SB 1067, starting on page 451 of the meeting materials.

Dr. Cervantes called for Committee comment.

No Committee comment was offered.

d) Watch Bills

1. AB 2282 (McKinnor) Family reunification services
2. AB 2862 (Gipson) Licenses: African American applicants

Dr. Cervantes called for Committee comment.

No Committee comment was offered.

Dr. Cervantes called for public comment.

Stephanie Chen of the California Institute of Integral Studies shared the Committee's concerns about AB 2051 and also opposes this bill.

Dr. Andrea Davis of Greenhouse Therapy Center commented that she hoped the Board might reconsider future bills that pertain to insurance in terms of the effect they have on the practice of psychology.

Dr. Casuga asked Mr. Polk to share any updates on AB 2051 since there had just been public comment on it.

Mr. Polk provided an update on AB 2051, starting on page 256 of the meeting materials.

Agenda Item #6: Legislative Items for Future Meeting. The Committee May Discuss Other Items of Legislation in Sufficient Detail to Determine Whether Such Items Should be on a Future Committee or Board Meeting Agenda and/or Whether to Hold a Special Meeting of the Committee or Board to Discuss Such Items Pursuant to Government Code Section 11125.4

Dr. Cervantes called for Committee and staff comments.

Dr. Cervantes called for public comment.

No public comment offered.

Agenda Item #7: 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 the update on this item, starting on page 496 of the meeting materials.

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

No discussion on item 7b.

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

No discussion on item 7c.

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, 1397.39, 1397.50, 1397.51, 1397.52, 1397.53, 1397.54, and 1397.55 - Enforcement Provisions

No discussion on item 7d.

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

325 No discussion on item 7e.

326
327 f) 16 CCR sections 1381, 1387, 1387.10, 1388, 1388.6, 1389, and 1389.1 EPPP-2

328
329 Mr. Polk provided the update on this item, starting on page 497 of the meeting
330 materials.

331
332 g) 16 CCR sections 1367-1378.5 – Research Psychoanalyst Registration

333
334 Mr. Polk provided the update on this item, on page 488 of the meeting materials.

335
336 **Agenda Item #8: Recommendations for Agenda Items for Future Board Meetings.**
337 **Note: The Committee May Not Discuss or Take Action on Any Matter Raised**
338 **During This Public Comment Section, Except to Decide Whether to Place the**
339 **Matter on the Agenda of a Future Meeting [Government Code Sections 11125 and**
340 **11125.7(a)].**

341
342 Dr. Cervantes called for Committee and staff comment.

343
344 No Committee or staff comment offered.

345
346 Dr. Cervantes called for public comment.

347
348 No public comment offered.

349
350 **ADJOURNMENT**

351
352 The meeting adjourned at 12:15 p.m.