

MINUTES OF BOARD MEETING  
February 27-28, 2025

Department of Consumer Affairs  
1747 N. Market Blvd., Ruby Room  
Sacramento, CA 95834

**Board Members Present**

Lea Tate, PsyD, President  
Shacunda Rodgers, PhD, Vice President  
Sheryll Casuga, PsyD, CMPC  
Mary Harb Sheets, PhD  
Julie Nystrom  
Ana Rescate

**Board Members Absent**

Marisela Cervantes, EdD, MPA  
Seyron Foo  
Stephen Phillips, JD, PsyD

**Board Staff**

Jonathan Burke, Interim Executive Officer  
Stephanie Cheung, Licensing Manager  
Sandra Monterrubio, Enforcement Program Manager  
Cynthia Whitney, Central Services Manager  
Jacklyn Mancilla, Legislative and Regulatory Analyst  
Troy Polk, CPD/Renewals Coordinator  
Evan Gage, Special Projects Analyst  
Anthony Pane, Board Counsel  
Sam Singh, Regulatory Counsel

Thursday, February 27, 2025

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

Dr. Tate called the meeting to order at 9:00 a.m. A quorum was present and due notice had been sent to all interested parties.

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

Dr. Tate made opening comments and commented that Dr. Rodgers would lead a mindfulness exercise later in the meeting.

a) Mindfulness Exercise

45 Dr. Tate called for Board comment.

46  
47 No Board comment was offered.

48  
49 Dr. Tate called for public comment.

50  
51 No public comment was offered.

52  
53 **Agenda Item #3: Public Comment for Items Not on the Agenda. Note: The Board**  
54 **May Not Discuss or Take Action on Any Matter Raised During this Public**  
55 **Comment Section, Except to Decide Whether to Place the Matter on the Agenda**  
56 **of a Future Meeting [Government Code sections 11125 and 11125.7(a)].**

57  
58 Dr. Tate called for public comment.

59  
60 No public comment was offered.

61  
62 **Agenda Item #4: Discussion and Possible Approval of the Board Meeting**  
63 **Minutes: November 7-8, 2024**

64  
65 It was (M)Harb Sheets(S)Casuga(C) to adopt and approve the November 7-8, 2024,  
66 Board meeting minutes.

67  
68 Dr. Tate called for public comment.

69  
70 No public comment was offered.

71  
72 Dr. Tate called for Board comment.

73  
74 No Board comment was offered.

75  
76 Votes

77 6 Ayes (Casuga, Harb Sheets, Nystrom, Rescate, Rodgers, Tate), 0 Noes

78  
79 **Agenda Item #5: Discussion and Possible Approval of the Board Meeting**  
80 **Minutes: December 20, 2024**

81  
82 It was (M)Nystrom(S)Rodgers(C) to approve the December 20, 2024, Board meeting  
83 minutes.

84  
85 Dr. Tate called for public comment.

86  
87 No public comment was offered.

88  
89 Dr. Tate called for Board comment.

90  
91 No Board comment was offered.

92

Votes

6 Ayes (Casuga, Harb Sheets, Nystrom, Rescate, Rodgers, Tate), 0 Noes

**Agenda Item #6: President's Report**

a) Meeting Calendar

Dr. Tate provided the update on this item, on page 61 of the meeting materials.

Dr. Tate called for Board comment.

No Board comment was offered.

Dr. Tate called for public comment.

No public comment was offered.

**Agenda Item #7: Interim Executive Officer's Report**

a) Personnel Update

Mr. Burke provided the update on this item.

Mr. Burke welcomed Jacklyn (Jacky) Mancilla to the board as the new Legislative and Regulatory Affairs Analyst.

Mr. Burke commented on the Board's Legislative Visits that were just concluded.

Dr. Tate asked Mr. Burke how these visits were received by the Legislative Members of the Business, Profession and Economic Development Committee. Mr. Burke replied that the meetings went very well, and he thanked the Board Members who had taken the time to participate.

Dr. Tate called for Board comment.

No Board comment was offered.

Dr. Phillips arrived and joined the meeting at 9:11 a.m.

Dr. Tate called for public comment.

No public comment was offered.

**Agenda Item #8: DCA Update**

Legislative Analyst Christi Van Eyken from Legislative Affairs Division provided the update on this item on behalf of DCA Board and Bureau Relations (BBR).

Ms. Van Eyken commented that Governor Newsom signed Executive Order N-15-25 on January 29, 2025, to provide emergency relief to businesses that had suffered damage or loss during the Los Angeles wildfires by temporarily waiving renewal and other fees.

Ms. Van Eyken provided further information on DCA online resources and messaging, which BBR encouraged all Boards and Bureaus to share with as many stakeholders as possible.

Dr. Tate commented on concerns over the rolling back of certain Diversity, Equity, and Inclusion (DEI) programs and asked what steps Governor Newsom's administration might take.

Mr. Burke commented that DCA's DEI initiatives are still in place, and new programs continue to be developed. He said that DEI was an integral component of the Board's Strategic Plan, and that changes at the Federal level would likely have no effect on the Board's ongoing deployment of DEI.

Dr. Tate called for Board comment.

No Board comment was offered.

Dr. Tate called for public comment.

No public comment was offered.

### **Agenda Item #12: Budget Report**

Suzanne Balkis from DCA Fiscal Services provided the update on this item, starting on page 70 of the meeting materials.

Dr. Tate called for Board comment.

Ms. Nystrom asked how the board's budget might be affected by the waiver of renewal fees under Executive Order N-15-25.

Ms. Balkis commented that the board fund is in good condition to allow for this delay in receiving renewal fees, and that there are 9.2 months in reserve.

No further Board comment was offered.

Dr. Tate called for public comment.

No public comment was offered.

### **Agenda Item #9: Enforcement Report**

Ms. Monterrubio provided the update on this item, starting on page 62 of the meeting materials.

187  
188 Dr. Tate called for Board comment.

189  
190 No Board comment was offered.

191  
192 Dr. Tate called for public comment.

193  
194 No public comment was offered.

195  
196 **Agenda Item #2a: Mindfulness Exercise**

197 a) Mindfulness Exercise

198  
199 Dr. Tate introduced Dr. Rodgers who lead a mindfulness exercise.

200  
201 **Agenda Item #10: Petition for Early Termination of Probation – William Brito, PhD**

202  
203 Administrative Law Judge Sean Gavin presided. Deputy Attorney General Matthew  
204 Fleming was present and represented the People of the State of California. Dr. William  
205 Brito, PhD was present and was represented by Jeff Kravitz, Esq.

206  
207 **CLOSED SESSION**

208  
209 **Agenda Item #11: The Board will Meet in Closed Session Pursuant to Government**  
210 **Code Section 11126(c)(3) to Discuss Disciplinary Matters Including Petitions for**  
211 **Reinstatement, Modification, or Early Termination, Proposed Decisions,**  
212 **Stipulations, Petitions for Reconsideration, and Remands.**

213  
214 **RETURN TO OPEN SESSION**

215  
216 **Agenda Item #13: Licensure Committee Report and Consideration of Committee**  
217 **Recommendations**

218  
219 Dr. Harb Sheets introduced this item and called on Ms. Xiong to provide the Licensing  
220 Report.

221  
222 a) Licensing Report

223  
224 Ms. Xiong provided the Licensing Report, starting on page 74 of the meeting materials.

225  
226 Dr. Harb Sheets commented that Registered Psychological Associates were now able  
227 to put their registrations on inactive status, allowing them to preserve time towards their  
228 72-month limit when they are not able to provide psychological services.

229  
230 Dr. Harb Sheets called for Board comment.

231  
232 No Board comment was given.

233  
234 Dr. Harb Sheets called on Ms. Hansen to provide the Examination Report.

235  
236 b) Examination Report  
237  
238 Ms. Hansen provided the Examination Report, starting on page 84 of the meeting  
239 materials.  
240  
241 Dr. Harb Sheets called for Board comment.  
242  
243 No Board comment was offered.  
244  
245 Dr. Harb Sheets called on Mr. Polk to provide the Continuing Professional Development  
246 (CPD) and Renewals Report.  
247  
248 c) Continuing Professional Development and Renewals Report  
249  
250 Mr. Polk provided the CPD and Renewals Report, starting on page 87 of the meeting  
251 materials.  
252  
253 Dr. Harb Sheets called for Board comment.  
254  
255 Dr. Phillips commented that it was nice to see that staff had made good progress in  
256 working through the backlog of license verifications.  
257  
258 Dr. Cervantes arrived and joined the meeting at 1:12 p.m.  
259  
260 Dr. Rodgers asked if staff had a policy regarding audits of licensees who were impacted  
261 by the Los Angeles wildfires, especially when records of completed CPD might have  
262 been lost.  
263  
264 Ms. Whitney commented that staff had received some emails from licensees who had  
265 been affected by the wildfires, and that staff would take these into account when  
266 selecting a licensee to be audited.  
267  
268 d) Barriers to Telehealth Survey Follow-up: Review Telehealth Best Practice –  
269 Reference Document  
270  
271 Dr. Harb Sheets provided the update on this item, starting on page 92 of the meeting  
272 materials.  
273  
274 Dr. Harb Sheets called for Board comment.  
275  
276 Dr. Casuga asked whether any of the provided links had information on telehealth  
277 assessments.  
278  
279 Dr. Harb Sheets invited Dr. Casuga to submit an article on conducting assessments via  
280 telehealth, and Dr. Casuga agreed to draft something.  
281  
282 e) Stakeholder Meeting Preparation: Discussion and Possible Action

283  
284 Dr. Harb Sheets provided the update on this item, starting on page 95 of the meeting  
285 materials.

286  
287 Dr. Harb Sheets asked Ms. Cheung to comment on the Board's outreach to Board of  
288 Behavioral Sciences (BBS).

289  
290 Ms. Cheung commented that the Board had reached out to several Boards and  
291 Commissions with an offer to host a stakeholders meeting. Staff would follow up with  
292 the offer since so far there had been no responses. She added that, considering the  
293 amount of preparation needed to put together this meeting, the deadline for involving  
294 other Boards was rapidly approaching. She said that it might become necessary to  
295 postpone the meeting.

296  
297 Dr. Harb Sheets commented that the Board had authorized the stakeholders meeting,  
298 and that maybe it was now appropriate to discuss the timing of it.

299  
300 Ms. Cheung commented on the intended scope and content of the stakeholder meeting,  
301 namely that it should clarify for consumers the various types of licenses identifying the  
302 licensee as a psychologist. She commented that the Licensure Committee had  
303 discussed changing the scope of the meeting to include Masters-level practitioners.

304  
305 Dr. Harb Sheets called for Board comment.

306  
307 Dr. Casuga asked about the efforts staff were making to include BBS in this  
308 conversation.

309  
310 Ms. Cheung replied that staff had contacted BBS at the beginning of the year, and that  
311 staff would keep the Board and the Licensure Committee apprised of efforts made to  
312 communicate with BBS.

313  
314 Dr. Casuga suggested adding the Association of Regional Center Agencies (ARCA) to  
315 the stakeholders list, and Dr. Cervantes suggested adding unions that might represent  
316 personnel in school districts.

317  
318 f) NACES Presentation on Foreign Degree Evaluation

319  
320 Dr. Harb Sheets provided the update on this item, starting on page 96 of the meeting  
321 materials.

322  
323 Dr. Harb Sheets commented that when a person holding a doctoral degree from a  
324 foreign nation (Canada excepted) applies for licensure, the credential must be  
325 evaluated by NACES or another organization to confirm that it is comparable to a  
326 regionally accredited doctoral program in the United States.

327  
328 Dr. Harb Sheets called for Board comment.

329  
330 No Board comment was offered.

Dr. Harb Sheets called for public comment on items 13(a)-(f).

Dr. Elizabeth Winkelman from the California Psychological Association (CPA) requested that when the stakeholder meeting is going forward, CPA should be involved, as should psychologists with expertise in the relevant areas, such as an educational psychologist.

Dr. Feather Gaither remarked on Dr. Harb Sheets' comments about public perceptions regarding the roles of psychologists in the State. Dr. Gaither commented on her own experiences in applying to the Board of Psychology for licensure in California, and the confusion that arose when her husband, a school psychologist, had to apply to BBS.

#### **Agenda Item #14: Enforcement Committee Report and Consideration of Committee Recommendations**

##### **a) Telehealth Regulations and Statutes**

Dr. Phillips introduced this item, and Ms. Monterrubio provided the update, starting on page 132 of the meeting materials.

#### **BUSINESS AND PROFESSIONS CODE - BPC**

#### **DIVISION 2. HEALING ARTS [500 - 4999.129]**

*(Division 2 enacted by Stats. 1937, Ch. 399.)*

#### **CHAPTER 5. Medicine [2000 - 2529.6]**

*(Chapter 5 repealed and added by Stats. 1980, Ch. 1313, Sec. 2.)*

#### **ARTICLE 12. Enforcement [2220 - 2319]**

*(Article 12 added by Stats. 1980, Ch. 1313, Sec. 2.)*

#### **2290.5.**

(a) For purposes of this division, the following definitions apply:

(1) "Asynchronous store and forward" means the transmission of a patient's medical information from an originating site to the health care provider at a distant site.

(2) "Distant site" means a site where a health care provider who provides health care services is located while providing these services via a telecommunications system.

(3) "Health care provider" means any of the following:

(A) A person who is licensed under this division.

(B) An associate marriage and family therapist or marriage and family therapist trainee functioning pursuant to Section 4980.43.3.

(C) A qualified autism service provider or qualified autism service professional certified by a national entity pursuant to Section 1374.73 of the Health and Safety Code and Section 10144.51 of the Insurance Code.

(D) An associate clinical social worker functioning pursuant to Section 4996.23.2.

(E) An associate professional clinical counselor or clinical counselor trainee functioning pursuant to Section 4999.46.3.

(4) "Originating site" means a site where a patient is located at the time health care services are provided via a telecommunications system or where the asynchronous store and forward service originates.



(5) "Synchronous interaction" means a real-time interaction between a patient and a health care provider located at a distant site.

(6) "Telehealth" means the mode of delivering health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient's health care. Telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers.

(b) Before the delivery of health care via telehealth, the health care provider initiating the use of telehealth shall inform the patient about the use of telehealth and obtain verbal or written consent from the patient for the use of telehealth as an acceptable mode of delivering health care services and public health. The consent shall be documented.

(c) This section does not preclude a patient from receiving in-person health care delivery services during a specified course of health care and treatment after agreeing to receive services via telehealth.

(d) The failure of a health care provider to comply with this section shall constitute unprofessional conduct. Section 2314 shall not apply to this section.

(e) This section does not alter the scope of practice of a health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

(f) All laws regarding the confidentiality of health care information and a patient's rights to the patient's medical information shall apply to telehealth interactions.

(g) All laws and regulations governing professional responsibility, unprofessional conduct, and standards of practice that apply to a health care provider under the health care provider's license shall apply to that health care provider while providing telehealth services.

(h) This section shall not apply to a patient under the jurisdiction of the Department of Corrections and Rehabilitation or any other correctional facility.

(i) (1) Notwithstanding any other law and for purposes of this section, the governing body of the hospital whose patients are receiving the telehealth services may grant privileges to, and verify and approve credentials for, providers of telehealth services based on its medical staff recommendations that rely on information provided by the distant-site hospital or telehealth entity, as described in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

(2) By enacting this subdivision, it is the intent of the Legislature to authorize a hospital to grant privileges to, and verify and approve credentials for, providers of telehealth services as described in paragraph (1).

(3) For the purposes of this subdivision, "telehealth" shall include "telemedicine" as the term is referenced in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

(Amended by Stats. 2022, Ch. 520, Sec. 1. (AB 1759) Effective January 1, 2023.)

**[END OF STATUTORY LANGUAGE]**

**PROPOSED REGULATORY LANGUAGE**  
**Standards of Practice for Telehealth Services**

<b>Legend:</b>	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by <del>strikeout</del> .
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**Amend section 1396.8 of Division 13.1 of Title 16 of the California Code of Regulations to read as follows:**

**§ 1396.8. Standards of Practice for Telehealth Services.**

All psychological services offered by board licensees and registrants via telehealth fall within the jurisdiction of the board just as traditional face-to-face services do.

(a) A licensee is permitted to provide psychological ~~health-care~~ services via telehealth subject to the laws and regulations of the other jurisdiction where either the licensee and/or the client is located, including, but not limited to, the following circumstances:

- (1) To a client at an originating site in this State, as defined in section 2290.5 of the Code, when a licensee is located at a distant site within this State;
- (2) To a client who has received services in this State, and who is temporarily located outside of this State; or
- (3) To a client who is located in this State when a licensee is ~~temporarily~~ located outside of this State.

(b) As used in this section, a licensee shall include a licensee, registrant, psychology trainee, or other supervised individual permitted to provide psychological services under the Psychology Licensing Law, beginning with section 2900 of the Code.

(c) The provision of psychological ~~health-care~~ services under subdivision (a) are subject to the following conditions:

- (1) The licensee holds a valid and current license issued by the Board or is otherwise allowed to practice under this section.
- (2) The licensee obtains and documents informed consent for the provision of psychological ~~health-care~~ services via telehealth from the client. Such consent shall cover concerns unique to the receipt of psychological ~~health-care~~ services via telehealth, including risks to confidentiality and security, data storage policies and procedures specific to telehealth, the possibility of disruption and/or interruption of service due to technological failure, insurance coverage considerations, and other issues that the licensee can reasonably anticipate regarding the non-comparability between psychological ~~health-care~~ services delivered in person and those delivered via telehealth.

(3) The licensee determines that delivery of psychological ~~health-care~~ services via telehealth is appropriate after considering at least the following factors:

(A) The client's diagnosis, symptoms, medical, and psychological history;

(B) The client's choice ~~preference for receiving~~ to receive psychological ~~health-care~~ services via telehealth;

(C) The nature of the psychological ~~health-care~~ services to be provided, including anticipated benefits, risks, and constraints resulting from their delivery via telehealth;

(D) The benefits, risks, or constraints posed by the client's physical location. These include ~~the availability of a safe and private~~ physical space for ~~the receipt of~~ psychological ~~health-care~~ services via telehealth, accessibility of local emergency psychological ~~health-care~~ services, other considerations related to the client's diagnosis, symptoms, or condition, the client's access to technological resources, and the client's ability to use the chosen technology.

(E) The provision of telehealth services is within the scope of competency of a psychology trainee, or other supervised individuals as specified in (b) above, who provides psychological ~~health-care~~ services under the supervision of the licensee.

(4) The licensee is competent to deliver such services based upon whether the licensee possesses the appropriate knowledge, skills, and abilities relating to delivery of psychological ~~health-care~~ services via telehealth, the information technology chosen for the delivery of telehealth services, and how such services might differ from those delivered in person.

(5) The licensee takes reasonable steps to ensure that electronic data is transmitted securely, and informs the client immediately of any known data breach or unauthorized dissemination of data.

(6) The licensee complies with all other provisions of the Psychology Licensing Law and its attendant regulations, and all other applicable provisions of law and standards of care in this State and the other jurisdiction, if any, where either the licensee or the client is located-, including all relevant Federal laws and regulations related to telehealth.

*NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 686, 2290.5, 2904.5, 2960 and 2960.6, Business and Professions Code.*

**[END OF REGULATORY LANGUAGE]**

Dr. Phillips called for Board comment.

No Board comment was offered.

It was (M)Phillips(S)Harb Sheets(C) to approve the proposed regulatory text for Section 1396.8 and direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Interim Executive Officer or Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested.

If the Board does not receive any comments providing objections or adverse recommendations specifically directed at the proposed action or to the procedures followed by the Board in proposing or adopting the action during the 45-day comment period, and no hearing is requested, then the Board authorizes the Executive Officer to take all steps necessary to initiate the rulemaking process, make any technical or non-substantive changes to the package, and adopt the proposed regulations at Section 1396.8 as noticed.

Dr. Phillips called for further Board comment.

No further Board comment was offered.

Dr. Phillips called for public comment.

No public comment was offered.

Votes

8 Ayes (Casuga, Cervantes, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate), 0 Noes

#### **Agenda Item #15: Legislative and Regulatory Affairs Committee Update**

Dr. Casuga introduced this item, and Ms. Mancilla provided the update, starting on page one of the hand-carry meeting materials.

a) Review of Bills for Active Position Recommendations to the Board

1) AB 489 (Bonta) Health care professions: deceptive terms or letters: artificial intelligence.

It was (M)Phillips(S)Harb Sheets(C) to take a Support if Amended position on AB 489 to include reports, assessments, and other amendments identified by the Board.

Dr. Casuga commented that the spirit of AB 489 is in keeping with the Board's current Strategic Plan, specifically Part 3.3. She asked whether staff had spoken with Assemblymember Bonta's office about this bill.

Mr. Burke commented that a meeting with Bonta's office would take place in the coming days.

Dr. Casuga asked what the expected impacts might be to the Enforcement Unit's case load if multiple violations of this bill were cited.

Mr. Polk replied that this was being discussed with Ms. Monterrubio, Manager of the board's Enforcement Unit, especially as to how implementation of this bill could lead to increased caseload for that unit. He commented that staff would share the Board's concerns with Bonta's office, in terms of having to consider each separate instance of the use of protected psychological terms as a violation that would have to be investigated.

Dr. Harb Sheets asked whether AB 489 would view AI's use of protected psychological terms to be a violation, and Dr. Phillips confirmed this.

Dr. Phillips commented that Dr. Casuga's question about impacts to Enforcement caseloads was a separate issue, but that it would be a good issue to share with Bonta's office.

Dr. Cervantes asked how AI was being used by licensees, whether there were emerging trends in using AI for report-writing, for example.

Dr. Phillips commented that there have been instances where psychologists acting as subject matter experts have been discovered to have submitted AI-generated opinions in court. He commented that the issue is extremely problematic.

Dr. Cervantes asked whether there were already safeguards in place to protect against AI being used to produce reports and assessments.

Dr. Phillips replied that there are tools that might assist in producing reports and assessments, the difference being that it is up to the licensee to interpret the results. Rather than try to narrow the regulations to particular instances of where these tools might be used, the question should really refer to the standard of care to determine what is appropriate.

Dr. Casuga commented that the focus should be on what is already in place to safeguard against these tools being used inappropriately, since it would be difficult to try to plan for every potential violation.

Dr. Casuga called for further Board comment.

No further Board comment was offered.

Dr. Casuga called for public comment.

Tyler Rinde of CPA commented that the Board of CPA has taken a support position on AB 489.

Dr. Gaither commented that there are applications available to reach youth 'where they are at', but that at no time do these attempt to portray the presence of a licensed psychologist. She was concerned about the scope of AB 489, that it should not target such applications while it went after misuses of protected psychological terms by AI tools.

Dr. Sabrina Dannels proposed that coursework could be developed to help practitioners understand the dangers of using AI.

Dr. Casuga commented that the Board could still develop a fact sheet on the issues of using AI in a practice.

Votes

7 Ayes (Casuga, Cervantes, Harb Sheets, Phillips, Rescate, Rodgers, Tate), 1 Recusal (Nystrom), 0 Noes

b) Watch Bills

1) AB 81 (Ta) Veterans: Mental Health

2) AB 257 (Flora) Specialty care network: telehealth and other virtual services

3) AB 277 (Alanis) Autism: behavioral technician certification

Ms. Mancilla provided the update on this item, starting on page 138 of the meeting materials.

Dr. Harb Sheets commented on AB 257, on the use of the word 'maternal'.

Ms. Mancilla confirmed that this was indeed correct, that this reflected the expanded scope of this bill.

No action taken, and staff would continue to monitor these bills.

Dr. Casuga called for further Board comments.

No further Board comments were offered.

Dr. Casuga called for public comment on items 15(b)(1-3).

No public comment was offered.

c) 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.

Dr. Casuga called for Board comment.

No Board comment was offered.

Dr. Casuga called for public comment.

No public comment was offered.

**Agenda Item #16: Regulatory Update, Review, and Consideration of Additional Changes**

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

b) 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

c) 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

d) 16 CCR sections 1397.35 – 1397.40 – Corporations

e) 16 CCR sections 1381, 1387, 1387.10, 1388, 1388.6, 1389, and 1389.1 – Applications - Implementation of AB 282

f) Sections 1390 – 1390.14 of Division 13.1 of Title 16 of the California Code of Regulations – Research Psychoanalyst Regulation

Mr. Polk provided the update on this item, starting on page 140 of the meeting materials.

Mr. Polk introduced Mr. Singh to comment on the decision to divide the regulatory package for Sections 1390 – 1390.14 into two separate packages.

Mr. Singh commented that this decision arose through a desire to get at least some regulations in place by the January 1, 2025, effective date for Research Psychoanalysts to be under the authority of the Board. After further consideration, the two packages were combined into one to avoid having to wait until the next regulatory cycle to finish the process.

Dr. Phillips asked whether the Board had seen the second package, and Mr. Burke confirmed that they had, when it was presented to the Board last November by the Research Psychoanalyst Ad Hoc Committee.

Dr. Casuga called for further Board comment.

No further Board comment was offered.

Dr. Casuga called for public comment on items 16(a-f).

No public comment was offered.

**Agenda Item #17: Discussion and Possible Action on Proposed Changes to the American Psychological Associations Ethical Principles of Psychologists and Code of Conduct**

Dr. Tate introduced this item, and Mr. Burke provided the update starting on page 13 of the hand-carry materials.

Dr. Harb Sheets commented that the current American Psychological Association's (APA) Ethical Principles of Psychologists and Code of Conduct (Ethics Code) considers the ethical principles to be aspirational, and the ethical standards to be enforceable. She commented that the new language suggests that principles and standards should be considered together, whereas in current practice, it is the standards that are emphasized. She added that this might change the enforcement picture somewhat.

Mr. Pane commented that this new view would not cause problems such as Dr. Harb Sheets was describing.

Dr. Harb Sheets commented further that the new language allowed for public statements that no longer needed to be qualified as opinion.

Dr. Phillips commented that the new approach of combining the standards and principles in determining ethical violations was confusing.

Mr. Pane commented that if a situation arose where the ethical standards and ethical principles seem to come into opposition, the first step would be to try read them together. This way, he added, the two could be viewed harmoniously rather than to consider them mutually exclusive.

Dr. Harb Sheets asked whether the current Ethics Code refers only to ethical standards. She commented on the differences between aspirational and standard practices.

Dr. Phillips asked whether the changes under consideration would cause the Board to have to update the regulations.

Mr. Burke commented that the ethics referred to in the Board's current regulations would allow these changes without triggering a new rulemaking.

Dr. Phillips commented that the Enforcement Committee would need to decide whether to continue to look only at ethical standards for the purposes of determining violations, or whether a change in regulations would be needed to consider ethical principles as well.

Dr. Tate commented that in this revision, principles are still seen as aspirational and inspirational. She asked about the quickest way to review the revision ahead of the March 19, 2025, deadline to provide feedback to APA.



Mr. Burke replied that the review could be delegated to a Board Member, who would then work with staff to provide comments.

Dr. Phillips commented that the Ethics Code is about the standards of the profession, and added that the Board does not set these standards except in very specific situations. He said that the standards overall are set by the profession. He said that in this light, it may not be the Board's place to be making comments to APA about these changes.

Dr. Harb Sheets agreed, and added that the Board needs to look at its own regulations in light of these changes, and determine whether concomitant changes to the Board's regulations might be appropriate.

Dr. Tate called for public comment.

Dr. Winkelman of CPA commented that the proposed revision is much longer and more complex than before. She added that making the ethical principles enforceable now would be very burdensome and could cause confusion about how to interpret what compliance looked like.

Dr. Phillips commented that, for licensees, the advantage of the current ethical language is that it is so explicit and easy to follow. He added that adding principles as an enforceable category takes away that specificity. He pointed to the future need to educate Subject Matter Experts (SMEs) on the expanded scope of ethical behavior in their reviews.

Dr. Harb Sheets and Dr. Phillips discussed that standards of practice were high enough for people to perform at a competent level, while principles of practice aimed much higher than that.

The Board decided to take no action.

No further public comment was offered.

Dr. Cervantes commented that the Board could make a presentation on the revised Ethics Code.

Dr. Harb Sheets commented that some sort of discussion of the revisions could be matter for a future agenda.

Dr. Phillips commented that the Board could present an overview, because otherwise it would be a long presentation.

#### **Agenda Item #18: 2025 Sunset Review Report**

a) Discussion and Possible Action on the Board's Sunset Review Report

Dr. Tate introduced this item, and Mr. Burke provided the update, starting on page 143 of the meeting materials.

Dr. Tate called for Board comment.

No Board comment was offered.

Dr. Tate called for public comment.

No public comment was offered.

b) Discussion and Possible Action on California Psychological Association Psychological Testing Technician (PTT) Proposal for Inclusion in Sunset Bill

Mr. Burke provided the update on this item, starting on page 436 of the meeting materials.

Dr. Cervantes commented that this proposal could cause confusion, because 3(b) calls for proof of a bachelor's degree, while 3(b)(2) identifies educational psychology as one of the acceptable areas of specialization; however, educational psychology is not available at the baccalaureate level in California. She asked for a clarifying example.

Mr. Burke commented that this proposal was intended to clarify the qualifications that were most necessary in determining eligibility for this registration. He gave an example of two applicants having similar backgrounds, but the one who was approved for registration had done considerably more psychological coursework.

Dr. Winkelman of CPA commented that the motivation behind this proposal was to expand the pool of registrants who could perform psychological testing, given enormous backlogs in tests. She added that the intention was to avoid giving more work to board staff in having to review coursework across a broad spectrum.

Tyler Rinde of CPA commented that the idea driving 3(b)(2) was that someone might not be educated as a psychologist, but might be highly qualified in another area, such as neuroscience. He added that the proposed language needed to be broad enough to encompass the many different programs across the country without having to drill down into the specifics of any particular one.

Dr. Cervantes asked Mr. Burke whether the Board could better describe the coursework that would allow someone to be eligible for the psychological testing technician registration.

Mr. Burke commented that there was not a list of acceptable prerequisite classes such as Dr. Cervantes was describing. He added that a psychologist acting as Subject Matter Expert (SME) would make the final determination as to eligibility.

Ms. Cheung commented that becoming over-specific about prerequisites would create a greater workload for staff. She stated that managing this registration at present is not

overly taxing to staff, and added that having a list of prerequisites could simplify the registration process.

Dr. Phillips commented that it would be important that the applicant should have a foundation in psychology.

Discussion ensued on the language drafted by CPA:

**2999.101.** To register as a psychological testing technician, a person shall submit the following to the board:

(a) An application that includes the following information:

(1) The applicant's name, identification, and contact information.

(2) The applicant's supervisor's name, license number, and contact information.

(3) Attestation under penalty of perjury that the information provided on the application is true and correct.

(b) Proof of completion of a bachelor's degree or graduate degree, or proof of current enrollment in a graduate degree program, from a regionally accredited university, college, or professional school, ~~in either any~~ of the following ~~subjects:~~ areas:

(1) Psychology, including any field of specialization.

(2) Education, with the field of specialization in educational psychology, counseling psychology, or school psychology.

(3) Neurosciences, cognitive science, or behavioral sciences, including any field of specialization.

(4) (A) Any other closely related degree.

(B) The board shall make the final determination as to whether a degree or degree program meets the requirements of this paragraph.

(c) (1) Proof of completion of a minimum of 80 hours total of education and training relating to psychological or neuropsychological test administration and scoring that includes the following:

(A) At least 20 hours of direct observation, including at least 10 hours of direct observation of a licensed psychologist administering and scoring tests, and at least 10 hours of direct observation of either a licensed psychologist or registered psychological testing technician administering and scoring tests.

(B) At least 40 hours of administering and scoring tests in the presence of a licensed psychologist.

(C) At least 20 hours of education on topics including law and ethics, confidentiality, and best practices for test administration and scoring.

(2) Education and training may be obtained by doing any combination of the following:

(A) Participating in individual or group instruction provided by a licensed psychologist.

(B) Engaging in independent learning directed by a licensed psychologist.

(C) Completing graduate-level coursework at a regionally accredited university, college, or professional school.

(D) Taking continuing education courses from organizations with board approval pursuant to Section 2915.

(3) ~~Nothing in this chapter shall~~ This chapter does not prevent a person engaged in gaining the experience required by this subdivision from administering and scoring psychological and neuropsychological tests.

(d) The registration fee for a psychological testing technician as specified in Section 2987.

(e) Electronic fingerprint image scans for a state- and federal-level criminal offender record information search conducted through the Department of Justice.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within meaning of Section 6 of Article XIII B of the California Constitution.

Dr. Cervantes asks whether there is a motion to remove the current 4(a) language above.

Dr. Phillips commented that it was up to CPA, since it was their proposal.

Mr. Rinde commented on the rationale behind CPA's choice of 4(a) language. He added that CPA wanted to be as broad as possible in case at some certain point a school developed new coursework that might not be explicitly covered, prompting the Board to make statutory changes to accommodate it.

Dr. Winkelman commented that CPA's language above was written with the intent that 4(a) and 4(b) would be understood as working together. She agreed with Mr. Rinde's statements and added that CPA wanted to move forward with the Board's support.

It was (M)Tate(S)Harb Sheets(C) to delete 4(a) from 2999.101. and keep the other changes [text in red with underlining and strikethroughs] and include this language in the Board's Sunset bill.

Dr. Tate called for public comment.

The first public commenter was a psychologist asking hypothetically how he might hire a PTT without knowing what the PTT is required to do, unless the Board were very specific about educational prerequisites.

Dr. Winkelman from CPA commented that the proposed language described the educational background, adding that there was additional requirement of 80 hours to be completed in activities specific to the work of a PTT. A psychologist hiring a PTT would act as their supervisor, but the PTT would not come out of a baccalaureate program with the practical ability to actually administer tests.

The second public commenter was a forensic psychologist who appreciated that the language was broadened to include degree programs that were not so clearly founded in psychology. She commented about how useful it was in her own practice when her trainees had a background in medical issues.

Dr. Winkelman commented that adding 4(A) above back in would address the issues brought up in public comment.

Dr. Phillips commented that the language as amended here would allow staff to have an SME make the final determination.

A public commenter asked who would make the determination of eligibility of an applicant's fitness with a neuroscience degree, whether the hiring psychologist would be making that decision, or whether the application would still need to be reviewed by staff.

Dr. Phillips commented that the board would still review the application to certify the prerequisite coursework had been completed.

Dr. Feather Gaither commented that behavioral health could be a discipline that could be included in the language above.

Dr. Phillips commented that substance abuse was a part of behavioral health, and asked whether substance abuse itself would qualify as sufficient prerequisite training for working as a PTT.

Dr. Gaither pointed out that students would benefit from knowing exactly what coursework to take to lead them to registration as a PTT.

Votes

8 Ayes (Casuga, Cervantes, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate), 0 Noes

#### **ADJOURNMENT OF FIRST DAY**

Mr. Polk commented that attendance at the meeting today provided 6 hours of CPD credit under Category 1.

The meeting adjourned at 3:55 p.m.

Friday, February 28, 2025

#### **Agenda Item #19: Call to Order/Roll Call/Establishment of a Quorum**

Dr. Tate called the meeting to order at 9:05 a.m. A quorum was present and due notice had been sent to all interested parties.

Ms. Rescate was absent.

#### **Agenda Item #20: Health Care Access and Information (HCAI) Presentation – Loan Repayment Program Update, Update Related to Education Capacity Expansion Programs, and Updates on Social Work Initiatives and Funding Sources Not Available to Psychologists**

996  
997 Dr. Tate introduced Michelle Crouch from Department of Health Care Access and  
998 Information (HCAI) to present this item.  
999  
1000 Ms. Crouch called for Board comment.  
1001  
1002 Dr. Casuga asked when the application cycle would start, and Ms. Crouch said it would  
1003 start May 1, 2025.  
1004  
1005 Dr. Phillips asked whether the funds used for the psychology scholarships came from  
1006 licensing fees for psychologists.  
1007  
1008 Ms. Crouch confirmed that the \$20 licensing fee did go to these scholarships.  
1009  
1010 Dr. Tate called for public comment.  
1011  
1012 Dr. Gaither asked why the scholarship amount was capped at \$15,000, and Ms. Crouch  
1013 commented that this was directed by the Legislature. Ms. Crouch added that when the  
1014 licensing fee was increased, the maximum award amount also increased.  
1015  
1016 Dr. Casuga asked whether there was a maximum amount one recipient could receive.  
1017  
1018 Ms. Crouch commented that \$15,000 was the maximum 12-month award, and would in  
1019 any case not be greater than the applicant's educational debt. She added that in  
1020 previous cycles, a recipient was limited to two or three lifetime awards, but that now  
1021 there was no limit on the number of times a recipient might be eligible for an award. She  
1022 commented that the process had also become much more competitive.  
1023  
1024 Dr. Casuga suggested including a newsletter item prior to the May 1, 2025, cycle start  
1025 date in addition to the usual recipient testimonials that included each quarter.  
1026  
1027 Dr. Rodgers commented that this item could also be posted on the Board's social media  
1028 pages.  
1029  
1030 Mr. Foo asked whether HCAI notifies the Legislator in whose district the award was  
1031 given, and also whether HCAI shares the geographical locations from where the  
1032 applications are being received.  
1033  
1034 Ms. Crouch replied that HCAI would share this information with the Legislature, if asked.  
1035  
1036 Mr. Foo pointed to the large amount of awards given in 2022-2023 and asked where  
1037 those funds came from, and Ms. Crouch replied that, in addition to Board funds, there  
1038 were several private donations.  
1039  
1040 Dr. Tate called for further Board comments.  
1041  
1042 No further Board comments were offered.  
1043

No further public comments were offered.

**Agenda Item #21: Recommendations for Agenda Items for Future Board Meetings. 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. Tate called for Board comment.

Dr. Cervantes commented that she would like to have an update on the newly revised American APA Ethics Code.

Dr. Casuga commented that she would like to continue the mindfulness practice at the next meeting.

Dr. Harb Sheets commented that, even though the Association of State and Provincial Boards (ASPPB) was not moving forward with the implementation of the Examination for the Professional Practice of Psychology, Part 2 (EPPP2) at this time, the Board should continue to monitor for changes and updates coming out of this pause.

Dr. Cervantes commented that the Board should receive assurances from ASPPB that when the EPPP2 is rolled out, that the testing protocols have been thoroughly checked out to avoid technical problems hindering the process for applicants.

Dr. Tate called for public comment.

No public comment was offered.

Mr. Polk commented that attendance at the meeting today provided 1 hour of CPD credit under Category 1.

Board and public discussion arose regarding a way to notify licensees ahead of time about the potential amount of CPD that each day of a noticed meeting might provide.

Mr. Burke commented that this could be a newsletter item and that this could also be included in social media and other notifications that the board sends out ahead of meetings.

**CLOSED SESSION**

Ms. Rescate joined the meeting in closed session.

**Agenda Item #22: 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.**

1092

1093

1094 **Agenda Item #23: Pursuant to Government Code Section 11126(a)(1), the Board**

1095 **Will Meet in Closed Session to Consider and Take Possible Action on the**

1096 **Appointment of an Executive Officer.**

1097

1098 **ADJOURNMENT OF SECOND DAY**

1099

1100 The meeting adjourned at 12:39 p.m. without returning to open session.