

MEMORANDUM

DATE	May 19, 2021
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item # 4 – Discussion and Possible Approval of the Board Meeting Minutes: February 18-19, 2021

Background:

Attached are the draft minutes of the February 18-19, 2021 Board Meeting.

Action Requested:

Review and approve the minutes of the February 18-19, 2021 Board Meeting.

1
2
3 **BOARD MEETING TELECONFERENCE**
4
5

6 NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-
7 3 20, dated March 17, 2020, neither Board member locations nor a public meeting 4
8 location were provided.
9

10 Thursday, February 18, 2021

11
12 **Members Present**

13 Seyron Foo, President
14 Lea Tate, PsyD, Vice President
15 Sheryll Casuga, PsyD
16 Marisela Cervantes
17 Mary Harb Sheets, PhD
18 Julie Nystrom
19 Stephen Phillips, JD, PsyD
20 Ana Rescate
21 Shacunda Rodgers, PhD
22

23 **Members Absent**

24 None
25

26 **Legal Counsel**

27 Will Maguire
28 Clay Jackson
29

30 **Board Staff**

31 Antonette Sorrick, Executive Officer
32 Jon Burke, Assistant Executive Officer
33 Stephanie Cheung, Licensing Manager
34 Jason Glasspiegel, Central Services Manager
35 Sandra Monterrubio, Enforcement Program Manager
36 Liezel McCockran, CE/Renewals Coordinator
37 Mai Xiong, Licensing/BreEZe Coordinator
38 Cristina Rivera, Legislative and Regulatory Analyst
39 Sarah Proteau, Central Services Office Technician
40

41
42 **AGENDA**
43
44

45 **Agenda Item 1: Call to Order/Roll Call/Establishment of a Quorum**
46
47

48 Seyron Foo, Board President, called the open session meeting to order at 9:00 a.m. A
49 quorum was present and due notice had been sent to all interested parties.

50

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

52

53 Mr. Foo read the Board's Mission Statement and acknowledged the newly appointed
54 Board members, new staff, and opened for public comment.

55

56 **Agenda Item 3: Public Comment for Items Not on the Agenda:**

57

58 Sheera Harrell Ph.D., member of the public, made comment on the exploitative nature
59 of licensing requirements, EPPP testing, and internship requirements and the racial
60 biases related to the above.

61

62 Camille Deleonardis, member of the public, made a comment regarding the limited
63 availability of exam appointments due to testing facilities capacity requirements. In
64 addition, candidates have had their tests cancelled due to COVID-19 and therefore,
65 have lost income. She asked the Board if it planned to address this issue.

66

67 Mr. Foo stated this topic will be discussed under agenda item 8(e) when the Licensure
68 Committee Report is given.

69

70 **Agenda Item 4: Presidents Report:**

71

72 a) Dates and Locations of 2021 Board and Committee Meetings – Meeting information
73 has been provided in the agenda packet.

74

75 b) Committee Membership Updates – Mr. Foo announced the creation of the EPPP Ad
76 Hoc Committee to monitor national developments regarding the use of EPPP2 Skills
77 Exam, which has been launched in other jurisdictions. California has not been an early
78 adopter of the EPPP2 Skills Exam, the Board does not plan to be an early adopter, nor
79 is the EPPP2 currently required for licensure. The Committee will work to ensure that
80 the Board's requests to ASPPB are met which include a request to ASPPB to make
81 available to the Board and the California DCA Office of Professional Examination
82 Services available data from beta testing from participating jurisdictions to evaluate the
83 validity of EPPP2. The Committee will meet publicly, provide agenda items, and provide
84 opportunity for Stakeholders to attend virtually or in person, dependent on the
85 conditions of the pandemic. The EPPP Ad-Hoc Committee will be chaired by Dr.
86 Casuga with Dr. Harb Sheets and Mr. Foo as Committee members.

87

88 Dr. Harb Sheets and Dr. Casuga expressed appreciation to be a part of this Committee.

89

90 Mr. Foo stated committee dates will be posted and available to the public once dates
91 are finalized.

92

93 Mr. Foo welcomed Dr. Tate as Vice President of the Board.

94

95 Dr. Tate expressed appreciation to be part of the Board.

96

No public comment was offered.

98

Agenda Item 5: Executive Officer's Report

100

Ms. Sorrick provided the Executive Officer's Report. Ms. Sorrick reported three newly filled staff positions, Jonathan Burke as Assistant Executive Officer, Cristina Rivera as Legislative and Regulatory Analyst in Central Services, and Carmen Harp as Renewals Office Technician in Central Services. She mentioned one open Office Technician position in Enforcement that was still vacant.

106

Ms. Sorrick provided an update on the Annual Report to the Legislature, which she stated follows Business & Professions Code section 129. This yearly report including data and narrative on accomplishments of the Board was provided to DCA. She stated DCA should be completed compiling the report by the May Board Meeting, and a copy will be provided to the Board if available.

112

No public comment was offered.

114

Agenda Item 6: Discussion and Possible Approval of the Board Meeting Minutes: November 19-20, 2020:

117

Dr. Casuga stated that the number of individuals with developmental disabilities that require psychological services includes many consumers that would potentially be excluded by the term "mental health" in the language. She advocated for the use of the term "psychological services" to replace the term "mental health services" in the text and stated she would email the exact language to staff for update. A motion was made to adopt the meeting minutes as amended.

124

No public comment was offered.

126

M(Casuga)/S(Cervantes)/C to adopt the meeting minutes as amended

128

Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate), 0 Noes

131

Agenda Item 7: Budget Report

133

Mr. Glasspiegel introduced this agenda item. His report specifically discussed the Board's structural imbalance and necessity of a fee increase. He stated that due to the increase to the cost of doing business, and the Board's lack of a fee increase in 20 years other than a change to the delinquency fee, the Board would need to complete a fee increase by fiscal year 2023/2024. Staff recommended a modification to renewal and initial licensure fee, currently both \$400, which would take place in two phases.

140

Phase 1. Change the renewal fee to \$500, which would fully utilize the Board's statutory authority.

142

143 Phase 2. Seek legislation for the appropriate fees for the Board to continue to operate
144 without a structural imbalance. This change will be presented to the Board at the May
145 2021 Board Meeting.

146
147 Mr. Glasspiegel then introduced Paul McDermott, Robert De Los Reyes, and Matthew
148 Nishimine from the DCA Budget Office to discuss the fee increase further.

149
150 Mr. McDermott provided the Board's expenditure report and fund condition statement. Mr.
151 McDermott confirmed the Board has requested a current year augmentation for its
152 Attorney General expenditure authorization. He stated that final numbers will be
153 determined later in the fiscal year but is anticipating that the Board will revert roughly
154 \$120,000, which equals around two percent of the Board's budget.

155
156 Mr. Foo opened comments from Board members for questions regarding the proposed
157 2021-2022 budget.

158
159 Ms. Nystrom asked for clarification on regulation versus legislation options for the Board
160 regarding fees.

161
162 Mr. Nishimine, Regulation Specialist, stated the options to fix the structural imbalance
163 include a regulatory change, which would raise the Board's fees currently in regulation to
164 match the cap set in statute. He stated this option takes roughly 16 months. He provided
165 the additional option of a statutory increase. As this option would need legislative action,
166 the Board would need approximately two years and would require an independent and
167 unbiased third-party fee study to determine the appropriate amount of each of the Board's
168 fees. Mr. Nishimine stated that an independent analysis by a third party typically takes six
169 to eight weeks.

170
171 Ms. Sorrick stated that the Board has not looked at a fee increase since 1992 when the
172 fee was set at \$400 with a statutory cap of \$500. Ms. Sorrick confirmed the Board has
173 been charging \$400 for initial license and renewal fees since 1992.

174
175 A discussion ensued between Ms. Nystrom, Ms. Cervantes, Dr. Phillips, and Mr.
176 Nishimine regarding how contracts, fee levels, and program efficiency improvements are
177 looked at and the type of data collected in third party analysis.

178
179 Dr. Phillips stated that the Board recently had completed a yearlong project with a third-
180 party consulting group to have processes and costs analyzed and to increase efficiencies
181 of which new Board members may not have been aware.

182
183 Dr. Phillips stated that the general fund loans of which two large loans went out of the
184 Board fund in the last year were a sore point with licensees and asked when loans would
185 be paid back.

186
187 Mr. Nishimine clarified that with increased spending and higher structural imbalance,
188 funds will have to be paid back before any statutory increase.

189

190 Mr. Nishimine stated that the DCA Budget Office will work with Department of Finance
191 and discuss payback as the funds are needed by the Board.

192
193 Dr. Phillips asked for clarification on the general fund loans and if they had not been taken,
194 would a fee increase be necessary.

195
196 Mr. Nishimine responded in the affirmative.

197
198 Dr. Phillips expressed concern about the previous Budget Change Proposal advisement
199 and the staff positions which had not had funds allocated. He asked for clarification on
200 whether the previously unallocated staff positions would correct the structural imbalance.

201
202 Mr. Nishimine confirmed the historical positions had been absorbed into the budget within
203 the existing appropriation.

204
205 Dr. Phillips expressed concern that a Budget Change Proposal should have been
206 proposed sooner.

207
208 Mr. De Los Reyes commended the Board for appropriate fund management for the
209 previous 20 plus years. He noted that there were no fee increases within that time and
210 Board had absorbed the increased costs within its own spending authority. Mr. De Los
211 Reyes stated that the Board is no longer at the point of being able to manage the
212 increased rates and costs of business as are other DCA programs that are looking at
213 fee increases due to the increase of cost of business. He stated that the Budget Office
214 will have documentation that demonstrates all contributing factors to the imbalance for
215 the Board to review prior to the May Board meeting.

216
217 Dr. Harb Sheets noted item 8(e)3 in agenda and suggested to move the item up to
218 discuss with the Budget office while they were available. Mr. Foo and Ms. Sorrick
219 expressed support to move the related item up in the agenda.

220
221 Ms. Cervantes asked when the Board would know if there would be another general
222 fund loan within the fiscal year.

223
224 Mr. De Los Reyes stated that there are no current plans for more loans to the general
225 fund and that the existing loans will be paid back by 2023-2024, and possibly may be
226 paid back sooner as the funds are needed by the Board.

227
228 Mr. Foo clarified that the Board makes policy decisions with the DCA Budget Office's
229 guidance which needs to be done well in advance. He stated that the Board sets policy
230 based on reliable and timely information provided by the Budget Office. He stated that
231 the budgetary problems had not been brought up to be wrapped into Sunset which had
232 been postponed due to the pandemic.

233
234 Mr. Nishimine provided clarification that the timing would not have been appropriate to
235 increase fees with 20 months in reserve, but that it was time to start having these
236 conversations with the goal of a statutory change in two years.

237

238 Mr. De Los Reyes expressed agreement with Board comments of the importance of
239 timely information and stated the fluidity of the numbers on the statements.
240

241 A discussion ensued regarding the last fee change which was done in statute to \$400
242 with a statutory cap of \$500 for initial license and renewal in 1992. Mr. Foo asked that
243 staff provide a summary sheet of the fees paid by licensees and applicants for historical
244 context and transparency to include dates when fees were last changed or set. He also
245 asked the Board and DCA staff to identify historical rate changes by the Attorney
246 General.
247

248 Dr. Tate and Dr. Phillips echoed previous comments related to the importance of
249 receiving timely information from the Budget Office for the Board to be able to make
250 good decisions for stakeholders.
251

252 Ms. Nystrom asked for enforcement recovery data to be supplied which was noted and
253 agreed to by Mr. Nishimine.
254

255 Public Comment
256

257 Catherine Campbell, California Protective Parents Association expressed appreciation
258 for budget information and referred to concerns of childhood abuse and the overall cost
259 impact of that trauma on various systems.
260

261 Dr. Sheera Harrell, asked if the costs of initial licensing and renewal are compared with
262 licenses of other boards including exam costs. She stated concern for applicants and
263 licensee that were new to the field and noted the opportunity for exploitation in exams.
264 She requested the Board consider increasing fees for Cites/Fines instead of for initial
265 license, renewal, and exam fees.
266

267 Dr. Melodie Schaefer, expressed concern that general fund loans would not be paid
268 back as well as concern for the impact of a fee increase on colleagues that are new to
269 the field and struggling due to COVID pandemic, low pay, and high student loans.
270

271 Dr. Elizabeth Winkelman, California Psychological Association, expressed concern
272 related to any increased fees for Psychologists and echoed previous comments. She
273 asked that the Board consider other options beyond what had previously been
274 discussed.
275

276 There was no further public comment.
277

278 Mr. Foo provided clarification on the loans that had been made to the General Fund and
279 noted that some loans have been repaid. He reported that two fiscal years previously,
280 \$3.7M was paid back in total which was comprised of amounts loaned for the 2002 and
281 2008 Budget Acts. Mr. Foo reported that the amount that was loaned to the General
282 Fund as part of the 2020 Budget Act made a total of \$1.23M which was still outstanding.
283 He referenced the previous comments from the Budget Office that the Board would
284 receive payment within the next couple of years.
285

286 Mr. Nishimine cautioned the Board about making comparisons with other programs
287 regarding fees as Boards may have similarities but different variables including budget,
288 licensee population, composition of staffing, enforcement activities and licensing
289 procedure. He emphasized the many variables and uniqueness of the Board of
290 Psychology and suggested there be a focus on input and output of in-house operations
291 rather than a comparison to other programs.
292

293 Mr. Nishimine addressed the question of Cite/Fines and stated the difficulty to budget
294 based on Cite/Fines and stated an increase in Cite/Fine amounts would not right-side
295 the Board's budget. He stated Cite/Fines were a punitive measure or deterrent against
296 non-compliance versus a budgetary fix.
297

298 Mr. Foo provided clarification that licensing, and renewal fees were related to cost
299 recovery and administration and were independent from the salaries of licensees.
300

301 Ms. Sorrick made a point of clarification related to discipline and cost recovery. She
302 stated that the Board asks for cost recovery with investigative and attorney's fees and
303 that violators will pay for enforcement of law versus the enforcement cost as a part of
304 the renewal fee.
305

306 A discussion ensued between Mr. Foo, Ms. Sorrick, Ms. Monterrubio, Dr. Phillips and
307 Mr. Templet regarding enforcement cost recovery and the Board's budget. It was stated
308 that not all investigations were brought to a settlement hearing or trial and may not meet
309 the threshold for cost recovery.
310

311 Dr. Phillips stated that there was a very small proportion of recovery cost in relation to
312 complaints received by the Board. Dr. Phillips stated that licensing, renewal, and exam
313 fees provide the income that the Board uses for operation.
314

315 He emphasized that the Board had been running at deficit regarding exam cost and
316 stated the necessity to look at all areas and consider options for revenue as consumer
317 protection is the primary charge of the Board.
318

319 **Agenda Item 8(e)(3): Review, Consider and Possible Action on Proposed**
320 **Amendments to 16 California Code of Regulations (CCR) section 1392,**
321 **subdivision (b)-- Increase the California Psychology Law and Ethics Exam**
322 **(CPLÉE) Fee**
323

324 Dr. Harb Sheets referred to the increased cost of the Laws and Ethics Exam since the
325 Board increased the number of exam date options from two to four times per year. She
326 stated the increase in exam date options was done in the interest of increased public
327 service and the cost increase had been subsidized over the previous six years.
328

329 A discussion ensued between Mr. Nishimine, Mr. Foo, Dr. Harb Sheets, Ms. Cervantes,
330 Dr. Casuga, Dr. Phillips and Ms. Snyder regarding possible options to address the cost
331 increase. These options included: the negotiation of the existing contract, securement of
332 a different vendor to administer the CPLÉE, a fee increase for the CPLÉE, or to scale
333 back to two exam dates per year.

334
335 Mr. Nishimine suggested that the Board no longer subsidize the deficiency and begin to
336 charge the full amount of the fee to applicants but noted this change would only have a
337 small impact on the structural imbalance.

338
339 Ms. Cervantes expressed concern that the exam cost would increase again.

340
341 Ms. Snyder referred to page 48 of the meeting materials and explained that a cost
342 increase had been considered in the analysis of the potential fee increase. She stated
343 the cost of exams were \$273,500.56 with fees paid of \$152,177.00 and that the Board
344 had subsidized the difference. Ms. Snyder emphasized the positive relationships the
345 Board has had with PSI and OPES and expressed concern that the Board may pay
346 more for fewer services if the vendors were changed. She stated that all existing
347 candidates that had already been scheduled would have to reschedule and delays
348 would be expected.

349
350 Ms. Cervantes opined that a deeper analysis could be done and that she felt the
351 information provided was speculative.

352
353 Dr. Casuga expressed support for Ms. Cervantes and that she felt more time and
354 analysis would have been beneficial and stated her hesitancy toward
355 scaling back exams. She expressed concern that more stakeholders could be surveyed
356 for opinions.

357
358 Dr. Phillips stated that the history of only having two exams created a difficult obstacle
359 for exam candidates if they were to fail first time. He stated his support of keeping four
360 exam dates per year and expressed concern for applicants who had been affected by
361 delays due to COVID,

362
363 Mr. Foo asked to highlight for historical context that Ms. Burns had raised concern about
364 the Board having subsidized the exam cost in past. He questioned whether the existing
365 \$40 application fee was reflective of actual administrative cost to the Board and if there
366 was a reason that exam fees would not be tied to consumer price index of inflation.

367
368 Mr. Glasspiegel stated that without full analysis a definitive answer could not be
369 provided but based on operational knowledge, the \$40 application fee does not cover
370 the cost of staff processing. He stated that the existing \$400 licensing fee is meant to
371 recoup some of that cost but does not likely cover the cost to the Board.

372
373 Tracy Montez was introduced as the Division Chief of Programs and Policy Review with
374 DCA. She offered background on computer-based testing and fees. She clarified that
375 the Board was part of a master service contract that included many programs within
376 DCA. She stated that the master service contract was intended to help with overall cost
377 regardless of size of the program versus a direct procurement with vendor. Dr. Montez
378 emphasized a high level of service was received with very low costs for those services.
379 She stated that the fees charged are very competitive and offered to provide detail in
380 the form of a memo regarding services provided to the Board.

381

382 Dr. Harb Sheets asked for clarification if the Board receives the benefits of the larger
383 boards, regardless of size, through the master service contract. This was confirmed by
384 Dr. Montez.

385
386 A discussion ensued between Dr. Montez and Ms. Cervantes regarding concerns for
387 the Board's budget as well as concern for the community of licensees in relation to
388 costs involved.

389
390 Ms. Cervantes asked if cost increases have been anticipated for the coming years.

391
392 Dr. Montez stated that the anticipated cost increase had been built into the budget. She
393 shared that they always look for ways to ways to reduce cost for programs regarding
394 exam development. Dr. Montez emphasized that much was learned through COVID,
395 they are always looking for ways to streamline and reduce and will continue to work
396 closely with the Board on costs.

397
398 Clarification was made that the existing contract is to expire in December 2021 and
399 negotiations were being made with the goal of a three-year contract.

400
401 Ms. Monterrubio commented that if exam was limited to twice a year, this could
402 negatively impact enforcement, specifically probation cases. She referred to the Board
403 Disciplinary Guidelines that state that the respondent is required to take and pass the
404 CPLEE exam within 90 days of the date of the decision.

405
406 Dr. Harb Sheets summarized the following options: To increase CPLEE fee to \$235.20,
407 to reduce the frequency of the exam from four times per year to two times per year, or
408 to negotiate a lower cost with a different vendor. She asked for a motion.

409
410 It was M(Casuga)/S(Tate)/C to increase the CPLEE fee to \$235.20 and to keep offering
411 the exam four times per year.

412
413 There was no further Board comment.

414
415 Public Comments were made by Dr. Elizabeth Winkelman, California Psychological
416 Association, Dr. Sheera Harrell, Dr. Marilyn Immoos, CDCR, and Dr. Alexandra Scott.
417 Concern regarding any fee increase was expressed and the Board was asked not to
418 reduce exam options to twice per year. It was stated that an incremental increase in the
419 CPLEE fee would be more reasonable than all at once.

420
421 There was no further public comment.

422
423 Mr. Clay Jackson, Esq., made a recommendation regarding modified language for the
424 motion with the suggested change to be, "I move that the Board approve the proposed
425 text and authorizes the Executive Officer to take the next necessary steps to finalize the
426 text and other documents including delegating to the Executive Officer the authority to
427 make a technical, grammatical or non-substantive changes that may be required in
428 completing the rulemaking file, and then taking all steps necessary to file the regulation

429 package with the Department of Consumer Affairs Executive Office, Agency, and the
430 Office of Administrative Law to complete the rulemaking process.”

431
432 Dr. Harb Sheets asked Dr. Casuga if she would like to modify motion to include the
433 wording of Mr. Jackson and Dr. Casuga replied in the affirmative. Dr. Tate amended her
434 second.

435
436 A discussion ensued regarding the possibility of wrapping the exam cost into a larger
437 conversation about fee structure and approve language at the May Meeting to allow a
438 more expansive regulatory package prior to Agency, Executive Office, and OAL
439 submission.

440
441 Dr. Casuga suggested there be a strategic increase of cost to maintain current cost but
442 only increase fee to repeat test takers and modest fee increase for first time takers.

443
444 Mr. Foo stated that the option could be added to the May Board meeting agenda

445
446 Ms. Sorrick stated the possibility to move forward with a larger discussion in May to
447 make one larger regulatory package. She addressed Dr. Winkelman’s suggestion to
448 make sure people have advance notice and noted further opportunity for stakeholder
449 input during the regulatory process.

450
451 Dr. Harb Sheets restated the options related to the motion on the floor; vote on the
452 motion or the motion could be withdrawn, and another motion made to continue the
453 discussion at the May Board Meeting

454
455 Dr. Phillips suggested the Board proceed with a vote to approve the language and
456 referenced the opportunity for further discussion through the course of the regulatory
457 process.

458
459 Mr. Foo restated the motion on table.

460
461 Mr. Maguire suggested public comment be opened since the language of the motion
462 had been amended.

463
464 Public Comment

465
466 Dr. Sheera Harrell, requested that the language of the motion be repeated.

467
468 Mr. Foo re-read the language of the motion and re-stated the suggestion of Ms. Sorrick
469 that the motion would be held until the Board’s May discussion where it will be
470 agendized to allow for the possibility of a combined regulatory package. He clarified that
471 the motion on the table was to be able to develop language for consideration.

472
473 Dr. Sheera Harrell, opined that the potential CPLEE fee amount be changed to a
474 rounded number of \$240 to cover exam costs and budgetary assistance. Dr. Harrell
475 asked the Board to consider the potential negative fiscal consequences to marginalized
476 applicants and candidates within the community.

477
478 Dr. Sarah Belgrad opined that the amended language in the motion sounded rushed
479 and suggested the vote was moved to May.

480
481 There was no further public comment.

482
483 Dr. Harb Sheets called for a vote on the motion.
484 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
485 Rodgers, Tate), 0 Noes

486
487 The language was approved as follows:

488
489 **ARTICLE 6. Fees**

490 **§ 1392. Psychologist Fees.**

491 (a) The application fee for a psychologist is \$40.00.

492 (b) The fee for the California Psychology Laws and Ethics Examination (CPLEE) is
493 ~~\$129~~235.20.

494 (c) An applicant taking or repeating the licensing examination shall pay
495 the full fee for that examination.

496 (d) The initial license fee and the biennial renewal fee for a psychologist are \$400.00,
497 except that if an initial license will expire less than one year after its issuance, then the
498 initial license fee is an amount equal to 50 percent of the
499 renewal fee in effect on the last regular renewal date before the date on which the license
500 is issued.

501 (e) The biennial renewal fee for an inactive license is \$40.00.

502
503
504 Mr. Foo thanked all participants for comments and discussion and noted item 20 on the
505 following day's agenda where the cost of education would be discussed. He confirmed
506 that closed session would be attempted after Item 8 on agenda.

507
508 **Agenda Item 8: Licensure Committee Report and Consideration of and Possible**
509 **Action on Committee Recommendations**

510
511 a. Projects on hold due to Limited Staffing Resources
512 1. Informational Resources for Supervisors
513 2. Co-host a Stakeholder Meeting on Informing Consumers Regarding the
514 Respective Roles of a Licensed Psychologist, Licensed Educational Psychologist,
515 and Individuals Holding a Credential with a Specialization in School Psychology

516
517 b. Update on Waivers

518
519 Ms. Cheung provided an update to Agenda Item 8(a)(1) and (2) and 8(b) for
520 informational purposes only

521
522 There was no Board or public comment offered.

523
524 c. Licensing Report

525

526 Ms. Xiong provided a summary of the report.

527

528 Public comments were received regarding the difficulty reaching Analysts during the
529 Licensing process. There were additional comments stating frustration with waiting for
530 DCA to issue extensions of COVID waivers and a comment about the CPLEE passing
531 rate and what criteria would meet a rate adjustment.

532

533 Ms. Sorrick clarified that if there was an anomaly within CPLEE or extreme change, it
534 would be brought to the attention of Board staff for research and addressed
535 appropriately.

536

537 Ms. Cheung clarified that the Licensing unit was short staffed and revised timeframes
538 were posted on www.psychology.ca.gov, which is updated monthly. She stated there
539 were plans to improve Breeze to be able to check on application status and
540 deficiencies. She also stated if/when an extension was made to any waiver, the public
541 would be notified.

542

543 d. Continuing Education and Renewals Report

544

545 Ms. McCockran provided the report

546

547 A Board discussion ensued over the CE auditing process.

548

549 No public comment was offered.

550

551 e. Examination Report

552

553 1. Subject Matter Expert – Demographic Data

554

555 Ms. Snyder provided data regarding workshop cancellations due to COVID and what
556 data was collected in FY 2019 and 2020.

556

557 There was no public comment.

558

559 2. Examination Candidate Statistics

560

561 Ms. Snyder provided summary of data regarding exam locations that were closed due to
562 COVID, continued application and approval for exams which caused a backlog.

563

564

565 f. Update on California Psychology Law and Ethics Exam (CPLEE) Online
566 Administrations

567

568 Dr. Harb Sheets provided an update to this item.

569

570 There was no Board or public comment.

571

572 g. Consideration and Possible action on Guidelines for Board Meeting Materials
573 relating to Extension Requests

574
575 Dr. Harb Sheets provided background summary to this item.

576
577 It was (M)Foo/(S)Phillips/C that personal information on any requests and letters of
578 support for petitioners be appropriately redacted.

579
580 There was no Board or public comment.

581
582 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
583 Rodgers, Tate), 0 Noes

584
585 h. Consideration of Licensure Committee Recommendations Regarding Requests
586 for an Extension of the 72-Month Registration Period Limitation for Registered
587 Psychological Assistant Pursuant to 16 CCR section 1391.1, subdivision (b)

588
589 Dr. Harb Sheets introduced this agenda item and presented each petition.

590
591 Dr. Harb Sheets introduced PSB #1 and stated the recommendation of the Licensure
592 Committee to approve an additional six months.

593
594 It was M(Foo)/S(Harb Sheets)/C to accept the Committee's recommendation.

595
596 There was no Board or public comment.

597
598 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
599 Rodgers, Tate), 0 Noes

600
601 Dr. Harb Sheets introduced PSB #2 and stated the recommendation of the Licensure
602 Committee that the Board deny the 18-month extension petition.

603
604 It was M(Phillips)/S(Harb Sheets)/C to accept the Committee's recommendation.

605
606 There was no Board or public comment.

607
608 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
609 Rodgers, Tate), 0 Noes

610
611 Dr. Harb Sheets introduced PSB #3 and stated the recommendation of the Licensure
612 Committee to approve an additional two months.

613
614 It was M(Harb Sheets)/S(Tate)/C to adopt the Committee's recommendation.

615
616 There was no Board or public comment.

617
618 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
619 Rodgers, Tate), 0 Noes

620
621 Dr. Harb Sheets introduced PSB #4 and stated the recommendation of the Licensure
622 Committee to deny an additional six months.
623
624 It was M(Nystrom)/S(Casuga)/C to adopt the Committee's recommendation.
625
626 Board discussion ensued regarding the possibility of unlicensed practice and how that
627 would be addressed by the Licensing staff.
628
629 There was no public comment.
630
631 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
632 Rodgers, Tate), 0 Noes
633
634 Dr. Harb Sheets introduced PSB #5 and stated the recommendation of the Licensure
635 Committee to approve an additional two months.
636
637 There was no Board or public comment.
638
639 It was M(Tate)/S(Harb Sheets)/C to adopt the Committee's recommendation.
640
641 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
642 Rodgers, Tate), 0 Noes
643
644 Dr. Harb Sheets introduced PSB #6 and stated the committee recommended the Board
645 deny the three-six-month extension petition.
646
647 It was M(Phillips)/S(Harb Sheets)/C to accept the committee's recommendation.
648
649 There was no Board or public comment
650
651 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
652 Rodgers, Tate), 0 Noes
653
654 Dr. Harb Sheets introduced PSB #7 and stated the committee recommended the Board
655 approved the six-month extension petition.
656
657 It was M(Foo)/S(Phillips)/C to adopt the committee's recommendation.
658
659 Board discussion ensued regarding number of hours accrued by petitioner.
660
661 There was no public comment.
662
663 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Rescate, Rodgers,
664 Tate), 1 Abstention (Phillips), 0 Noes
665
666 Dr. Harb Sheets introduced PSB #8 and stated the committee recommended the Board
667 approve an addition three-month extension.

668
669 It was M(Nystrom)/S(Foo)/C to adopt the committee's recommendation.
670
671 There was no Board or public comment.
672
673 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
674 Rodgers, Tate), 0 Noes
675
676 Dr. Harb Sheets introduced PSB #9 and stated the Licensure Committee
677 recommendation that the Board approve an additional six-month extension.
678
679 It was M(Foo)/S(Nystrom)/C to adopt the Committee's recommendation.
680
681 There was no Board or public comment.
682
683 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
684 Rodgers, Tate), 0 Noes
685
686 i. Consideration of Licensure Committee Recommendations Regarding
687 Requests for an Extension of the 30-Consecutive Month Limitation to Accrue
688 1500 Hours of Post-Doctoral Supervised Professional Experience Pursuant to
689 16 CCR section 1387, subdivision (a)
690
691
692 Dr. Harb Sheets introduced PSY #1 and stated the Licensure Committee's
693 recommendation that the Board approve an additional ten-month extension.
694
695 It was M(Phillips)/S(Foo)/C to adopt the Committee's recommendation.
696
697 There was no Board or public comment.
698
699 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
700 Rodgers, Tate), 0 Noes
701
702 Dr. Harb Sheets introduced PSY #2 and stated the Licensure Committee's
703 recommendation that the Board approve an additional six-month extension.
704
705 It was M(Nystrom)/S(Foo)/C to adopt the Committee's recommendation.
706
707 There was no Board or public comment.
708
709 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
710 Rodgers, Tate), 0 Noes
711
712 Dr. Harb Sheets introduced PSY #3 and stated the Licensure Committee's
713 recommendation that the Board approve an additional 18-month extension.
714
715 It was M(Casuga)/S(Rodgers)/C to adopt the Committee's recommendation.

716

717 There was no Board comment.

718

719 A public comment was made by Dr. Melodie Schaefer regarding process of CAPIC
720 internship and suggested the Board request supporting documentation from the
721 applicant.

722

723 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
724 Rodgers, Tate), 0 Noes

725

726 9. Legislative and Regulatory Affairs Updates (Cervantes – Chairperson, Casuga,
727 Phillips)

728

729 a) Board Sponsored Legislation for the 2020 Legislative Session: Review and
730 Possible Action

731

732 1. Amendments to section 2960.1 of the Business and Professions Code
733 Regarding Denial, Suspension and Revocation for Acts of Sexual
734 Contact

734

735 Ms. Cervantes summarized item 9(a)(1), provided historical background and clarified
736 the amendments made to inappropriate sexual behavior definition.

737

738 Public Comment

739

740 Dr. Elizabeth Winkelman, CPA, asked for clarification on language within the bill. She
741 stated that CPA had no official position on the bill, but concerns had been raised
742 regarding its potential redundancy. Dr. Winkelman stated that automatic revocation is
743 harsh in some circumstances that may be qualified for rehabilitation.

744

745 Mr. Maguire clarified that a change was necessary to the language of the bill to ensure
746 the Board maintained the ability to enforce appropriate discipline.

747

748 A discussion ensued between the Board and Mr. Maguire wherein clarification was
749 given on the language chosen. The Board determined that without a change in
750 language the Board would not have explicit statutory authority to seek revocation in
751 some cases where revocation was determined to be the appropriate discipline to protect
752 consumers. It was stated that this decision was based on past disciplinary case
753 experience and was not a hypothetical scenario. It was agreed in discussion that
754 technical adjustments could be made going forward.

755

756 It was M(Foo)/S(Casuga)/C to adopt the concept in the language presented before the
757 Board and to delegate to Dr. Phillips and the Executive Office to iron out the language
758 and work with Ms. Sorrick and Dr. Pan's office to go forward on the language of the bill.

759

760 There was no Board comment offered.

761

762 Public Comment

763

764 Dr. Winkelman, CPA, commented regarding the importance of the language specificity
765 related to the position that would be taken by CPA and suggested that language be very
766 clear regarding what would trigger a revocation.

767
768 Dr. Belgrad, CDCR, commented that sexting should be defined in the code so it is clear
769 as grounds for revocation.

770
771 There was no further public comment.

772
773 Ms. Nystrom recused herself from voting.

774
775 Vote: 8 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate),
776 1 Abstain, 0 Noes

777
778 Ms. Sorrick asked for clarification of the last date to submit changes to Senator Pan,
779 which was confirmed as March 10.

780
781 **Agenda Item 10: Enforcement Report**

782
783 Ms. Sorrick provided summary of the Enforcement Report on behalf of Ms. Monterrubio.

784
785 A discussion ensued between Dr. Rodgers and Ms. Sorrick upon which two corrections
786 were made in the totals on the attachment.

787
788 There was no Board or public comment offered.

789
790 **AGENDA ITEM 14: The Board Will Meet in Closed Session Pursuant to**
791 **Government Code Section 11126, subdivision (c)(3) to Discuss Disciplinary**
792 **Matters Including Proposed Decisions, Stipulations, Petitions for Reinstatement**
793 **or Modification of Penalty, Petitions for Reconsideration, and Remands.**

794
795
796 **ADJOURNMENT:** The Board meeting adjourned at 5:02pm

797
798
799 **Friday, February 19, 2021**

800
801 **Members Present 9**
802 Seyron Foo, President
803 Lea Tate, PsyD, Vice President
804 Sheryll Casuga, PsyD
805 Marisela Cervantes
806 Mary Harb Sheets, PhD
807 Julie Nystrom
808 Stephen Phillips, JD, PsyD
809 Ana Rescate
810 Shacunda Rodgers, PhD

811

812 **Members Absent**

813 None

814

815 **Legal Counsel**

816 Will Maguire

817 Clay Jackson

818

819 **Board Staff**

820 Antonette Sorrick, Executive Officer

821 Jon Burke, Assistant Executive Officer

822 Stephanie Cheung, Licensing Manager

823 Jason Glasspiegel, Central Services Manager

824 Sandra Monterrubio, Enforcement Program Manager

825 Liezel McCockran, CE/Renewals Coordinator

826 Mai Xiong, Licensing/BreEZe Coordinator

827 Cristina Rivera, Legislative and Regulatory Analyst

828 Sarah Proteau, Central Services Office Technician

829

830 **Agenda Item 15: Call to Order/Roll Call/Establishment of a Quorum**

831

832 Seyron Foo, Board President, called the open session meeting to order at 9:01 a.m. and
833 read the Board's mission statement. A quorum was present and due notice had been
834 sent to all interested parties.

835

836 **Agenda Item 16: Closed Session Pursuant to Government Code Section 11126,**
837 **subdivision (c)(3) to Discuss Disciplinary Matters Including Proposed Decisions,**
838 **Stipulations, Petitions for Reinstatement and Modification of Penalty, Petitions for**
839 **Reconsideration, and Remands.**

840

841 Mr. Foo announced the Board would go to closed session at 9:05 a.m. and resumed at
842 10:40a.m.

843

844 **Agenda Item 17: Public Comment for Items Not on the Agenda**

845

846 There was no public comment offered.

847

848 **Agenda Item 9(a)(2): Pathways to Licensure Statutory Revisions/Agenda Item**

849 **9(a)(3): Sunset Provisions**

850

851 Ms. Cervantes provided summary of this agenda item.

852

853 There was no Board or public comment offered.

854

855 **Agenda Item 9(b): Update on California Psychological Association Legislative**
856 **Proposal Regarding New Registration Category for Psychological Testing**
857 **Technicians.**

858

859 Ms. Cervantes provided a summary of this agenda item and asked if CPA had an update
860 to provide.

861
862 Dr. Elizabeth Winkelman, CPA, stated that CPA had no update on the item and it will not
863 be introduced this year.

864
865 There was no Board or public comment offered.

866
867 **Agenda Item 9(c): Legislative Items for Future Meeting.**

868
869 Ms. Cervantes introduced this agenda item,

870
871 There was no Board or public comment offered.

872
873 **Agenda Item 11: Consideration of Adopting Amendments to 16 CCR sections**
874 **1381.9, 1397.60, 1397.61, 1397.62, and 1397.67, and adding sections 1397.60,**
875 **1397.61, 1397.62, and 1397.67– Continuing Education/Professional Development**

876
877 Mr. Foo introduced this agenda item. Mr. Foo referenced page 106 in the Meeting
878 materials for the detail of the text. The comments were located on page 108 onward.

879
880 It was M(Harb Sheets)/S(Casuga)/C to reject the comments received during the 15-day
881 comment periods which were outside of scope of the modified text and thus not germane
882 to the amendments

883
884 There was no Board discussion.

885
886 Public Comment

887
888 A discussion ensued between the Board, Public and Counsel as to how comments are
889 received within the 15-day comment period, how licensees would be able to seek clarity
890 on questions, and whether the option of technical corrections was possible.

891
892 Mr. Glasspiegel assured the Board and public that staff would work with stakeholders
893 including CPA on any messaging or FAQ that would be put out and that once the
894 Regulatory package is finalized and approved a broad implementation plan will be
895 developed by staff.

896
897 Ms. Sorrick commented on the regulatory approval process and stated the Board would
898 create an advisory as to how licensees would be impacted and work with stakeholders on
899 communication tools.

900
901 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
902 Rodgers, Tate), 0 Noes

903
904 It was M(Tate)/S(Nystrom)/C to authorize the Executive Officer to take the necessary
905 steps to finalize the text and other documents including delegating to the Executive
906 Officer the authority to make and technical, grammatical, or non-substantive changes that

907 may be required in completing the rule making file and then taking all step necessary to
908 file the regulatory package with Executive Office, Agency and Office of Administrative
909 Law to complete the rule making process.

910
911 Public Comment

912
913 Dr. Jo Linder-Crow asked for clarification of on the place in the document with changes to
914 language in from “may” to “shall” in 1397.61 in F3 referring to area around professional
915 activities. She asked if this was the area where Ms. Sorrick could change.

916
917 Dr. Winkelman, CPA, stated the language could be considered a technical correction that
918 could be taken care of. She expressed concern to the language in 3a and stated “may”
919 should replace “shall” She asked that language be added to clarify that it would not be
920 mandatory to have 4.5 hours of professional activities.

921
922 A discussion ensued regarding the language within the mentioned point and whether it
923 could be considered non-substantive and therefore allowable to be changed by staff, if
924 needed.

925
926 Ms. Sorrick stated if it was the will of the Board to change the language for clarification
927 from “shall” to “may”, a 15-day notice would be required for comment. If the Board opted
928 not to do that, staff would be able to address the requirement in the implementation
929 materials.

930
931 It was determined that the change could be avoided if there was an option but no
932 requirement to do professional service which could be provided through an FAQ.

933
934 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
935 Rodgers, Tate), 0 Noes

936
937 **Agenda Item 12: Consideration of Adding 16 CCR section 1396.8– Standards of**
938 **Practice for Telehealth**

939
940 Mr. Foo provided introduced this agenda item.

941
942 Mr. Glasspiegel stated the staff recommendation to the Board was to reject the additional
943 comments made within the 15-day comment period as the amendments are outside the
944 scope of modified text and thus not germane to the amendments.

945
946 It was M(Phillips)/S(Rodgers)/C

947
948 There was no further Board or public comment.

949
950 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
951 Rodgers, Tate), 0 Noes

952
953 It was M(Tate)/S(Casuga)/C to authorize the Executive Officer to take the necessary
954 steps to finalize the text and other documents including delegating to the Executive

955 Officer the authority to make and technical, grammatical, or non-substantive changes that
956 may be required in completing the rule making file and then taking all step necessary to
957 file the regulatory package with Executive Office, Agency and Office of Administrative
958 Law to complete the rule making process.

959
960 There was no Board or public comment

961
962 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
963 Rodgers, Tate), 0 Noes

964
965 Mr. Foo expressed appreciation as did Dr. Phillips to the Telepsychology Committee
966

967 **Agenda Item 13: Regulatory Update, Review, and Consideration of Additional**
968 **Changes**

- 969
- 970 a) 16 CCR sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11,
971 1391.12, 1392.1 – Psychological Assistants
 - 972 b) 16 CCR sections 1381.9, 1381.10, 1392 – Retired License, Renewal of
973 Expired License, Psychologist Fees
 - 974 c) 16 CCR sections 1391.13, and 1391.14 – Inactive Psychological Assistant
975 Registration and Reactivating a Psychological Assistant Registration
 - 976 d) 16 CCR section 1394 – Substantial Relationship Criteria;
977 Section 1395 – Rehabilitation Criteria for Denials and Reinstatements;
978 Section 1395.1 – Rehabilitation Criteria for Denials Suspensions or
979 Revocations

980
981 Ms. Rivera and Mr. Glasspiegel provided this update.

982
983 There was no Board or public comment offered.

984
985 **Agenda Item 18: Scope of Office of Professional Examination Services to the**
986 **Board of Psychology**

987
988 Dr. Montez provided a presentation on OPES including client base,
989 Regulations/Standards and Guidelines followed, constructing Licensure Examinations,
990 Cycles of Exam development, Occupational Analysis, Review of National Examination,
991 Oversight of DCA master contract for computer-based testing.

992
993 Mr. Foo expressed appreciation and opened the floor to Board comments.

994
995 A discussion ensued between the Board and Dr. Montez including how the EPPP
996 compared to the CPLEE exam, how fairness was interpreted and evaluated, the scope
997 of the exam, diversity within the field and population and if necessary related
998 multicultural competency was tested in licensees.

999
1000 A discussion ensued regarding accommodations for test candidates with a variety of
1001 needs. The Board staff confirmed that there was an existing vehicle for accommodation
1002 requests and where it could be found on the Board website.

1003
1004 Dr. Rodgers asked for clarification as to what criteria determined the selection of
1005 responses included in final sample size.
1006
1007 Dr. Montez clarified that the respondent would need to be actively practicing and the
1008 survey needed to be complete to be included in the final sample size.
1009
1010 A discussion ensued between Board members and Dr. Montez regarding EPPP2, PSI
1011 and remote testing as a possibility of the CPLEE.
1012
1013 Dr. Montez clarified that OPES is looking into the EPPP2 and would be able to provide
1014 the data when it was available and gave examples of different boards that are doing
1015 remote testing. She stated she does not see evidence that remote exams are secure.
1016
1017 Dr. Casuga expressed appreciation to Dr. Montez for the presentation and extended an
1018 invitation to attend the EPPP Ad Hoc Committee meeting which was accepted.
1019
1020 There was no public comment.

1021
1022 **Agenda Item 19: Enforcement Committee Report and Consideration of and**
1023 **Possible Action on Committee Recommendations**
1024

1025 Dr. Phillips provided the Enforcement Committee Report

- 1026
1027 a) Child Custody Stakeholder Meeting-Implementation Plan Update
1028 1. Statutory Discussion Regarding Proposed Exception to Psychotherapist-
1029 Patient Privilege for Board Investigations

1030
1031 Dr. Phillips summarized this item.

1032
1033 Ms. Monterrubio stated a full update on this item would be provided at the May Board
1034 Meeting.

1035
1036 There was no Board or public comment offered.

- 1037
1038 b) Regulatory Update, Review, and Consideration of Additional Changes
1039

1040 Dr. Phillips provided an update that the Committee continuously monitors all Board
1041 Statutes and Regulations to make recommendations to the Board regarding potential
1042 changes to be made and stated the ongoing nature of this process. This refers to
1043 Agenda Item 19(b)(1)- 19(b)(22) and Agenda Item 19(c)

- 1044
1045 1. 16 CCR section 1380.6 – Display of License Number
1046 2. 16 CCR section 1393 – Requirements for Psychologists on Probation
1047 3. 16 CCR section 1396 – Competence
1048 4. 16 CCR section 1396.1 – Interpersonal Relations
1049 5. 16 CCR section 1396.2 – Misrepresentation
1050 6. 16 CCR section 1396.3 – Test Security

- 1051 7. 16 CCR section 1396.4 – Professional Identification
- 1052 8. 16 CCR section 1396.5 – Consumer Information
- 1053 9. 16 CCR section 1397 – Advertising
- 1054 10. 16 CCR section 1397.1 – Child Abuse Reporting requirements
- 1055 11. 16 CCR section 1397.2 – Other Actions Constituting Unprofessional
- 1056 Conduct
- 1057 12. 16 CCR section 1397.30 – Citation
- 1058 13. 16 CCR section 1397.36 – Requirements for Professional Corporations
- 1059 14. 16 CCR section 1397.37 – Shares: Ownership and Transfer
- 1060 15. 16 CCR section 1397.39 – Corporate Activities
- 1061 16. 16 CCR section 1397.40 – Trusts
- 1062 17. 16 CCR Sections 1397.50 – Citations and Fines
- 1063 18. 16 CCR section 1397.51 – Amount of Fines
- 1064 19. 16 CCR section .52 – Compliance with Orders of Abatement
- 1065 20. 16 CCR section 1397.53 – Citations for Unlicensed Practice
- 1066 21. 16 CCR section 1397.54 – Contest of Citations
- 1067 22. 16 CCR section 1397.55 – Disconnection of Telephone Service
- 1068
- 1069 c) Statutory and Regulatory Update, Review, and Consideration of Additional
- 1070 Changes
- 1071
- 1072 1. Business and Professions Code (BPC) section 2902 – Definitions
- 1073 2. BPC section 2903 – Licensure requirement; Practice of psychology;
- 1074 Psychotherapy
- 1075 3. BPC section 2903.1 – Biofeedback instruments
- 1076 4. BPC section 2908 – Exemption of other professions
- 1077 5. BPC section 2912 – Temporary practice by licensees of other state or
- 1078 foreign country
- 1079 6. BPC section 2934.1 – Posting of license status on Web site
- 1080 7. BPC section 2936 – Consumer and professional education in matters
- 1081 relevant to ethical practice; Standards of ethical conduct; Notice
- 1082 8. BPC section 2960 – Grounds for action(a)-(r) (o)
- 1083 9. BPC section 2960.05 – Limitations period for filing accusation against
- 1084 licensee
- 1085 10. BPC section 2960.1 – Sexual contact with patient; Revocation
- 1086 11. BPC section 2960.2 – Licensee’s physical, emotional and mental
- 1087 condition evaluated
- 1088 12. BPC section 2960.5 – Mental illness or chemical dependency
- 1089 13. BPC section 2960.6 – Actions by other states
- 1090 14. BPC section 2961 – Scope of action
- 1091 15. BPC section 2962 – Petition for reinstatement or modification of
- 1092 penalty
- 1093 16. BPC section 2963 – Matters deemed conviction
- 1094 17. BPC section 2964 – Report of license revocation or restoration
- 1095 18. BPC section 2964.3 – Persons required to register as sex offender
- 1096 19. BPC section 2964.5 – Conditions of probation or suspension
- 1097 20. BPC section 2964.6 – Payment of probationary costs
- 1098 21. BPC section 2965 – Conduct of proceedings

- 1099 22. BPC section 2966 – Suspension during incarceration for felony
1100 conviction; Determination of substantial relationship of felony to functions
1101 of psychologist; Discipline or denial of license
1102 23. BPC section 2969 – Penalties for failure to provide medical records;
1103 Failure to comply with court order; Multiple acts
1104 24. BPC section 2970 – Violation of chapter as misdemeanor
1105 25. BPC section 2971 – Injunctions
1106 26. BPC section 2985 – Renewal of suspended licenses; Reinstatement of
1107 revoked licenses
1108 27. BPC section 2986 – Effect of failure to renew within prescribed time
1109 28. BPC section 2995 – Psychological corporation
1110 29. BPC section 2996 – Violation of unprofessional conduct
1111 30. BPC section 2996.1 – Conduct of practice
1112 31. BPC section 2996.2 – Accrual of income to shareholder while
1113 disqualified prohibited
1114 32. BPC section 2997 – Shareholders, directors and officers to be
1115 licensees
1116 33. BPC section 2998 – Name, 2999 – Regulation by committee
1117

1118 d. Failed Continuing Education Audits referred to Enforcement Unit for Discipline
1119

1120 Dr. Phillips provided summary on this item and referred to Ms. Monterrubio who
1121 provided the Enforcement Committee’s recommendation that the Board continue to
1122 issue a Public Letter of Reproval (PLR) as formal discipline to a licensee who failed their
1123 first CE audit, by not submitting any of the required 36 hours of CE and for staff to seek
1124 probation for licensees who have already been issued a PLR and fail another audit.
1125

1126 A discussion ensued regarding the difficulty to enforce discipline beyond a PLR for first
1127 time violators. Concern was expressed of the serious nature of a licensee committing
1128 perjury on a renewal application.
1129

1130 Discussion continued regarding whether there was a difference between a licensee
1131 completing zero versus being short on hours. Only a failed audit of zero CE would be
1132 referred to Enforcement and there is a different process for Cite/Fine through the CE
1133 Coordinator for other failed audits.
1134

1135 Ms. McCockran provided clarity on the nature of the audit process and confirmed that
1136 two letters are sent to the official Address of Record on file in addition to the email
1137 address provided to the Board.
1138

1139 It was M(Foo)/S(Harb Sheets)/C that the Board support the Committee’s
1140 recommendation to continue to issue a PLR to those licensees who have not completed
1141 or failed to document any of the 36 hours of Continuing Education required for license
1142 renewal and for staff to seek probation for licensees who have already been issued a
1143 PLR and fail another audit by providing zero CE.
1144

1145 There was no public comment offered.
1146

1147 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
1148 Rodgers, Tate), 0 Noes

1149
1150 d) Consideration of Mail Ballot/Hold for Discussion Policy

1151
1152 Ms. Monterrubio provided a summary of historical mail ballot/hold policy. Ms.
1153 Monterrubio stated the Enforcement Committee's recommendation that the Board
1154 change the whole policy to be a two-vote hold with the full complement of appointed
1155 Board Members and if the Board returns to a group of six or less members, the
1156 recommendation is to return to the one-vote hold policy.

1157
1158 A discussion ensued on clarity of language in recommendation and it was determined
1159 that if the motion passed it would be added to the Enforcement Committee meeting
1160 agenda.

1161
1162 Ms. Cervantes recommend the Board not change the current one-vote hold and finds
1163 discussion helpful.

1164
1165 A discussion ensued on the merits of different options.

1166
1167 It was M(Foo)/S(Tate)/C that the Board support the Committee's recommendation to
1168 change the policy to a two-vote hold as there is now a full complement of appointed
1169 Board Members and if the Board does fall in its membership to a group of six or less,
1170 that the Board return to a one-vote policy.

1171
1172 There was no Board or public comment.

1173
1174 Vote: 9 Ayes (Casuga, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate), 1
1175 No (Cervantes)

1176
1177 **Agenda Item 20: Recommendations for Agenda Items for Future Board Meetings**

1178
1179 Mr. Foo summarized the public comments from the previous day from the public and
1180 asked staff to add future agenda items to meetings in relation to the summarized
1181 questions and comments that had been raised.

1182
1183 There was no Board or public comment.

1184
1185 Mr. Foo expressed appreciation to staff, public, SOLID, Board members and made
1186 consideration to the pressures of care providers during the pandemic.

1187
1188 **ADJOURNMENT**

1189
1190 It was M(Tate)/S(Casuga)/C that the meeting be adjourned.

1191
1192 The meeting adjourned at 2:19 p.m.

1193

MEMORANDUM

DATE	May 19, 2021
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item # 5 – Discussion and Possible Approval of the Board Meeting Minutes: April 2, 2021

Background:

Attached are the draft minutes of the April 2, 2021 Board Meeting.

Action Requested:

Review and approve the minutes of the April 2, 2021 Board Meeting.

1
2
3 **BOARD MEETING TELECONFERENCE**
4
5

6 NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-
7 3 20, dated March 17, 2020, neither Board member locations nor a public meeting 4
8 location were provided.
9

10 Friday, April 2, 2021
11

12 **Members Present**

13 Seyron Foo, President
14 Lea Tate, PsyD, Vice President
15 Sheryll Casuga, PsyD
16 Marisela Cervantes
17 Mary Harb Sheets, PhD
18 Julie Nystrom
19 Stephen Phillips, JD, PsyD
20 Ana Rescate
21 Shacunda Rodgers, PhD
22

23 **Members Absent**

24 None
25

26 **Legal Counsel**

27 Will Maguire
28 Clay Jackson
29

30 **Board Staff**

31 Antonette Sorrick, Executive Officer
32 Jon Burke, Assistant Executive Officer
33 Stephanie Cheung, Licensing Manager
34 Jason Glasspiegel, Central Services Manager
35 Sandra Monterrubio, Enforcement Program Manager
36 Liezel McCockran, CE/Renewals Coordinator
37 Cristina Rivera, Legislative and Regulatory Analyst
38 Sarah Proteau, Central Services Office Technician
39

40 **AGENDA**
41

42 **9:00 a.m. – 5:00 p.m. or until Completion of Business**
43

44 Unless noticed for a specific time, items may be heard at any time during the period of
45 the Board meeting.
46

47 The Board welcomes and encourages public participation at its meetings. The public
48 may take appropriate opportunities to comment on any issue before the Board at the
49 time the item is heard.

50

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

52

53 Board President Foo called the meeting to order at 9:01 a.m., roll was taken, and a
54 quorum established.

55

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

57

58 Mr. Foo welcomed all participants, thanked Mr. Clay Jackson for the assistance he had
59 provided to the Board as counsel and wished him well in retirement.

60

61 There was no Board or public comment offered

62

63 **Agenda Item 3: Public Comment for Items Not on the Agenda**

64

65 There was no Board or public comment offered.

66

67 **Agenda Item 4: Discussion and Possible Approval of the Board Meeting Minutes:**
68 **February 18-19, 2021**

69

70 This item was held over to the May 21, 2021 Board Meeting.

71

72 **Agenda Item 5: Legislative and Regulatory Affairs Updates**

73

74 Ms. Cervantes introduced this agenda item and stated that updates from SB 731 and
75 AB 562 Lowe would be discussed later in the meeting.

76

77 a) Board Sponsored Legislation for the 2021 Legislative Session: Review and
78 Possible Action

79

80 1. Amendments to sections 2960 and 2960.1 of the Business and
81 Professions Code Regarding Denial, Suspension and Revocation for Acts
82 of Sexual Contact

82

83 Ms. Rivera provided background information regarding SB 401 (Pan).

84

85 Ms. Rivera provided an introduction and background information regarding SB 401
86 (Pan). She stated this bill was in the Senate Committee on Appropriations and provided
87 the Legislative and Regulatory Committee recommendation that the Board Support SB
88 401 (Pan).

89

90 It was M(Foo)/S(Casuga)/C to adopt the Committee recommendation to support the bill.

91

92 Ms. Nystrom recused herself from voting on item due to her employment with the State
93 Senate.

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Public comment

Dr. Elizabeth Winkelman, California Psychological Association (CPA), expressed appreciation to the Board and staff for working with CPA throughout the development of this bill and stated that CPA had a neutral position.

7 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rodgers, Tate), 0 noes, 1 Abstain (Nystrom)

2. Pathways to Licensure Statutory Revisions – Amendments to sections 27, 2909, 2909.5, 2910, 2911, 2913, 2914, 2915, 2915.5, 2915.7, 2942, 2944, 2946, and 2960 of the Business and Professions Code, and section 1010 of the Evidence Code.

3. Sunset Provisions – Amendments to section 2912 of the Business and Professions Code, and Addition of sections Related to Reinstatement to Active after Voluntary Surrender, Licensure Committee Delegated Authority, and Authority to Issue Waivers.

Ms. Cervantes stated that updates to Items 5(a)(2) and 5(a)(3) would be provided later in the meeting under item 6.

b) Review of Bills for Active Position Recommendations

1. AB 54 (Kiley) COVID-19 emergency order violation: license revocation

Ms. Cervantes introduced this item and Ms. Rivera provided background information regarding AB 54 (Kiley).

Ms. Rivera provided an update on AB 54 (Kiley) which had not been set for hearing and the staff recommendation to watch the bill.

There was no Board or Public Comment offered.

Ms. Cervantes stated there would be no vote due to the watch status of the Bill.

2. AB 1236 (Ting) Healing arts: licensees: data collection

Ms. Cervantes introduced this item and Ms. Rivera provided background information regarding AB 1236 (Ting).

Ms. Rivera provided an update on AB 1236 (Ting), which had not been set for hearing and the staff recommendation to watch the bill.

Ms. Cervantes provided an additional update to the discussion that had taken place on March 19, 2021, between the Board and sponsors of the bill and some concerns were identified in the language.

141
142 A discussion ensued between Board members, staff, and counsel regarding the option to
143 send a letter in support of the concept of the collection of data from licensees and to
144 continue to work with the author and sponsors to be able to reach a position of support.
145

146 It was M(Tate)/S(Casuga)/C to delegate authority to the Executive Officer and Board staff
147 to issue a letter indicating the Board's support of the concept of collecting demographic
148 data from licensees and to continue working with the author and sponsor to develop
149 language so that the Board may consider a position of support at a later point.
150

151 Ms. Nystrom recused herself from voting on item due to her employment with the State
152 Senate.
153

154 Dr. Rodgers referenced to language in the bill related to outreach and asked the
155 Committee members and staff to seek a definition or description of outreach with the bill
156 authors and sponsors in continued discussion.
157

158 A discussion ensued between Board members, staff, and counsel regarding the
159 potential impact on the budget and staff operations, as well as possible regulatory
160 changes that would be required if AB 1236 (Ting) were implemented. It was also
161 discussed that the Board had already been collecting data on a voluntary basis due to
162 AB 2102 (Ting) from 2014. It was emphasized that the Board was not allowed to access
163 the data collected under AB 2102 (Ting), and AB 1236 (Ting) might be a more
164 actionable path for the whole of State government to respond to workforce needs.
165

166 Public comment
167

168 Dr. Winkelman, CPA, stated that CPA had taken an oppose position on AB 1236 that
169 while there was appreciation for the intent of fostering a diverse workforce but was
170 concerned that the proposed data collection was overly broad, included irrelevant
171 information, and about the possibility of a data breach.
172

173 There was no further public comment offered.
174
175

176 7 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rodgers, Tate), 1 Abstain
177 (Nystrom), 0 Noes
178

179 3. SB 731 (Durazo) Criminal records: relief 180

181 Ms. Cervantes introduced this item. She stated that the Committee had been unable to
182 discuss this bill in the previous meeting and Ms. Rivera provided background information
183 regarding SB 731 (Durazo).
184

185 Ms. Rivera provided an update on SB 731 (Durazo), which had not been set for hearing
186 and the staff recommendation the Board oppose the bill.
187

188 It was M(Phillips)/S(Harb Sheets)/C to adopt the staff recommendation to Oppose SB 731
189 (Durazo).

190
191 A discussion ensued between the Mr. Foo and Ms. Monterrubio regarding concerns that
192 staff would be hindered in providing appropriate consumer protection if enforcement staff
193 were not able to receive the full information on a background report.

194
195 Ms. Nystrom recused herself from voting on item due to her employment with the State
196 Senate.

197
198 There was no public comment offered.

199
200 7 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rodgers, Tate), 1 Abstain
201 (Nystrom), 0 Noes

202
203
204 4. SB 772 (Ochoa Bogh) Professions and vocations: citations: minor
205 violations

206
207 Ms. Cervantes introduced this item and Ms. Rivera provided background information
208 regarding SB 772 (Ochoa Bogh).

209
210 Ms. Rivera provided an update on SB 772 (Ochoa Bogh) which had been set for hearing
211 on April 19, 2021, and the Committee recommendation that the Board take an Oppose
212 Unless Amended position on SB 772 (Ochoa Bogh).

213
214 It was M(Harb Sheets)/S(Tate)/C to adopt the Committee recommendation to oppose SB
215 772 (Ochoa Bogh) unless amended to exempt the Board of Psychology.

216
217 Ms. Nystrom recused herself from voting on the item due to her employment with the
218 State Senate.

219
220 There was no public comment offered.

221
222 7 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rodgers, Tate), 1 Abstain
223 (Nystrom), 0 Noes

224
225 c) Review of Watch Bills
226 1. AB 32 (Aguiar-Curry) Telehealth

227
228 Ms. Cervantes introduced this item and Ms. Rivera provided background information
229 regarding AB 32 (Aguiar-Curry).

230
231 Ms. Rivera provided an update on AB 32 (Aguiar-Curry) which had not yet been set for
232 hearing and the Committee recommendation that the Board Support the bill.

233

234 It was M(Foo)/S(Rodgers)/C to adopt the Committee recommendation to Support AB 32
235 (Aguiar-Curry).

236
237 Ms. Nystrom recused herself from voting on the item due to her employment with the
238 State Senate.

239
240 Dr. Winkelman, California Psychological Association, stated the appreciation of CPA on
241 of Board support of AB 32 (Aguiar-Curry).

242
243 7 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rodgers, Tate), 1 Abstain
244 (Nystrom), 0 Noes

245
246
247 2. AB 107 (Salas) Department of Consumer Affairs: boards: temporary
248 licenses: military spouses

249
250 Ms. Cervantes introduced this item and Ms. Rivera provided background information
251 regarding AB 107 (Salas).

252
253 Ms. Rivera provided an update on AB 107 (Salas) which had been referred to the
254 Committee for Military and Veteran's Affairs and had not been set for hearing. She stated
255 the Legislative and Regulatory Affairs Committee recommendation that the Board take a
256 Support if Amended position and provide the author's office with the identified
257 amendments to Business & Professions Code section 2946.

258
259 It was M(Foo)/S(Tate)/C to adopt the Committee recommendation of a Support if
260 Amended position on AB 107 (Salas) and include the identified amended language to
261 BPC 2946 listed on page 69 of the meeting materials.

262
263 Ms. Nystrom recused herself from voting on the item due to her employment with the
264 State Senate.

265
266 7 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rodgers, Tate), 1 Abstain
267 (Nystrom), 0 Noes

268
269
270 3. AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military
271 spouses: licenses

272
273 Ms. Cervantes introduced this item and Ms. Rivera provided background information
274 regarding AB 225 (Gray).

275
276 Ms. Rivera provided an update on AB 225 (Gray) which was set for hearing on April 6,
277 2021, and the staff recommendation to watch the bill.

278
279 There was no Board or public comment offered.

280

281 4. AB 339 (Lee) State and local government: open meetings

282

283 Ms. Cervantes introduced this item and Ms. Rivera provided background information
284 regarding AB 339 (Lee).

285

286 Ms. Rivera provided an update on AB 339 (Lee) and the staff recommendation to watch
287 the bill as the author had submitted amendments to remove the Bagley-Keene portion.
288 She stated the bill was being monitored to confirm that the amendments submitted and
289 made to the language.

290

291 There was no Board or public comment offered.

292

293 5. AB 562 (Low) Mental health services for health care providers

294

295 Ms. Cervantes introduced this item and Ms. Rivera provided background information
296 regarding AB 562 (Low).

297

298 Ms. Rivera provided an update on AB 562 (Low) and the staff recommendation to watch
299 the bill

300

301 Ms. Cervantes commented that due to timing, AB 562 (Low) had not been discussed in
302 the Legislative and Regulatory Affairs Committee.

303

304 Ms. Sorrick stated that the bill was being monitored by Board staff and had been set to
305 be heard in Assembly Business and Professions Committee on April 6, 2021. She stated
306 that staff was in regular communication with the author's office and DCA to work out
307 several details of the bill and more information would be provided at the May Board
308 meeting.

309

310 There was no public comment offered.

311

312 6. AB 646 (Low) Department of Consumer Affairs: boards: expunged
313 convictions

314

315 Ms. Cervantes introduced this item and Ms. Rivera provided background information
316 regarding AB 646 (Low).

317

318 Ms. Rivera provided an update on AB 646 (Low) was in the Appropriations Committee
319 and had not yet been set for hearing and the staff recommendation to watch the bill.

320

321 There was no public comment offered.

322

323

324 7. AB 657 (Bonta) State civil service system: personal services contracts:

325

326 Ms. Cervantes introduced this item and Ms. Rivera provided background information
327 regarding AB 657 (Bonta).

328
329 Ms. Rivera provided an update on AB 657 (Bonta) and the Committee recommendation
330 to take an Oppose Unless Amended position on AB 657 (Bonta) to exclude the Board of
331 Psychology from the bill's provisions as the requirements could negatively impact
332 previously existing contracts.

333
334 A discussion ensued and it was determined between Board and staff that the bill remain
335 a watch, and delegate to the Chair of the Legislative and Regulatory Affairs Committee
336 and Executive Officer the authority to take an Oppose Unless Amended position on AB
337 657 (Bonta) should the author's office not amend as agreed on March 19, 2021.

338
339 It was M(Foo)/S(Tate)/C to delegate to the Executive Officer and Chair of the Legislative
340 and Regulatory Affairs Committee the authority to issue an Oppose Unless Amended
341 Letter regarding AB 657 (Bonta) if the author's office does not fulfill their commitment
342 made on March 19, 2021, to move programs under the Department of Consumer Affairs
343 from the requirements of the bill.

344
345 Ms. Nystrom recused herself from voting on the item due to her employment with the
346 State Senate.

347
348 There was no public comment offered.

349
350 7 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rodgers, Tate), 1 Abstain
351 (Nystrom), 0 Noes

352
353
354 8. AB 810 (Flora) Healing arts: reports: claims against licensees

355
356 Ms. Cervantes introduced this item and Ms. Rivera provided background information
357 regarding AB 810 (Flora).

358
359 Ms. Rivera provided an update on AB 810 (Flora) and the staff recommendation to watch
360 the bill.

361
362 There was no Board or public comment offered.

363
364
365 9. AB 830 (Flora) Department of Consumer Affairs: director: powers and duties

366
367 Ms. Cervantes introduced this item and Ms. Rivera provided background information
368 regarding AB 830 (Flora).

369
370 Ms. Rivera provided an update on AB 830 (Flora) and the staff recommendation to watch
371 the bill.

372
373 There was no Board or public comment offered.

374

375 10. AB 1026 (Smith) Business licenses: veterans.
376

377 Ms. Cervantes introduced this item and Ms. Rivera provided background information
378 regarding AB 1026 (Smith).
379

380 Ms. Rivera provided an update on AB 1026 (Smith) and the staff recommendation to
381 watch the bill.
382

383 There was no Board or public comment offered.
384

385 11. AB 1386 (Cunningham) License fees: military partners and spouses
386

387 Ms. Cervantes introduced this item and Ms. Rivera provided background information
388 regarding AB 1386 (Cunningham).
389

390 Ms. Rivera provided an update on AB 1386 (Cunningham) and the staff recommendation
391 to watch the bill.
392

393 There was no Board or public comment offered.
394

395 12. SB 102 (Melendez) COVID-19 emergency order violation: license revocation
396

397 Ms. Cervantes introduced this item and Ms. Rivera provided background information
398 regarding SB 102 (Melendez).
399

400 Ms. Rivera provided an update on SB 102 (Melendez) and the staff recommendation to
401 watch the bill.
402

403 There was no Board or public comment offered.
404

405 13. SB 224 (Portantino) Pupil instruction: mental health education
406

407 Ms. Cervantes introduced this item and Ms. Rivera provided background information
408 regarding SB 224 (Portantino).
409

410 Ms. Rivera provided an update on SB 224 (Portantino) and the staff recommendation to
411 watch the bill.
412

413 There was no Board or public comment offered.
414

415 14. SB 534 (Jones) Department of Consumer Affairs
416

417 Ms. Cervantes introduced this item and Ms. Rivera provided background information
418 regarding SB 534 (Jones).
419

420 Ms. Rivera provided an update on SB 534 (Jones) and the staff recommendation to no
421 longer watch the bill as it no longer related to the Board.

422
423 There was no Board or public comment offered.

424
425 d. Update on California Psychological Association Legislative Proposal Regarding
426 New Registration Category for Psychological Testing Technicians.

427
428 Ms. Cervantes and Ms. Rivera introduced this item.

429
430 The California Psychological Association had nothing to report.

431
432 There was no Board or public comment offered.

433
434 e. Legislative Items for Future Meeting.

435
436 There was no Board or public comment offered.

437
438 Ms. Cervantes expressed appreciation to staff and counsel for assistance in preparation
439 of the report.

440
441 **Agenda Item 6: Update, Discussion, and Possible Action on Board Responses to**
442 **Psychology Sunset Review Committee Paper**

443
444 Ms. Sorrick provided a brief timeline of the Sunset process and referred to documents
445 attached in the meeting materials which identified all statutory changes that had been
446 identified by the Board.

447
448 Mr. Foo suggested the Board discuss and update the language where necessary.

449
450 Ms. Sorrick provided a summary and update for each issue. Each item was reviewed by
451 the Board and edits were made.

452
453 Public comment was opened for each item. No public comment was received beyond
454 technical, non-substantive corrections and appreciation for the process.

455
456 President Foo expressed appreciation to the Board and asked for a motion to approve
457 the Board's draft responses included within the background paper for the California
458 Board of Psychology to submit to the Assembly Committee on Business and
459 Professions.

460
461 It was M(Tate)/S(Phillips)/C to approve the Board's draft responses included within the
462 background paper for the California Board of Psychology to submit to the Assembly
463 Committee on Business and Professions.

464
465 There was no Board or public comment offered.

466
467 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rodgers, Tate), 1 Abstain
468 (Nystrom), 0 Noes

469
470 It was M(Harb Sheets)/S(Casuga)/C to delegate to Ms. Sorrick and Dr. Phillips to make
471 technical, non-substantive changes, including grammatical changes to the document, if
472 needed.

473
474 There was no Board or public comment offered.

475
476 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rodgers, Tate), 1 Abstain
477 (Nystrom), 0 Noes

478
479 Mr. Foo expressed appreciation for the collaborative effort of the Board, staff and public
480 made on this agenda item.

481
482 **Agenda Item 7: Regulatory Update, Review, and Possible Action on Additional**
483 **Changes**

- 484
485 a) 16 California Code of Regulations (CCR) 1396.8 – Standards of Practice
486 for Telehealth
487 b) 16 CCR sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10,
488 1391.11, 1391.12, 1392.1 – Psychological Assistants
489 c) 16 CCR sections 1381.9, 1381.10, 1392 – Retired License, Renewal of
490 Expired License, Psychologist Fees
491 d) 16 CCR sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 –
492 Continuing Professional Development
493 e) 16 CCR sections 1391.13, and 1391.14 – Inactive Psychological Assistant
494 Registration and Reactivating a Psychological Assistant Registration
495 f) 16 CCR 1392 – Psychologist Fees – California Psychology Law and
496 Ethics Examination (CPLÉE) and Initial License and Biennial Renewal Fee
497 for a Psychologist
498 g) 16 CCR 1395.2 Disciplinary Guidelines and Uniform Standards Related to
499 Substance-Abusing Licensees

500
501 Ms. Cervantes provided a brief information-only update for this agenda item. No action
502 was required.

503
504 There was no Board or public comment offered.

505
506 **Agenda Item 8: Recommendations for Agenda Items for Future Board Meetings.**

507
508 Mr. Foo requested public comment to add any agenda items for future Board meetings.

509
510 There was no Board or public comment offered.

511
512 **CLOSED SESSION**

513
514 **Agenda Item 9: The Board Will Meet in Closed Session Pursuant to Government**
515 **Code Section 11126, subdivision (c)(3) to Discuss Disciplinary Matters**

516 **Including Proposed Decisions, Stipulations, Petitions for Reinstatement or**
517 **Modification of Penalty, Petitions for Reconsideration, and Remands.**
518

519
520 President Foo expressed appreciation for the participation and collaboration in the
521 Board meeting and stated that there was no closed session.

522
523 Ms. Cervantes and Dr. Harb Sheets expressed appreciation of the Board's openness to
524 public information engagement.

525
526 Mr. Foo thanked attendees and asked for a motion to adjourn which was made by Dr.
527 Casuga.

528
529 **ADJOURNMENT**

530
531 **The meeting adjourned at 2:31 p.m.**
532

Waiver Topic	Code Section(s) Waived	Summary	Submission Date	Approval Status	Submitted By	Waiver Status
Face to Face Supervision	California Code of Regulations Sections 1387(b)(4) and 1391.5(b)	This waiver would allow the Board to relax the requirement of face-to-face supervision to a psychological trainee by allowing the one hour face-to-face, direct, individual supervision to be conducted via HIPAA-compliant means from March 16, 2020, until June 30, 2020, or when the state declaration of emergency is lifted, whichever is sooner. The Board would still require that the trainee indicate the type of supervision on the required weekly log and the primary supervisor should verify this information. This waiver would help with the workforce surge.	Submitted to Director Kirchmeyer on 4/9/2020	Approved by DCA on 5/6/20. Waiver extended on 7/1/20 to 9/3/20. Waiver extended again on 8/27/20 to 11/3/30. Waiver extended on 10/22/20. Waiver extended again on November 25, 2020. This waiver now expires January 30, 2021. Waiver extended on December 15 and now expires on Friday 28. Waiver extended on 2/26/21 and now expires April 30. Waiver extended on 4/30/21 and now expires June 30.	Board of Psychology	Active
CE Extra Six Months	All DCA Boards	Accordingly, for individuals whose active licenses expire between March 31, 2020, and June 30, 2020, the Director temporarily waives: 1. any statutory or regulatory requirement that individuals renewing a license pursuant to Division 2 of the Code take and pass an examination in order to renew a license; and, 2. any statutory or regulatory requirement that an individual renewing a license pursuant to Division 2 of the Code complete, or demonstrate compliance with, any continuing education requirements in order to renew a license. These temporary waivers do not apply to any continuing education, training, or examination required pursuant to a disciplinary order against a license. Licensees must satisfy any waived renewal requirements within six months of this order, unless further extended.	N/A	Published by DCA on 3/4/20. Waiver extended on 7/1/20 allowing for an additional 6 months from the 7/1/20 waiver. Waiver extended again on 8/27/20. All licensees with an expiration of 3/31/20-10/31/20 have until 2/28/21 to get their 36 hours of CE. Waiver extended again on 10/22/20. All licensees with an expiration of 3/31/20-5/31/20 have until 4/22/21 to get their 36 hours of CE. Licensees with an expiration between 1/1/21 and 2/28/21 have until June 15, 2021 to complete 36 hours of CE. Licensees with an expiration between 3/1/21-3/31/21 have until September 26, 2021 to complete the 36 hours of CE. Newest waiver published by DCA on March 30, 2021 gives all licensees expiring between 3/31/20 and 5/31/21, until September 30, 2021, to comply with the waived continuing education and exam requirements for renewal.	DCA	Active
CPLÉE for Restoration of License	Business and Professions Code Section 2986 California Code of Regulation Section 1397.67(b)	This waiver would allow the board to restore licenses of psychologists whose California licenses have cancelled without requiring the board's law and ethics examination (CPLÉE). This waiver would become effective 3/4/20 until 6/30/20, or when the declaration of emergency is lifted. This would be consistent with the DCA Waiver DCA-20-02 Reinstatement of Licensure. This waiver would help with the workforce surge.	Submitted to Director Kirchmeyer on 4/9/2020	Referred to the Board for Delegation. Approved by Board on 4/17/20	Board of Psychology	Active
SPE Time Limitation	California Code of Regulations Section 1387(a)	The regulation allows a psychological trainee to request that the Board extend the time limitations of 30/60 consecutive months to accrue their pre-doctoral and post-doctoral hours of supervised professional experience (respectively) required for licensure. The waiver requested would be to allow applicants who reach the 30/60 month limitations between 3/4/20 and 6/30/20 up to an additional 6 months, or when the declaration of emergency is lifted, whichever is sooner, to accrue their hours. This waiver would help with the workforce surge.	Submitted to Director Kirchmeyer on 4/9/2020	Referred to the Board for Delegation. Approved by Board on 4/17/20	Board of Psychology	Active
Psych Asst 72 month Limit	California Code of Regulations Section 1391.1(b)	This waiver would allow a psychological assistant to continue their registration, beyond the 72 months limit upon request, and to provide services to clients for up to six months from the expiration date, or when the state of emergency ceases to exist, whichever is sooner. A psychological assistant who has reached the registration limit between 3/4/2020 and 6/30/2020 will qualify for the wavier and can request for such waiver during the state of emergency. This will help with the workforce surge.	Submitted to Director Kirchmeyer on 4/9/2020	Referred to the Board for Delegation. Approved by Board on 4/17/20	Board of Psychology	Active

Withdraw Application	California Code of Regulations Section 1381.4	This waiver extends the eligibility period for candidates to take or re-take an examination from 12 to 18 months prior to their application is deemed withdrawn by the Board due to failing to appear for, take, or re-take the examination. This waiver applies to psychologist applicants whose applications are deemed to be withdrawn within a specific period per the waiver, but does not retroactively apply to withdrawn applications prior to September 30, 2020 where applicants have already reapplied.	Submitted to Director Kirchmeyer on 4/10/2020	Approved by DCA on 9/30/2020. Extended on November 25, 2020. For psychologist applicants whose applications are deemed withdrawn between December 1, 2020, and January 31, 2021, due to the applicant failing to appear for an examination prescribed by California Code of Regulations, title 16, section 1388, subdivision (b), the Director waives California Code of Regulations, title 16, section 1381.4, to the extent it requires applicants to take or retake an examination within 12 months, subject to the condition that an applicant must take or retake the examination with 18 months of approval to take or retake the examination. Extended on 1/26/21 for psychologist applications that are deemed withdrawn between January 31, 2021 and April 2, 2021. Extended on 3/30/21 for psychologist applications that are deemed withdrawn between April 3, 2021 and June 1, 2021.	Board of Psychology	Active
Waive Live CE Course Requirement	California Code of Regulations Section 1397.60(e)	This waiver would allow a psychologist to complete all of their required continuing education hours online and waive the in-person requirement. Currently the regulation requires 9 hours of the required 36 hours be taken in-person. Given the lack of availability of conferences where most licensees accrue their live hours, the Board would like to waive this requirement. This waiver is requested to run concurrently with DCA Waiver DCA-20-01 Continuing Education.	Submitted to Director Kirchmeyer on 4/9/2020	Denied on 4/16/20	Board of Psychology	N/A
Fingerprints and Exams for Applicants of BBS and Board of Psychology	Business and Professions Code section 144 & 2941		Unknown	Denied on 5/20/20	California Council of Community Behavioral Health Agencies	N/A
Temporary Practice	Business and Professions Code section 2912	BPC §2912 - This waiver request would extend this section of law from 30 days to a temporary 6 months. Additionally, this waiver request would extend this section to an out of state trainee and supervisor that is not in a training program or school to still be able to provide services to a CA resident.	5/12/2020	Denied on 6/11/20	DCA	N/A
SPE All Trainees	California Code of Regulations Section 1387(a)	For trainees who were accruing supervised professional experience hours at any point during the declared emergency, the Board grants six additional months to accrue their pre-doctoral and/or post-doctoral hours of supervised professional experience (respectively) required for licensure.	Submitted to Director Kirchmeyer on 4/22/20	Denied on 7/17/20	Board of Psychology	N/A
Psych Asst Extend Time for All	California Code of Regulations Section 1391.1(b)	For psychological assistants who were registered at any time during the declared emergency, the Board allows for the registration to be effective an additional six months.	Submitted to Director Kirchmeyer on 4/22/20	Denied on 7/17/20	Board of Psychology	N/A

Waive Discipline solely for practicing out of state	Cal. Bus. & Prof. Code §§ 2052, 2290.5, and 2305; and 16 CCR 1815.5	A waiver, or at least formal guidance, issued by DCA, providing clarity to providers employed by colleges and universities located in California that neither DCA nor any individual health professions board will initiate or pursue disciplinary action based solely on interstate practice during the pandemic related to the care of a currently enrolled student. Any guidance could be clear that California of course can make no promises regarding the actions of other state boards; and that disciplinary action may be imposed for conduct that is otherwise inconsistent with the applicable standard of care, individual board regulations, or professional standards of ethical conduct.	Submitted to Director Kirchmeyer on 6/16/20	Denied on 7/9/20	University of California	N/A
Fingerprint Inactive/Canceled	Business and Professions Code Section 144(b)(20) Business and Professions Code Section 2986 California Code of Regulations Section 1397.67(b)	This waiver would allow the board to restore licenses of psychologists whose California licenses have canceled without requiring submission of fingerprints for a period of six months, or until the declaration of emergency is lifted, whichever is sooner. This would be consistent with the DCA waiver DCA-20-02 Reinstatement of Licensure. This waiver would help with the workforce surge by increasing the licensed population.	Submitted to Director Kirchmeyer on 4/10/2020	Withdrawn due to duplicative nature with existing global waiver. On COVID-19 Info Page on Board Website.	Board of Psychology	N/A
180 Day Limitation for Out of State Applicants	Business and Professions Code section 2946	For individuals who have applied to the Board for a license and are unable to take the examination or complete the pre-licensure coursework during the emergency, the Board grants six additional months to perform activities and services of a psychological nature.	Submitted to Director Kirchmeyer on 4/22/20		Board of Psychology	N/A
Reinstatement of Inactive or Canceled License	All DCA Boards	Accordingly, the Director temporarily waives any statutory or regulatory requirement that an individual seeking to reactivate or restore a license originally issued pursuant to Division 2 of the Code: <ul style="list-style-type: none"> • Complete, or demonstrate compliance with, any continuing education requirements in order to reactivate or restore a retired, inactive, or canceled license; and • Pay any fees in order to reactivate or restore a retired, inactive, or canceled license (including renewal, delinquency, penalty, or late fees, or any other statutory or regulatory fees). These waivers apply only to an individual's license that: (1) is in a retired, inactive, or canceled status, and (2) has been in such status no longer than five years. These waivers do not apply to any license that was surrendered or revoked pursuant to disciplinary proceedings or any individual who entered a retired, inactive, or canceled status following initiation of a disciplinary proceeding. A license reactivated or restored pursuant to these waivers is valid for a maximum of six months, or when the State of Emergency ceases to exist, whichever is sooner.	N/A	Published by DCA on 12/15/20	DCA	Waiver effective through July 1, 2021 or until the completion of the Declaration of emergency which ever is sooner, for all who are granted the waiver.

MEMORANDUM

DATE	May 11, 2021
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #8 - Budget Report

Background:

In the Governor's 2020-21 Budget, the Board has an appropriation of \$6,162,000. This number is expected to increase to roughly \$6,282,000 after the current year Attorney General (AG) augmentation, which will be completed closer to the end of the fiscal year.

Of importance, Attachment C shows the Board with 14.3 months in reserve this fiscal year. As stated in the memo for Item 9, this is currently below the threshold 24 months in reserve which would require a fee reduction, but above the preferred three to six months. As illustrated in Attachment C, the Board's months in reserve will be in the negative by Fiscal Year 2023-2024. The recommended regulatory changes (combined with the CPLEE fee Increase), is anticipated to provide the Board an additional four months in reserve, valued at (\$1,174,000).

Action Requested:

This item is informational purposes only. No action is required.

Attachment A: Budget Report: FY 2020-2021 through Fiscal Month 9 with AG Augmentation

Attachment B: Discretionary vs. Non-Discretionary Expenses

Attachment C: Fund Condition

Attachment D: Expenditure and Revenue Comparison

Department of Consumer Affairs
Expenditure Projection Report
 Board of Psychology
 Reporting Structure(s): 11112100 Support
 Fiscal Month: 9
 Fiscal Year: 2020 - 2021
 Run Date: 04/29/2021

PERSONAL SERVICES

Fiscal Code	PY FM13	Budget	YTD	Projections to Year End	Balance
5100 PERMANENT POSITIONS	\$1,579,462	\$1,397,000	\$1,133,103	\$1,576,232	-\$179,232
5100 TEMPORARY POSITIONS	\$122,469	\$47,000	\$6,917	\$9,223	\$37,777
5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$17,252	\$22,000	\$37,324	\$42,990	-\$20,990
5150 STAFF BENEFITS	\$1,013,213	\$980,000	\$693,942	\$965,082	\$14,918
PERSONAL SERVICES	\$2,732,461	\$2,446,000	\$1,871,286	\$2,593,592	-\$147,592

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	PY FM13	Budget	YTD	Projections to Year End	Balance
5301 GENERAL EXPENSE	\$56,779	\$110,000	\$28,116	\$57,205	\$52,795
5302 PRINTING	\$57,303	\$53,000	\$10,394	\$57,775	-\$4,775
5304 COMMUNICATIONS	\$3,994	\$44,000	\$2,878	\$4,292	\$39,708
5306 POSTAGE	\$1,428	\$27,000	\$2,058	\$4,172	\$22,828
5308 INSURANCE	\$55	\$0	\$8,721	\$8,721	-\$8,721
53202-204 IN STATE TRAVEL	\$41,044	\$22,000	\$3,288	\$9,743	\$12,257
5322 TRAINING	\$24,321	\$17,000	\$1,000	\$3,500	\$13,500
5324 FACILITIES	\$311,456	\$146,000	\$140,829	\$219,430	-\$73,430
53402-53403 C/P SERVICES (INTERNAL)	\$1,161,586	\$1,473,000	\$859,133	\$1,290,040	\$182,960
53404-53405 C/P SERVICES (EXTERNAL)	\$454,257	\$418,000	\$203,658	\$362,482	\$55,518
5342 DEPARTMENT PRORATA	\$881,588	\$1,403,000	\$1,137,000	\$1,403,000	\$0
5342 DEPARTMENTAL SERVICES	\$40,827	\$54,000	\$39,188	\$127,456	-\$73,456
5344 CONSOLIDATED DATA CENTERS	\$12,435	\$11,000	\$0	\$11,000	\$0
5346 INFORMATION TECHNOLOGY	\$2,225	\$43,000	\$845	\$2,828	\$40,172
5362-5368 EQUIPMENT	\$25,283	\$15,000	\$10,226	\$18,140	-\$3,140
OPERATING EXPENSES & EQUIPMENT	\$2,863,977	\$3,836,000	\$2,447,333	\$3,579,784	\$256,216

OVERALL TOTALS	\$5,596,438	\$6,282,000	\$4,318,618	\$6,173,377	\$108,623
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1.73%

Board of Psychology Budget Items		
Non-Discretionary Budget		
Personal Services <i>Permanent Staff, Per Diem, Benefits</i>	\$	2,550,602
Operating Expenses <i>Facilities, Departmental Distributed, Statewide Prorata, Credit Card Processing, Examinations, Enforcement</i>	\$	3,402,409
Discretionary Budget		
Personal Services <i>Temporary Help, Overtime, Final Pay</i>	\$	42,990
Operating Expenses <i>Maintenance Contracts, Printing, Postage, IT, Training, Consolidated Data</i>	\$	177,376
Total Budget	\$	6,173,377

0310 - Psychology

Fund Condition Analysis

2021-22 Governor's Budget with FM 09 Projections

(Dollars in Thousands)

	PY 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
BEGINNING BALANCE	\$ 7,856	\$11,396	\$8,855	\$5,838
Prior Year Adjustment	-\$77	\$0	\$0	\$0
Adjusted Beginning Balance	\$7,779	\$11,396	\$8,855	\$5,838
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues				
4121200 - Delinquent fees	\$50	\$79	\$49	\$49
4127400 - Renewal fees	\$3,602	\$4,221	\$3,459	\$3,459
4129200 - Other regulatory fees	\$192	\$329	\$199	\$199
4129400 - Other regulatory licenses and permits	\$569	\$564	\$604	\$604
4150500 - Interest from interfund loans	\$1,066	\$0	\$0	\$0
4163000 - Income from surplus money investments	\$233	\$51	\$107	\$107
4171400 - Escheat of unclaimed checks and warrants	\$3	\$2	\$1	\$1
4172500 - Miscellaneous revenues	\$0	\$1	\$1	\$1
Totals, Revenues	\$5,715	\$5,247	\$4,420	\$4,420
Transfers from Other Funds				
GF Loan Repayment Per Item 1450-011-0310 BA of 2002	\$1,200	\$0	\$0	\$0
GF Loan Repayment Per Item 1110-011-0310 BA of 2008	\$2,500	\$0	\$0	\$0
Transfers to Other Funds				
GF Loan Per Item 1111-011-0310 BA of 2020	\$0	-\$900	\$0	\$0
GF Loan Per Item per CS 3.92 BA of 2020	\$0	-\$330	\$0	\$0
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$9,415	\$4,017	\$4,420	\$4,420
TOTAL RESOURCES	\$17,194	\$15,413	\$13,275	\$10,258
EXPENDITURES AND EXPENDITURE ADJUSTMENTS				
	PY 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
Expenditures:				
1111 Program Expenditures (State Operations)	\$5,396	\$6,173	\$6,994	\$7,204
8880 Financial Information System for California (State Operations)	-\$1	\$0	\$0	\$0
9892 Supplemental Pension Payments (State Operations)	\$94	\$94	\$94	\$94
9900 Statewide Pro Rata	\$309	\$291	\$349	\$349
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$5,798	\$6,558	\$7,437	\$7,647
FUND BALANCE				
Reserve for economic uncertainties	\$11,396	\$8,855	\$5,838	\$2,611
Months in Reserve	20.9	14.3	9.2	3.9

NOTES:

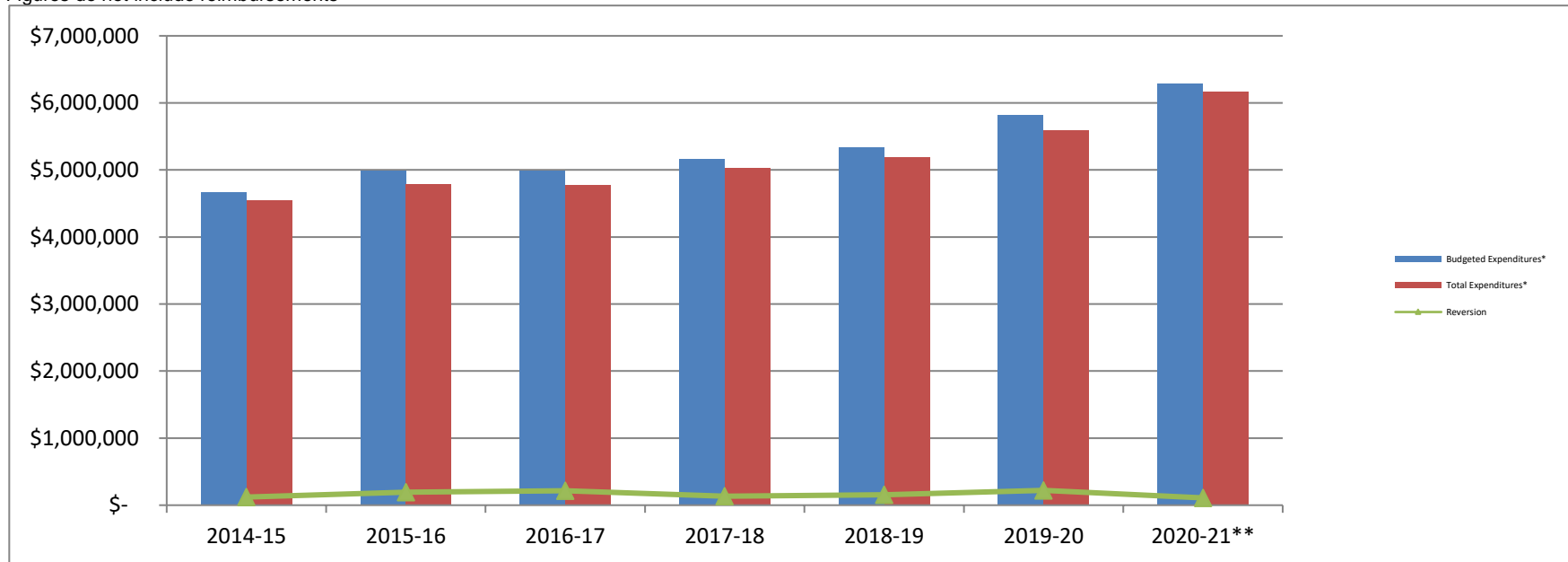
Assumes workload and revenue projections are realized in BY +1 and ongoing.

Expenditure growth projected at 3% beginning BY +1.

CY revenues and expenditures are projections.

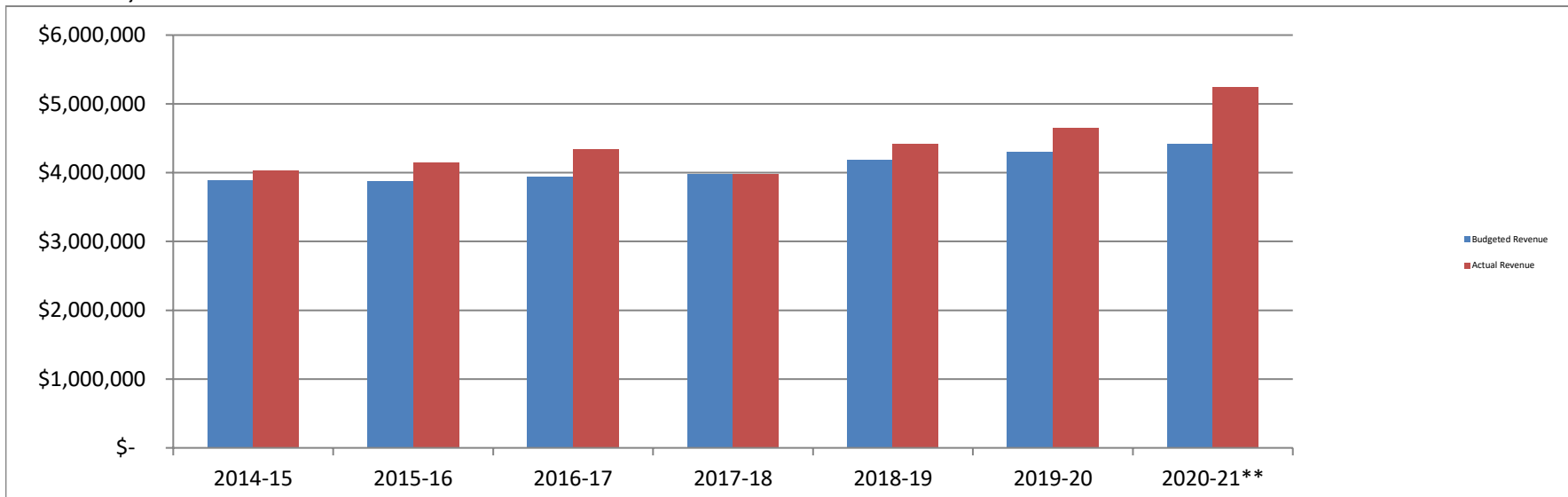
Psychology Expenditure Comparison (Budgeted vs. Actual)							
	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21**
Budgeted Expenditures*	\$4,669,000	\$4,984,000	\$4,989,000	\$5,158,000	\$ 5,341,000	\$ 5,817,000	\$ 6,282,000
Total Expenditures*	\$4,548,000	\$4,792,000	\$4,773,000	\$5,024,000	\$ 5,185,000	\$ 5,596,000	\$ 6,173,000
Reversion	\$ 121,000	\$ 192,000	\$ 216,000	\$ 134,000	\$ 156,000	\$ 221,000	\$ 109,000

*Figures do not include reimbursements



Psychology Revenue Comparison (Projected vs. Actual)							
	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21**
Budgeted Revenue	\$3,887,000	\$3,872,000	\$3,941,000	\$3,980,000	\$ 4,185,000	\$ 4,298,000	\$ 4,419,000
Actual Revenue	\$4,034,000	\$4,150,000	\$4,337,000	\$3,980,000	\$ 4,412,000	\$ 4,649,000	\$ 5,247,000
Difference	\$ 147,000	\$ 278,000	\$ 396,000	\$ -	\$ 227,000	\$ 351,000	\$ 828,000

**2020-21 Projected



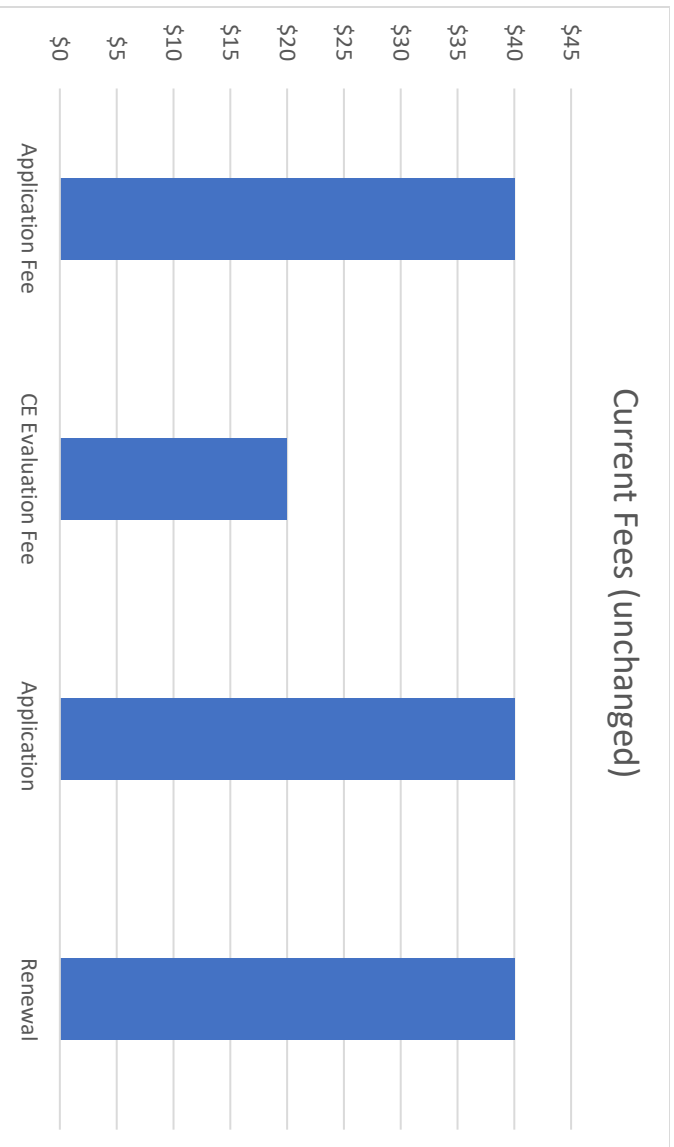
9 Attachment B – Board of Psychology Fee History

	<u>FEE</u>	<u>Current Amount</u>	<u>Notes</u>
<u>Licensure Application Fees</u>	Application	\$40	Set in 1979
	Initial Licensure	\$400	Followed Renewal Fee until around 2002 when it received its own dollar value

	<u>FEE</u>	<u>Current Amount</u>	<u>Notes</u>
<u>Examination</u>	EPPP (National Exam)	\$600	\$100 Prior to 1989. Changed to \$150 in 1989. In 1993, changed to \$273. In 1997, changed to \$332. In 1999, changed to \$432. In 2001, Changed to \$532. In 2003, EPPP removed from fee schedule as the exam is now taken through ASPPB.
	CPLEE (California Law and Ethics Exam)	\$129	In 1993, the Board's Oral Exam was \$78. In 1997, the Oral Exam changed to \$129. In 2002, the Oral Exam became the CPJE with \$129 fee. CPJE turned into CPSE which turned into CPLEE with no change to the fee.

	<u>FEE</u>	<u>Current Amount</u>	<u>Notes</u>
<u>Licensure Renewal</u>	Renewal	\$400.00	In 1980 Renewal Fee is \$120. In 1990 the fee changed to \$150. In 1991, fee changed to \$225. In 1993 Fee changed to \$400. In 1995, Fee changed to \$475. In 2000, Renewal Changed to \$400
	Delinquency Fee	\$50% of the renewal up to a maximum of \$150. (\$150 for active renewals \$20 for inactive renewals)	Set at \$25 in 1979. Changed to 50% up to \$150 in 2018 (current).
	CE Evaluation Fee	\$10.00	Set in 2013
	HPEF Fee	\$20.00	Set in 2004 at \$10 Changed to \$20 in 2018

	<u>FEE</u>	<u>Current Amount</u>	<u>Notes</u>
<u>Registration Application and Renewal</u>	Application	\$40	Set in 1979
	Renewal	\$40	Set in 1979
	Renewal Delinquency	\$20	Set in 1979 at \$20. 2018 change to delinquent fee does not affect this amount as the amount is currently 50% of the renewal fee.

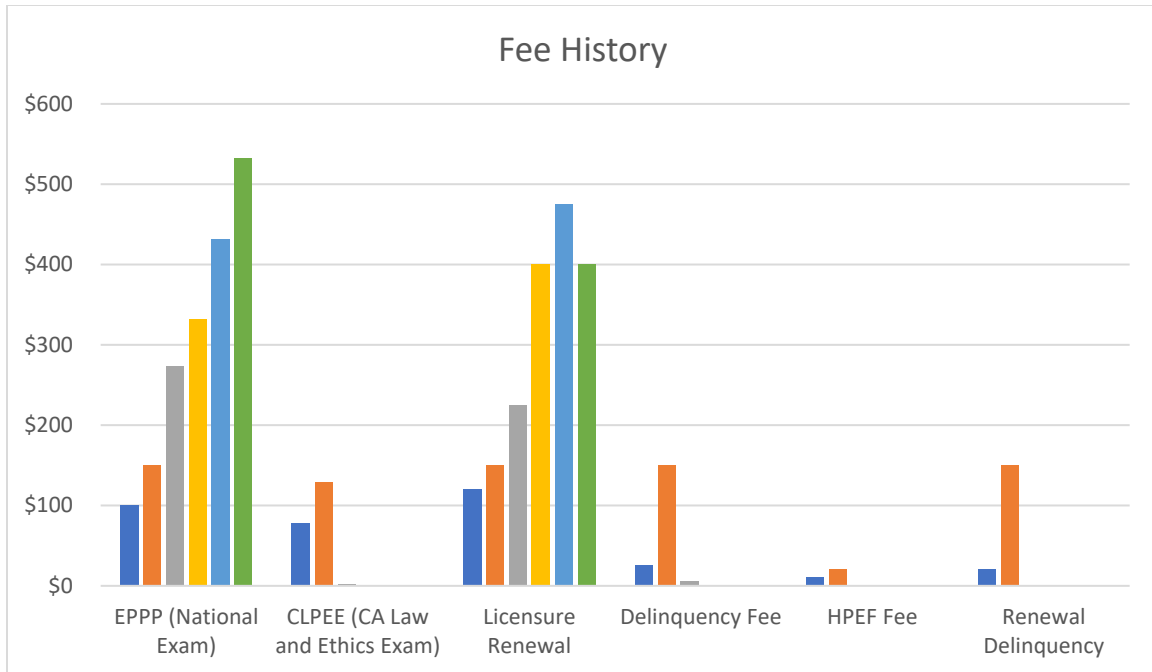


The Application Fee (\$40) was set in 1979.

CE Evaluation Fee: Set in 2013

Application Fee: Set in 1979

Renewal Fees: Set in 1979



EPPP: \$100 Prior to 1989. Changed to \$150 in 1989. In 1993, changed to \$273. In 1997, changed to \$332. In 1999, changed to \$432. In 2001, Changed to \$532. In 2003, EPPP removed from fee schedule as the exam is now taken through ASPPB.

CLPEE: In 1993, the Board's Oral Exam was \$78. In 1997, the Oral Exam changed to \$129. In 2002, the Oral Exam became the CPJE with \$129 fee. CPJE turned into CPSE which turned into CLPEE with no change to the fee.

Licensure Renewal: In 1980 Renewal Fee was \$120. In 1990 the fee changed to \$150. In 1991, fee changed to \$225. In 1993 Fee changed to \$400. In 1995, Fee changed to \$475. In 2000, Renewal Changed to \$400

Delinquency Fee: \$50% of the renewal up to a maximum of \$150. (\$150 for active renewals \$20 for inactive renewals). Set at \$25 in 1979. Changed to 50% up to \$150 in 2018 (current).

HPEF Fee: Set in 2004 at \$10 Changed to \$20 in 2018

Renewal Delinquency: Set in 1979 at \$20. 2018 change to delinquent fee does not affect this amount as the amount is currently 50% of the renewal fee.

BOARD OF PSYCHOLOGY

Overview of Enforcement Activity

License & Registration	16/17	17/18	18/19	19/20	*20/21
Psychologist	20,596	20,977	21,329	18,763	22,134
Registered Psychologist	249	188	162	127	111
Psychological Assistant	1,442	1,350	1,475	1,392	1,371
Cases Opened	16/17	17/18	18/19	19/20	20/21
Complaints Received	1,042	1,097	1,093	1,092	973
Arrest Reports**	39	53	40	43	26
Investigations Opened	771	805	862	829	650
Cases referred to DA	0	0	0	0	1
Cases referred to AG	45	70	56	75	39
Filings	16/17	17/18	18/19	19/20	20/21
Accusations	27	15	31	47	37
Statement of Issues	7	6	4	10	0
Petition to Revoke Probation	1	6	3	2	2
Petitions to Compel Psych. Exam	0	0	0	2	0
Petitions for Penalty Relief	3	6	5	4	8
Petition for Reinstatement	2	1	5	3	3
Petitions for Reconsideration	0	2	0	0	0
Filing Withdrawals/Dismissals	16/17	17/18	18/19	19/20	20/21
Accusations Withdrawn	0	0	3	1	2
Accusations Dismissed	1	0	4	0	0
Statement of Issues Withdrawn	1	3	0	3	2
Citations	16/17	17/18	18/19	19/20	20/21
Citations Ordered	32	46	47	35	32
Disciplinary Decisions	16/17	17/18	18/19	19/20	20/21
Revocations	2	9	1	9	1
Revocation, Stayed, Probation	16	7	11	16	3
Revoked, Stayed, Probation, Susp.	0	0	0	0	4
Surrender	26	11	9	12	12
Reprovals	3	4	1	2	8
ISO/TRO/PC23 Ordered	1	2	1	2	0
Statement of Issues-License Denied	0	0	0	0	1
Total Disciplinary Decisions	48	33	23	41	29
Other Decisions	16/17	17/18	18/19	19/20	20/21
Statement of Issues-License Granted	0	0	3	0	1
Petitions for Penalty Relief Denied	2	4	7	3	2
Petitions for Penalty Relief Granted	1	2	3	2	0
Petition for Reinstatement Granted	0	0	1	0	0
Petition for Reinstatement Denied	2	1	1	1	0
Reconsiderations Denied	0	2	0	0	0
Reconsiderations Granted	0	0	0	0	0
Orders Compelling Psych. Evaluation	0	3	0	2	0
Total Other Decisions	5	12	15	8	0
Violation Types	16/17	17/18	18/19	19/20	20/21
Gross Negligence/Incompetence	29	20	20	28	10
Improper Supervision	0	1	0	0	0
Repeated Negligent Acts	31	21	13	15	3
Self-Abuse of Drugs or Alcohol	15	7	3	1	1
Dishonest/Corrupt/Fraudulent Act	8	9	6	10	0
Mental Illness	5	2	2	1	0
Aiding Unlicensed Practice	0	0	0	0	0
General Unprofessional Conduct	2	13	8	25	8
Probation Violation	26	29	12	6	1
Sexual Misconduct	14	2	3	4	7
Conviction of a Crime	23	1	8	7	1
Discipline by Another State Board	5	2	0	0	1
Misrepresentation of License Status	1	1	0	3	0

* Current and Inactive

**Enforcement data pulled on May 6, 2021

Select a DCA Entity
Board of Psychology

Select a Fiscal Year
SFY 2021

Select a Quarter
Q2

Case Type
Conviction/Arrest Volume Complaints Volume

Performance Measure 1 (Complaint Volume) – Total number of complaints and conviction/arrest notices received within the specified period.

Board of Psychology New Cases Summary

Data last refreshed on 3/26/2021

Complaints Volume

Conviction/Arrest Volume

Total Volume

263

10

273

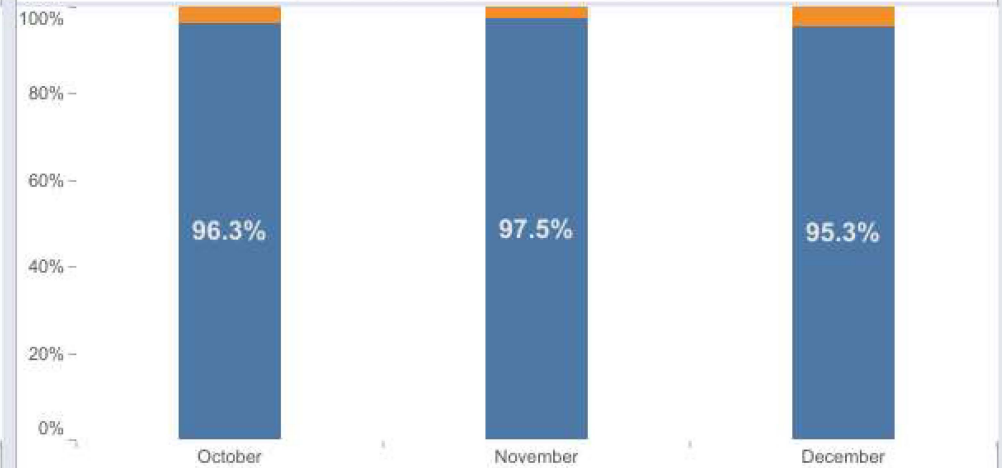
Board of Psychology

SFY 2021:Q2 - Case Volume



Board of Psychology

SFY 2021:Q2 - Case Volume % Distribution



Data Source: [California Department of Consumer Affairs, OIS/Data Governance Unit](#). The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

Select a DCA Entity
Board of Psychology

Select a Fiscal Year
SFY 2021

Select a Quarter
Q2

Processing Time
Actual Target

Case Volume by Month
October November December

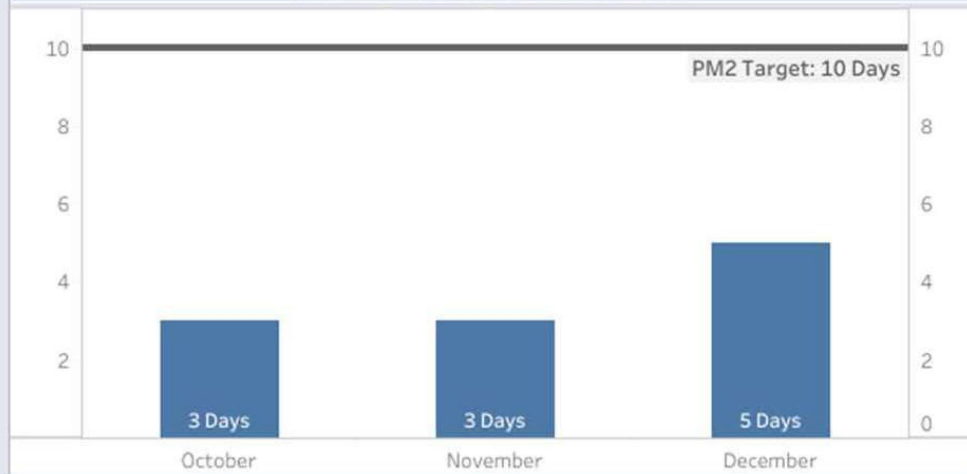
Performance Measure 2 represents the total number of complaint cases received and assigned for investigation and the average number of days (cycle time) from receipt of a complaint to the date the complaint was assigned for investigation or closed.

Board of Psychology PM2 Performance Summary

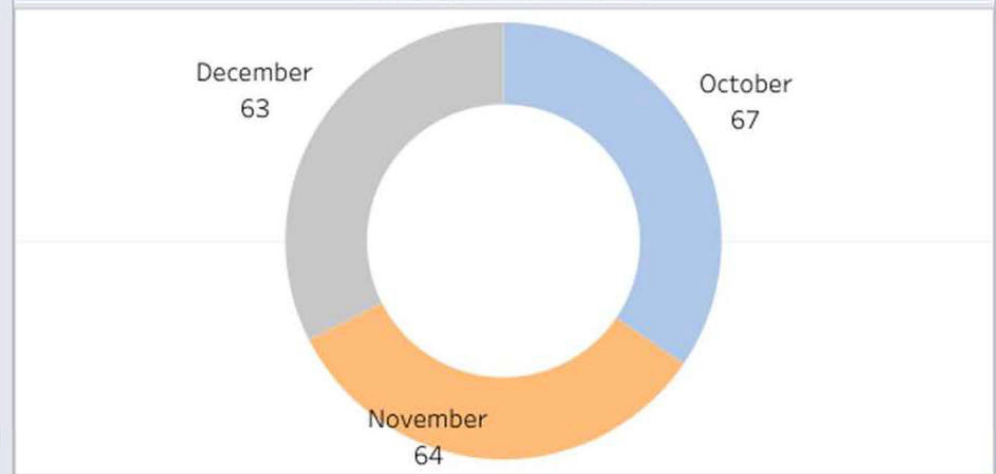
Data last refreshed on 3/26/2021

Case Volume	Target	Actual	Variance
194	10 Days	4 Days	▼ -6 Days

Board of Psychology SFY 2021: Q2 | PM2 - Intake Cycle Time



Board of Psychology SFY 2021: Q2 | PM2 - Volume



Data Source: California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

Select a DCA Entity
Board of Psychology

Select a Fiscal Year
SFY 2021

Select a Quarter
Q2

Processing Time
Actual Target

Case Volume by Month
October November December

Performance Measure 3 (Investigation) – Total number of cases closed within the specified period that were not referred to the Attorney General for disciplinary action.

Board of Psychology PM3 Performance Summary

Data last refreshed on 3/26/2021

Case Volume	Target	Actual	Variance
159	80 Days	110 Days	▲ 30 Days

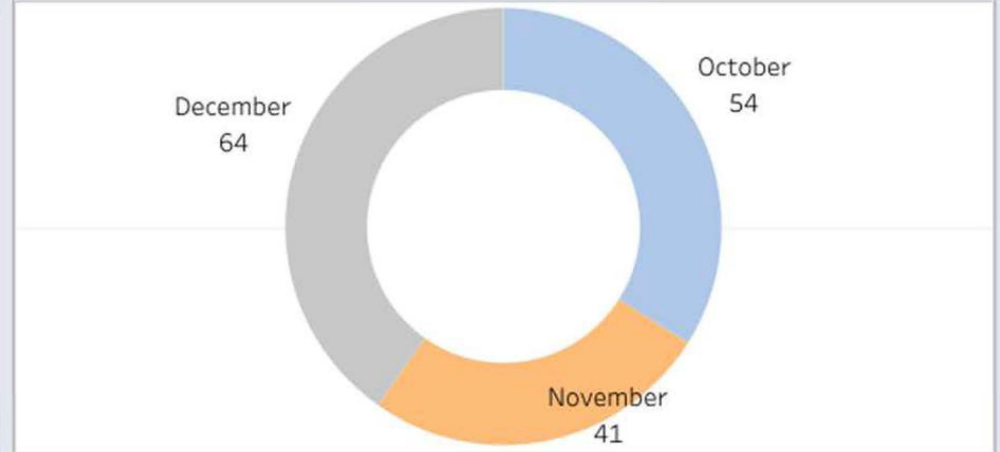
Board of Psychology

SFY 2021: Q2 | PM3 - Investigations Cycle Time



Board of Psychology

SFY 2021: Q2 | PM3 - Volume



Data Source: California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

Select a DCA Entity
Board of Psychology

Select a Fiscal Year
SFY 2021

Select a Quarter
Q2

Processing Time
Actual Target

Case Volume by Month
October November December

Performance Measure 4 (Formal Discipline) – Total number of cases closed within the specified period that were referred to the Attorney General for disciplinary action. This includes formal discipline, and closures without formal discipline (e.g. withdrawals, dismissals, etc.).

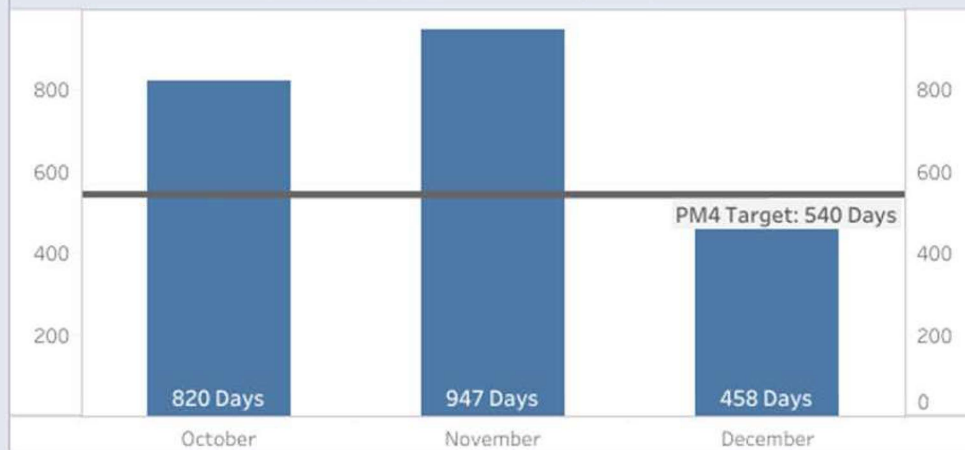
Board of Psychology PM4 Performance Summary

Data last refreshed on 3/26/2021

Case Volume	Target	Actual	Variance
17	540 Days	823 Days	▲ 283 Days

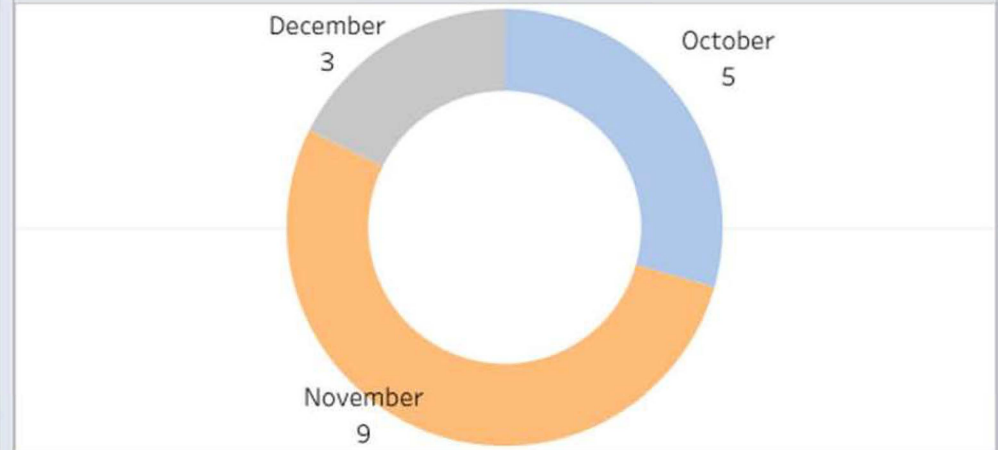
Board of Psychology

SFY 2021: Q2 | PM4 - Formal Discipline Cycle Time



Board of Psychology

SFY 2021: Q2 | PM4 - Volume



Data Source: California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

Select a DCA Entity
Board of Psychology

Select a Fiscal Year
SFY 2021

Performance Measure
PM7

Select a Quarter
Q2

Processing Time
■ Cycle Time ■ Target

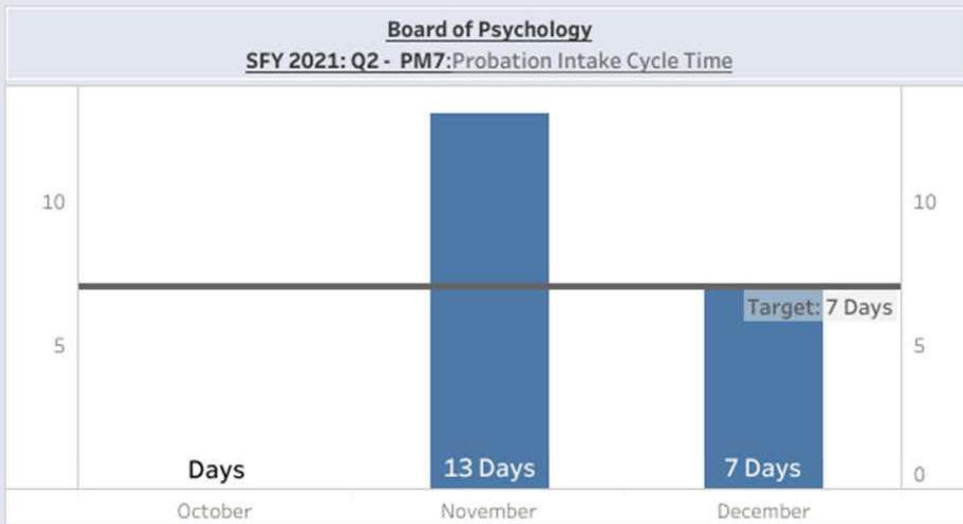
Case Volume by Month
■ October ■ November ■ December

Performance Measure 7 (Probation Case Intake) – Total number of new probation cases and the average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Performance Measure 8 (Probation Violation Response) – Total number of probation violation cases and the average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Board of Psychology PM7 Performance Summary
Data last refreshed on 3/26/2021

Case Volume	Target	Actual	Variance
5	7 Days	8 Days	▲ 1 Days



Data Source: California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some inst..

Select a DCA Entity
Board of Psychology

Select a Fiscal Year
SFY 2021

Performance Measure
PM8

Select a Quarter
Q2

Processing Time
■ Cycle Time ■ Target

Case Volume by Month
■ October ■ November ■ December

Performance Measure 7 (Probation Case Intake) – Total number of new probation cases and the average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Performance Measure 8 (Probation Violation Response) – Total number of probation violation cases and the average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

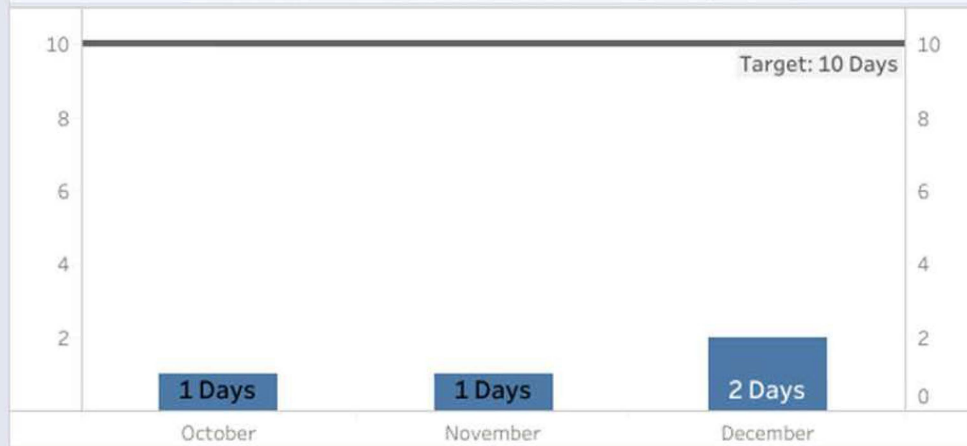
Board of Psychology PM8 Performance Summary

Data last refreshed on 3/26/2021

Case Volume	Target	Actual	Variance
3	10 Days	1 Days	▼ -9 Days

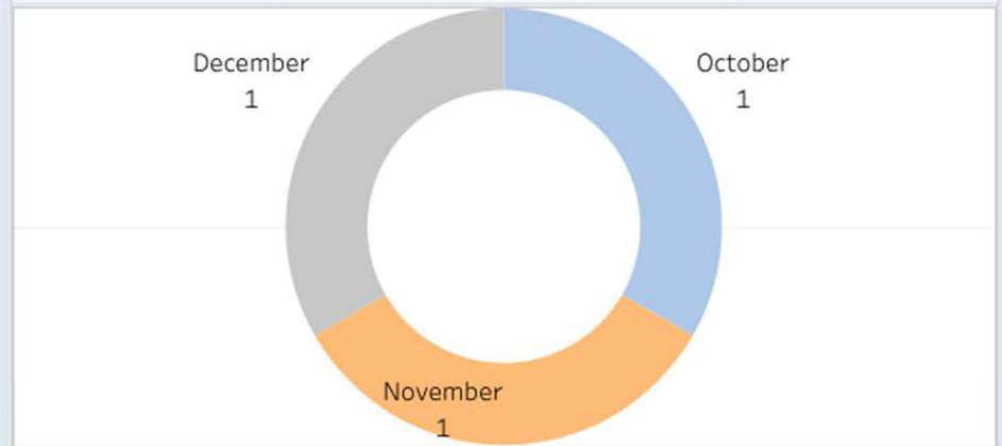
Board of Psychology

SFY 2021: Q2 - PM8: Probation Violation Response Cycle Time



Board of Psychology

SFY 2021: Q2 - PM8: Probation Violation Cases



Data Source: California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some inst..

MEMORANDUM

DATE	May 14, 2021
TO	Board of Psychology
FROM	Jonathan Burke Assistant Executive Officer
SUBJECT	Agenda Item 13 a) Child Custody Stakeholder Meeting- Implementation Plan Update 1. Statutory Discussion Regarding Proposed Exception to Psychotherapist-Patient Privilege for Board Investigations

Overview of Board Discussions Since 2018

The Board of Psychology (Board) has been attempting to address concerns raised by stakeholders regarding child custody matters in family court. This includes the role of psychologists who are appointed by a court to assist with custody and visitation proceedings.

In 2018, the Board convened a child custody stakeholder meeting with the Judicial Council of California, the Department of Justice, Senate Judiciary Committee, the Center for Judicial Excellence, California Protective Parents Association, the Assembly Business and Professions Committee, the Senate Business and Professions and Economic Development Committee, the Department of Consumer Affairs Board and Bureau Services, the Board of Behavioral Sciences, and the Department of Consumer Affairs Division of Legislation. The result of this meeting was an implementation plan for those issues identified as being within the jurisdiction of the Board of Psychology. These items include:

- Mandate Child Abuse/Domestic Violence Education for Subject Matter Experts
- Screen Child Custody Subject Matter Experts Who Subscribe to Parental Alienation Syndrome
- Educate Public on the Clear and Convincing Evidence Standard
- Create a Complaint Fact Sheet
- Review and Consider Statutory Language Related to Documentation Considered for Child Custody Complaints

The Board has completed the first four implementation items. The last implementation item is a review of the statutory language related to documentation considered in a child custody complaint investigation.

The Board's Enforcement Committee (Committee) met in 2019 and 2020 and developed language for a proposed exception to the Psychotherapist-Patient Privilege in disciplinary matters.

Current Law

The Board's investigations of licensee misconduct often require obtaining psychotherapy records, which an expert then reviews to opine on potential misconduct. A patient's communications with their psychotherapist, including their psychotherapy records, are, of course, confidential. The patient has a constitutional right to the privacy of their records. Further, the patient holds a privilege to refuse to disclose their records—the psychotherapy-patient privilege. These privacy and privilege issues may impede the gathering of sufficient evidence to prosecute licensee misconduct, thereby adversely affecting public safety

If the Board has an investigation in which a patient's psychotherapy records are relevant, it may request to review the records. As is their right, patients may agree or object to the Board's request for a release. If the patient objects, the Board's only recourse for obtaining the records is to formally request them with a subpoena duces tecum (also known as a subpoena for the production of evidence), and then obtain a civil court order enforcing the subpoena (there is no means to enforce such subpoenas through the Office of Administrative Hearings—a civil order from a superior court is required).

To obtain a civil court order enforcing a subpoena of patient records, a Deputy Attorney General on behalf of the Board must first establish that the scope of the subpoena is valid by demonstrating three factors to the court: (1) the subpoena inquires into a matter the Board is authorized to investigate; (2) the request for information is not too indefinite; and (3) the information requested is reasonably relevant to the investigation. If these threshold criteria are met, the Deputy Attorney General must next provide the court with sufficient evidence to allow the court to make a finding of "good cause" to overcome the patient's constitutional privacy interests in their records. To support such a finding of good cause, the court must be provided with sufficient evidence to allow an independent determination that professional misconduct is likely to have occurred, and that the records sought by the subpoena will further the investigation of the misconduct. This analysis is similar to the determination by a criminal court as to whether probable cause exists to support a search warrant. In addition to this good cause requirement, civil courts, guided by subpoena enforcement case law, also often require the Board to show that it has a competing, or even compelling, interest in disclosure of the records that outweighs the privacy interest of the patient.

The Deputy Attorney General must then overcome one additional hurdle in order to obtain a court order enforcing its subpoena: the psychotherapy-patient privilege. When

the patient has refused to sign a release of or otherwise waive their privilege not to disclose their psychotherapy records, civil courts have declined to issue an order enforcing the subpoena, notwithstanding the Board's assurances that privacy will be protected through redactions and protective orders. Therefore, even if the Deputy Attorney General can demonstrate that a subpoena has a valid, investigatory scope, and even if the Board can overcome the patient's constitutional privacy interest in the confidentiality of their records by providing sufficient evidence of good cause supporting disclosure (i.e., that the records are needed to confirm suspected licensee misconduct), the Board is nonetheless typically unable to obtain a court order to enforce its subpoena. Without a civil court order, the Board cannot obtain the patient records, and without such records, investigations are likely to remain inconclusive and must be closed.

As a solution to this dead-end to enforcement of the Board's investigatory subpoenas, the Committee proposed creating an exception to the psychotherapy-patient privilege for Board investigations, in no small part due to the issues highlighted by the child custody stakeholders meeting. In 1980, the Medical Board enacted such an exception to the physician-patient privilege, on which it relies to overcome patient objections to obtaining medical records relevant to its investigations. As a result of this exception, codified in the Medical Board's statute, Business and Professions Code section 2225 (as well as in a companion statute, Evidence Code section 1007), the Medical Board is more successful in obtaining court orders enforcing its investigatory subpoenas of patient records, even in cases in which the patient has refused to waive their patient-physician privilege in the records.

Because the Board of Psychology has no such exception to the psychotherapy-patient privilege for its investigations, it is unable to enforce subpoenas for records needed in its investigations if the patient objects to disclosure of such records. Therefore, under current law, the Board regularly finds itself unable to complete investigations. Further, under current law, the Board is likely to continue to find itself fighting an uphill battle in subpoena enforcement proceedings, which are costly and time consuming, place a hard stop on the progress of the investigation into the licensee, and do not serve to protect the public while they are ongoing.

Exception to Psychotherapy-Patient Privilege

The Committee proposed creating an exception to the psychotherapist-patient privilege set forth in Evidence Code, sections 1010-1015, and Business and Professions Code, section 2918, authorizing the Board to obtain psychotherapy records, where such records are needed in an investigation.

Protection of Patient Privacy

Under the proposed exception to the patient-psychotherapist privilege, the patient retains a constitutional privacy right to the confidentiality of their records. As noted above, to overcome a patient's objection to reviewing their treatment records, the Board must subpoena the records and satisfy a reviewing court that: (1) the subpoena has a valid, investigatory scope; (2) good cause supports disclosure (i.e., a sufficient basis exists to suspect licensee misconduct, and the records are needed to confirm the misconduct); and (3) in some cases, depending on the court, the Board has a competing or compelling interest in disclosure of the records that outweighs the patient's privacy interest. If the court finds that the Board has satisfied each of these requirements, it issues an order enforcing the subpoena and requiring the provider to disclose the patient's records. Current law and the proposed statute together will ensure that the confidentiality of a patient's subpoenaed psychotherapy records and privacy of the patient are preserved, both during the Board's investigation and any subsequent prosecution and disciplinary hearing.

Anticipated benefits and impacts of an exception to the psychotherapy-patient privilege in Child Custody Investigations

The proposed exception to the psychotherapy-patient privilege would allow the Board to enforce a subpoena and obtain evaluator's file which would contain notes from meetings and collateral contacts, testing results, documents submitted by the parties, etc. during a child custody investigation. Currently in a child custody investigation involving divorcing parents, the non-custodial parent files a complaint about the quality of evaluation or treatment of their minor child by a licensee. The Board investigates the complaint and seeks to obtain records of the licensee's evaluation or treatment of the child. The custodial parent refuses to sign a waiver of the psychotherapy-patient privilege of their minor child's records, the licensee asserts the psychotherapist-patient privilege in declining to provide the records, and the Board is unable to obtain the records under current law. It is not clear whether the psychotherapist-patient privilege should attach to the records underlying a child custody evaluation when no psychotherapy has been rendered. However, the evaluator or a treating psychologist will most often assert the privilege in declining to produce the records sought without a written release from the custodial parent. The proposed exception directly addresses this roadblock to the investigation of complaints against child custody evaluators.

Action Requested:

The Enforcement Committee and staff recommends the Board approve the proposed language to amend Business and Professions Code (BPC) section 2918.

Attachment A: Proposed Amendments to BPC section 2918

Proposed Revised Business and Professions Code Section 2918

- (a) The confidential relations and communications between psychologist and client shall be privileged as provided by Article 7 (commencing with Section 1010) of Chapter 4 of Division 8 of the Evidence Code, except as set forth in subdivisions (b) through (f), herein.
- (b) Exception to Psychotherapist-Patient Privilege for Investigatory and Disciplinary Purposes. Neither the privilege established in California Evidence Code Section 1014 nor any other law making a communication between a psychotherapist and their patient privileged or confidential shall apply to investigations or proceedings conducted under this chapter. Such communication shall include, but is not limited to, recordings of the same, in physical or electronic format, in treatment records, progress notes, psychotherapy notes, correspondence, audio or video recordings, or any other record.
- (c) Applicability. This exception shall only be available to the Board and its agents and representatives, as related to an investigation into any alleged violation of this chapter or any other state or federal law, regulation, or rule relevant to the practice of psychology, a disciplinary hearing, or any other proceeding under this chapter, including but not limited to a proceeding for interim license suspension under Business and Professions Code section 494, and an appearance by or on behalf of the Board before a superior court judge in a criminal proceeding against a licensee to recommend practice restriction under Penal Code section 23.
- (d) Procedures for Accessing Records Subject to the Exception to the Psychotherapist-Patient Privilege. In accordance with this section, documents and records relevant to an alleged violation of the Psychology Licensing Law, or any other federal or state law, regulation, or rule relevant to the practice of psychotherapy, may be inspected for investigatory or disciplinary purposes in accordance with the following procedures:
1. Any psychotherapist-patient communication, or other relevant document or record, may be inspected, and copies may be obtained, where the patient gives consent. If the patient is deceased, consent may be obtained from the patient's beneficiary or authorized representative. If the beneficiary or authorized representative of a deceased patient cannot be located after reasonable efforts, the records may be inspected and copied without consent of the beneficiary or authorized representative, if the Board provides a written request to the recordholder that includes a declaration that the Board has been unsuccessful in locating or contacting the deceased patient's beneficiary or authorized representative after reasonable efforts.

2. Regardless of patient consent, the Board and its agents may issue an investigatory subpoena duces tecum for psychotherapist-patient communications, pursuant to Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.
 - i. Prior to the date called for in the subpoena duces tecum for the production of records, the Board must make a reasonable effort to give notice of the subpoena to the patient who is the subject of the records, or if the patient is a minor, to the patient's parent(s) or guardian(s), or if the patient is deceased, to the beneficiary or authorized representative of the deceased patient.
 - ii. Where a party fails to produce subpoenaed communications, the Board or its agents may seek a court order compelling compliance, pursuant to Sections 11187 and 11188 of the Government Code.
3. Any document or record relevant to the business operations of a licensee, and not involving psychotherapy records attributable to identifiable patients, may be inspected, and copies may be obtained, if relevant to an investigation or proceeding under this chapter.

(e) Protection of Patient Privacy. The names of any patients whose communications are reviewed shall be kept in confidence, except as is necessary during the course of an investigation. If proceedings are instituted, reasonable efforts shall be made to keep patient names in confidence.

(f) Rights of Recordholders

1. When requested documents or records are inspected or copies received under this section, their acquisition and review shall not unnecessarily disrupt the operations or recordkeeping of the licensee or facility where the records are kept.
2. Psychotherapists otherwise obligated to assert the psychotherapist-patient privilege for psychotherapist-patient communications under Evidence Code Section 1015 have no such obligation with respect to communications subject to the exception to that privilege created by this section.
3. The Legislature finds and declares that the authority created in the Board pursuant to this section, and a psychotherapist's compliance with this section, are consistent with Sections 56 to 59 of the Civil Code and the federal Health Insurance Portability and Accountability

Act (HIPAA). Recordholders shall be immune from claims of violating the psychotherapist-patient privilege arising from their compliance with investigatory requests, subpoenas duces tecum, and court orders issued pursuant to this section.



ASPPB 35th Midyear Meeting

Regulatory Resiliency: Is There an “Old Normal” in a Post-COVID World?

April 9 – 10, 2021

Meeting Summary:

The ASPPB Midyear Meeting, held virtually this year, focused on the challenges and opportunities that the regulatory community faced during the pandemic and on jurisdictional plans for moving forward.

Below are summaries of each session, including the feedback from the small groups for Sessions #1 and #5. For Session #4, Legal Updates, we have included a link for the updated PowerPoint presentation that Dale Atkinson used at the meeting. And, finally, for Session #3, a copy of Brendan Tapley’s presentation has already been sent to all attendees. All other PowerPoint presentations are included in the Agenda Books that you received prior to the meeting. A link to that book and Mr. Atkinson’s presentation is <https://www.asppb.net/page/2021MYM> for those people who were unable to attend the meeting.

Thank you for your participation, forthrightness, and honesty during this meeting. ASPPB will use your feedback when planning topics for future membership meeting as well as informing the focus of possible Task Forces, Workgroups, or Town Halls that may occur in-between membership meetings.

Session #1 - Regulatory Resiliency: Evaluating Education and Training Credentials for Licensure

Michelle Paul, PhD, Moderator; Ramona Mellott, PhD; Linda Campbell, PhD

This session focused on changes and adaptations the training community has made due to the COVID pandemic and how those changes/adaptations may impact what the regulatory community will see in applications for licensure or registration post-COVID, especially in the areas of education and supervised experience. For jurisdictions with residency requirements, at least two years of training will be impacted. Program accreditation through the American Psychological Association (APA) is now focused on competency, so trainees may not present with the same courses that jurisdictions have relied on to evaluate training programs. This may also have implications for those jurisdictions that evaluate applications for “equivalency” for individuals who graduated from non-APA/CPA programs. Supervision has changed from in-

person supervision of trainees to telesupervision. Coursework has changed as well with programs providing more online delivery, using both synchronous and asynchronous methods of course delivery and training, and delivering hybrid models of training for some courses. Assessing competence has become challenging as well with so many aspects of training, especially in applied areas, not being in-person.

Accrediting agencies in the U.S. and Canada are requiring programs to provide information about how the changes and accommodations made allowed for adequate assessment of trainees and how important competencies were learned. ASPPB has created forms for each level of training – doctoral, internship, and postdoctoral – that can be used by applicants for licensure/certification to detail changes/accommodations in training to supplement their applications. Given the change in APA accreditation standards, transcripts may start to look different than they have previously, which might present some challenges to jurisdictions that review coursework to determine adequacy of educational experiences. (This session pointed out some of the types of questions that might come up in reviewing transcripts that training programs or applicants for licensure may have to answer.)

Small groups were asked to focus on six questions relevant to this session:

1. *Are applications looking different as a result of either the impact of COVID-19 or other recent changes in training?*

- Most jurisdictions indicated that it was too early to answer this question. They are not yet seeing applications for licensure/registration from people whose training was altered by COVID. That said, a few jurisdictions have received requests for waivers/extensions due to loss of internship or postdoctoral hours because of the pandemic.
- Those jurisdictions that accept “equivalent training” for graduates of non-APA/CPA accredited programs, commented on the difficulty of establishing equivalency; and several of those jurisdictions that review courses, even if candidates graduated from accredited programs, indicated that changes in transcripts might make that review more difficult. The questions suggested by the panel, however, were helpful as a way of accurately assessing transcripts.
- A few jurisdictions expressed concern about allowing “virtual” residency or creating allowances for “hybrid” residencies – part of the required year in residence impacted by COVID; but other jurisdictions countered that the residency requirement can still be met by other, non-COVID-impacted years of training.

2. *What changes have your jurisdictions made or plan to make in your application review process, regulations, policies, etc. to respond to changes in training?*

- By far most of the jurisdictions indicated that, for the duration of the pandemic, they have allowed telesupervision of trainees, and many of those jurisdictions indicated that they are moving to permanently include telesupervision as an acceptable mode of supervision for licensure/credentialing.

- Most jurisdictions mentioned that they will begin to take up the issues that were raised by this presentation, especially the evaluation of transcripts, at their next board or college meeting.
- Jurisdictions that require oral examinations/interviews as part of their licensing/registration process indicated that they will likely continue to conduct those by tele-means.
- A universal concern voiced in every small group was that accommodations in training due to COVID have created more challenges from entirely online programs.
- To be more in line with APA Accreditation Standards, several U.S. jurisdictions indicated that they are in the process of transitioning to outcome measures vs. hours of specific coursework; but the jurisdictions engaged in that process are finding it difficult.

3. *Have the ASPPB COVID-19 training impact templates been useful or not useful in evaluating applicants' educational credentials for licensure?*

- Every group said the same thing – these have not been used yet due to the fact it is too early to tell since no jurisdiction had yet had to evaluate applicants for licensure/registration whose training was impacted by the pandemic.
- The above said, jurisdictions commented that they thought the forms would be useful as adjuncts to applications for licensure and most jurisdictions had included a link on their website to the forms so that all applicants would explain variations in their training in a standardized way.
- One jurisdiction indicated that they had created their own forms that were very similar to the forms that ASPPB created.

4. *How can ASPPB further support jurisdictions in evaluating applicant's educational credentials in light of changes in education and training?*

- Jurisdictions that require residency (and face increasing challenges from completely online programs) asked that ASPPB create guidelines to help articulate how to define “residency.”
- Because of the challenges from online programs, several jurisdictions suggested that ASPPB make a list of the kinds of courses and/or other educational experiences that could be online and ones that would need to be in the same place at the same time/in-person along with reasoning for those recommendations.
- A few jurisdictions asked if ASPPB could create some guidelines that articulate how to evaluate “equivalency” for candidates from programs that are not APA/CPA accredited.
- Tele-methods in treatment, assessment, supervision and teaching are being utilized and will probably continue to be utilized. Several jurisdictions requested guidelines or hints around telepractice in several ways: consider updating competencies required for licensure to include telepsychology; update the

APA/ASPPB/APAIT Telepsychology Guidelines; create “best practices” using telepractice for assessment, supervision, intervention, and teaching courses.

- A number of U.S. jurisdictions asked ASPPB to create “talking points” for legislators to explain the changes/accommodations that have been made during the pandemic but how/why those accommodations continue to protect the public and why those changes do not mean that training requirements for licensure have been “relaxed.”

5. *What questions/concerns can ASPPB help answer regarding whether applicants for licensure are competent, ethical, and prepared to enter practice in the interest of protecting the public in light of changes in education and training?*

- Most responses to this question were merged with the previous question, but several jurisdictions thought the EPPP2 would be a helpful possibility, offering a standardized measure of the competencies needed to practice independently.
- For many jurisdictions, this was really the first time that they had thought about some of the issues raised by this presentation, so they thought it was too early to answer this question intelligently.
- To reiterate the areas of most concern: evaluating “equivalence” and differentiating between changes made to accommodate the impact of a pandemic and programs that are completely online.

6. *How might applicants be more prepared to serve the public effectively in light of changes in education and training?*

- Many jurisdictions indicated the importance of training in telepsychology—not only “best practices” in how to use telepsychology but rather in determining when telepsychology might be appropriate and when in-person methods would be better.
- In jurisdictions with large rural populations, the positives of tele-methods of service delivery were discussed; but on the other side, rural areas are more likely not to have the broadband needed to provide services by tele-means.
- Another positive of using more tele-delivery of services was noted by several jurisdictions – the ability to provide better accessibility to people with disabilities.

Session #2 – EPPP Update

Matt Turner, PhD, Moderator; John Hunsley, PhD; Marsha Sauls, PhD; Heidi Paakkonen, MPA

ASPPB has developed several examinations to be used for licensure/certification:

- The Examination for Professional Practice in Psychology (EPPP) - has two components, a knowledge part and a skills part. Currently, the knowledge part of the EPPP is in use in every jurisdiction and is required for licensure in 64 of the 65 jurisdictions that comprise

ASPPB. The skills part of the EPPP is currently in use in eight jurisdictions as a requirement for licensure/certification.

- The Psychopharmacology Exam for Psychologists (PEP) – this is currently required for any psychologist seeking prescription privileges in one of the five states that allow psychologists to prescribe.
- ASPPB has also created the United Arab Emirates Psychology Licensing Exam for use in the UAE.

This session focused mainly on the EPPP, responding to critiques of the exam and describing the process for ensuring both parts of the exam are fair and unbiased. The panel also discussed the article that appeared in the *American Psychologist* as well as ASPPB's response to the inaccuracies in that article. Finally, attendees heard from two jurisdictions that are using the EPPP2 why they decided to adopt the Part 2 as part of their requirements for licensure and what changes they made in their regulations to allow for this part of the exam. The session was followed by a Q&A session for meeting attendees.

Critiques of the EPPP have mainly centered around two areas: validity and bias. Regarding validity, all critiques of the exam have come from psychologists who have had no experience in developing high stakes exams and have used the same criteria to judge the validity process for the EPPP as they would for any other psychological test. ASPPB uses a validation process that is based in the most up-to-date science and goes by the *Standards for Educational and Psychological Testing*. Every high-stakes licensing exam uses the same recommended validation process. The panel described the additional steps, beyond what is recommended, that ASPPB has taken to ensure the EPPP is valid and fair.

Regarding bias, ASPPB makes many efforts to achieve diverse representation in all item writing and reviewing groups. Each question for the exam is reviewed several times, attending to both cultural and linguistic considerations in each review. All item writers and reviewers have received training in implicit bias, and the multiple levels of review help guard against this. Additionally, all questions appear first as pretest items and statistical analyses are conducted to determine how well each question performs. If the question meets predetermined criteria for inclusion on an exam form, it will be used as a scored question on a subsequent exam if the differential item review reveals no bias in the question. Aside from the statistics performed on pretest questions, each question is also reviewed for differential item functioning; that is, to determine if different groups (e.g., sex, ethnicity) answer the question differently. If that is found to be the case, those questions are reviewed by an Item Review Panel made up of experts in ethnic, cultural, and other diversity considerations, to consider if there is anything in the question that might have been missed during the review process that reveals bias toward a particular group.

Finally, attendees were told about the Examination Stakeholder Advisory Group (ESTAG). This group is made up of members from the regulatory community, the training community, experts

on developing high stakes exams, and members representing the ASPPB Examination Program. The goal of this group will be to increase ongoing communication and transparency related to examination development and implementation.

A request had come to the ASPPB Board of Directors from the Board and College Chairs Committee to allow the EPPP2 to be given in non-adopting jurisdictions if applicants for licensure request that they be allowed to take it. Information and discussion generated about this issue will be used by the ASPPB Board of Directors in considering this request.

Session #3 – What was Learned: Feedback to Member Jurisdictions for the Year-Long Interview Process

Brendan Tapley, MFA

Last year (2020) ASPPB engaged the services of Brendan Tapley to conduct a thorough assessment of ASPPB - the good, the bad, and the ugly – to identify areas for change and how ASPPB should plan for the future. The idea for this self-assessment came out of the membership’s reaction to how the EPPP2 was announced/rolled out and was a follow-up to the personal contact made by the ASPPB Board to each jurisdiction to learn their concerns about the EPPP2. All slides and the narrative from this session were sent to Midyear Meeting attendees and to the larger ASPPB membership. There will be follow-up to this initial presentation at future ASPPB membership meetings and/or Town Hall discussions that will be held in between the larger Membership Meetings.

Session #4 – Legal Updates

Dale Atkinson, Esq.

This session is a perennial favorite among attendees - it focuses on the biggest legal issues that are confronting regulation across North America. This update was different from previous presentations because it included a discussion on the impact of the pandemic on regulation. For example, one of the issues presented was how many Executive Orders have been issued to allow continued psychology practice and how many Executive Orders have been challenged that focused on pandemic-related “restrictions.”

Probably the issue that generated the most discussion was that of conduct vs. speech. The focus here was that rules of “free speech” do not apply in exactly the same way for licensees as they do for the general public. Psychologists are held to a different standard because of the position they hold as professionals. Attendees were urged to think of this issue from the standpoint of regulators. Finally, this issue includes the question of when “speech” becomes “conduct.” (As an aside, at several points during the Midyear Meeting, we were reminded that we may be thinking as “guild members” and not as “regulators.”)

Session #5 – Regulatory Resiliency: Transitioning Back to “Normal”

Philip Smith, PhD, Moderator; Shirley Vickery, PhD; Aisha Nixon, MPT, CPM

This session took a look at what jurisdictions are doing to move beyond the pandemic, particularly focusing on what would return to “normal,” what might remain in place, and what issues have to be addressed to move forward with as little difficulty as possible.

Canada developed a nationwide agreement in 2020 allowing ongoing telepsychology practice with existing clients who may be in another jurisdiction for COVID-19 related reasons. Later, that agreement allowed universities and colleges to engage in practice with any student of the college or university regardless of where that student resided. This type of agreement has been repeated in the U.S., but on a state-by-state basis. Each jurisdiction presenting during this session had similar allowances made during the pandemic.

Temporary practice was a prominent issue discussed by the panel including how that is changing as the pandemic winds down. Small jurisdictions have seen their psychologist population more than double with telepsychology allowances for temporary practice. All jurisdictions represented on the panel are now moving to require licensure or registration if psychologists want to continue providing services for patients or clients who relocated during COVID. That said, there are different timelines for allowing practice, different definitions of who can practice and for how long, and different laws and regulations impacting decisions about this. In the U.S., the move to become a PSYPACT jurisdiction has increased significantly.

Another area explored by the panel was board/college functioning. All jurisdictions represented on the panel have been holding virtual board meetings, and also discussed moving back to a hybrid model, ranging from some people meeting in person while others attend virtually, to alternating in-person meetings with virtual meetings. Advantages of virtual board meetings noted were that there has been more public participation and a significant decrease in travel time. That said, meeting virtually presented challenges as well, such as “spotty” Internet connections with more technical assistance needed to help with people being “dropped” from meetings or people “freezing” during meetings.

For those jurisdictions that hold oral examinations or interviews, and disciplinary hearings, returning to “normal” will likely mean some hybrid model to reduce travel difficulties and allow more convenient scheduling.

Small groups were asked to focus on six questions relevant to this session:

- 1. *What adaptations did your jurisdiction make as a result of the pandemic that you believe will remain in place, or partly in place (e.g., remote meetings; handling complaints/disciplinary actions)?***

- This particular question had the most agreement among jurisdictions. Every jurisdiction attending the meeting has conducted board/college meetings, oral examinations, disciplinary hearings, and all other board/college activities virtually. All jurisdictions indicated that they would likely continue to hold those activities, or most of those activities, in some hybrid form. Doing so will save money and time and will allow greater public participation when appropriate. All groups stated that they were looking forward to in-person meetings as COVID adaptations can be lessened.
- Jurisdictions that have face-to-face, in-person requirements for Continuing Education (CE)/ Continuing Professional Development (CPD) or for supervision are now considering whether such in-person requirements are needed, or if needed, are considering how much is needed, or they are redefining what “in-person” means (i.e., synchronous activities that allow for interactions are being considered “in-person” by a number of jurisdictions).
- All jurisdictions have “relaxed” their telepsychology restrictions and have allowed telepsychology practice into their jurisdictions. There has been much more acceptance of telepsychology in jurisdictions that had been opposed to it before the pandemic.
- One state has had an Executive Order requiring psychologists (and other professionals) to wear masks when working face-to-face with clients or patients.
- Temporary practice was brought up by several jurisdictions and will be discussed in the next question.

2. *What issues may be problematic for your jurisdiction as you transition to regulating post-pandemic, and how might you address them (e.g., expiration of executive orders/public health orders; temporary licenses)?*

- As indicated above, the issue of temporary practice was addressed by some jurisdictions in the previous question and for this one. As the panel presentation revealed, this is being dealt with very differently depending on the jurisdiction. Some jurisdictions are allowing a certain number of days once Executive Orders have expired for temporary licensees to either complete their business or begin the process of applying for full licensure; some jurisdictions are looking at their regulations for temporary practice to make the process easier in the event of another pandemic or major event that disrupts the regulatory process; several jurisdictions mentioned concerns that there will be an increased number of complaints filed for “inappropriate terminations” post-COVID. Many jurisdictions echoed this concern, especially in how to maintain public protection and adequate treatment. One jurisdiction indicated that they had seen an increase in unlicensed practice – psychologists had begun practicing in that jurisdiction without bothering to get a temporary license.
- With the likelihood of increased practice using tele-means, there was considerable focus on the importance of determining when such practice is

indicated and when there might be reasons not to practice using this medium. Additionally, several jurisdictions discussed the importance of educating licensees and registrants about the use of telepsychology, discussing issues such as informed consent, confidentiality, etc. And finally, and this dovetails other concerns, some jurisdictions thought that this issue – that of telepsychology – was likely to present challenges after executive orders or public health orders expire. Those jurisdictions were concerned about how to address those licensees or registrants who had moved out their jurisdictions but were still practicing with clients in their old jurisdictions.

- Several jurisdictions indicated that returning to “normal” CE requirements might be difficult. Again, COVID has challenged some long-standing assumptions for many boards and colleges about the best delivery methods for CE (e.g., are in-person, in the same room at the same time requirements necessary?). A number of jurisdictions had already expanded their CE options moving to models of CPD, and those jurisdictions thought they were better prepared to handle the disruptions that had occurred due to COVID. For those jurisdictions, all agreed that any disruptions were minimal, if at all.
- All the above points include the theme of good regulatory oversight vs. continuity of care and how phasing back to “normal” will happen. Most jurisdictions said they either have, or will now, begin to focus on this issue.
- Several jurisdictions expressed concern about perhaps seeing a change in the nature of disciplinary cases, adding that the session on Legal Updates alerted them to issues of free speech and online conduct.

3. *What do you believe will return to the “old normal”?*

- The answers to this question were pretty clear - every small group indicated that, except for perhaps issuing temporary practice certificates, there will be no return to the “old normal.”
- For the most part, jurisdictions expected psychological practice to be the one area closest to the “old normal;” but, all agreed that there would be increased flexibility in practice, with intra-jurisdictional telepractice here to stay, although probably on a smaller scale. The one area of psychological practice jurisdictions expected might return to previous conditions was psychological assessment. That aspect of clinical practice seems to have been the most negatively impacted by the pandemic.

4. *What other changes would you like to see that were not addressed during the pandemic but that the pandemic brought to light?*

- Groups were more focused on the second part of this question – what was brought to light that needs addressing. It was unclear how these issues could be addressed, but it was clear that they need to be addressed. It also wasn’t clear to participants how these issues would impact psychology regulation.

- Although jurisdictions were, for the most part, aware of this before the pandemic, access issues were brought to the fore like never before. This occurred in rural areas where access to broadband Internet was extremely limited; in urban areas, especially in households with lower income, where there might be competition for Internet access and privacy was an issue; and in older populations who might not have access to or knowledge about technology.
- Not yet clear of the impacts on development for children and teens who are not attending school and not participating in social activities.
- Several attendees mentioned the impact on psychologists' mental health and the telepractice fatigue psychologists have experienced during the pandemic. Jurisdictions expressed concerns that psychologists might not be aware of their own limitations and the impact of COVID on them and thought that could potentially bring complaints in this area.
- With large numbers of psychologists practicing from their homes, one jurisdiction indicated increased concern for the safety of their licensees and board members, given jurisdictional rules that required declaring the address from which an individual is communicating. That jurisdiction is working on rule changes to more fully protect the privacy of its licensees and volunteers.

5. *Prior to COVID, what was your jurisdiction's policy on telehealth? Has that changed, and if so, how?*

- Several jurisdictions (non-PSYPACT) said that their policy on telehealth wouldn't change; they require psychologists to be licensed both where they practice, and in the jurisdiction where the patient/client resides.
- Those U.S. jurisdictions that had already enacted PSYPACT legislation felt more prepared to handle the increased telepsychology practice brought on by the pandemic.
- Many U.S. jurisdictions have begun working with their state psychological associations to help bring PSYPACT to their state legislatures. Many of these jurisdictions had not seriously considered joining PSYPACT until the pandemic hit and psychology practice was so impacted.

6. *What arrangements has your jurisdiction discussed regarding interjurisdictional practice post-COVID?*

Most jurisdictions answered this in the previous question. In the U.S., interest in PSYPACT has increased significantly as a result of COVID. Efforts to join PSYPACT have been met with differing responses from state legislatures, but most are experiencing success in enacting the compact. A number of states are beginning the process necessary to join PSYPACT.