

MEMORANDUM

DATE	November 12, 2021
TO	Board of Psychology
FROM	Sarah Proteau Central Services Office Technician
SUBJECT	Agenda Item # 6 – Discussion and Possible Approval of the Board Meeting Minutes: August 27, 2021

Background:

Attached are the draft minutes of the August 27, 2021 Board Meeting.

Action Requested:

Review and approve the minutes of the August 27, 2021 Board Meeting.

1 **TELECONFERENCE BOARD MEETING MINUTES**
2

3 NOTE: Pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-08-
4 21, dated June 11, 2021, neither Board member locations nor a public meeting location
5 are provided.
6

7 Friday, August 27, 2021
8

9 **Members Present**

10 Seyron Foo, President
11 Lea Tate, PsyD, Vice President
12 Marisela Cervantes, EdD, MPA
13 Mary Harb Sheets, PhD
14 Julie Nystrom
15 Stephen Phillips, JD, PsyD
16 Ana Rescate
17 Shacunda Rodgers, PhD
18

19 **Members Absent**

20 Sheryll Casuga, PsyD
21

22 **Legal Counsel**

23 Heather Hoganson
24 Helen Geoffroy
25

26 **Board Staff**

27 Antonette Sorrick, Executive Officer
28 Jon Burke, Assistant Executive Officer
29 Stephanie Cheung, Licensing Manager
30 Jason Glasspiegel, Central Services Manager
31 Sandra Monterrubio, Enforcement Program Manager
32 Liezel McCockran, CE/Renewals Coordinator
33 Sarah Proteau, Central Services Office Technician
34

35 **AGENDA**

36 9:00 a.m. – 5:00 p.m. or until Completion of Business

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

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

40 **Agenda Item 2: President’s Welcome**

41 President Foo read the Board's mission statement and provided a welcome to all
42 participants. He stated there were two items to be addressed; First, Mr. Foo introduced
43 Ms. Helen Geoffroy, who was standing in as Legal Counsel for the meeting.

44 Ms. Geoffroy expressed appreciation for the welcome and stated her willingness to
45 assist the Board as needed.

46 Mr. Foo then referenced the upcoming Board meeting in November. He stated that the
47 plan had been to have the meeting in person in Sacramento and due to the ongoing
48 COVID-19 pandemic and surges in Delta variant cases being experienced in the State,
49 the Board was open to having the meeting held virtually.

50 Mr. Foo stated that ultimately the decision would be in accordance with the public health
51 orders of Sacramento County but that at the time of this meeting, plans were being
52 made for the possibility of either virtual or in person for November 2021.

53 There was no Board or public comment offered.

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

55 There was no public comment offered.

56 **Agenda Item 4: Discussion and Possible Approval of the Board Meeting Minutes:**
57 **May 21, 2021**

58 Mr. Foo introduced this item and asked for a motion to approve.

59 It was M(Tate)/S(Nystrom)/C to adopt the minutes as written.

60 There was no Board or public comment offered.

61 Vote: 8 Ayes (Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate)
62 0 Noes

63 **Agenda Item 5: Executive Officer's Report**

64 Ms. Sorrick provided this report.

65 a) Personnel Update

66 Ms. Sorrick stated there was one less staff vacancy which would be addressed later in
67 the meeting, leaving two vacancies in Central Services; one Office Technician and the
68 Legislative and Regulatory Analyst position which had recently been vacated by Ms.
69 Cristina Rivera.

70

71 b) COVID-19 Update

72 Ms. Sorrick stated that there were a couple of waivers that were due to expire on
73 August 30, 2021 and that the Board had not yet heard any updates on those waivers as
74 of the meeting date.

75 Mr. Foo stated his understanding and appreciation for flexibility while working with
76 differing and varied local health ordinances and public health orders to address ongoing
77 issues regarding waivers. He stated that these issues continue to affect the Board
78 licensees and asked Ms. Sorrick to speak to the flexibility that the Board continues to
79 provide.

80 Ms. Sorrick stated that since the beginning of the waiver process, renewals of waivers
81 were once every 2-3 months. As such, the Board wanted to provide additional time for
82 the face-to-face supervision waiver for supervisors and trainees to be able to better
83 prepare for the waiver to end. That particular waiver will now end January 1, 2022. She
84 expressed that as the time grew closer to the January 1, 2022 date, the Board would
85 verify the existing local health ordinances and discuss options at that time.

86 She shared that the Board's intent was to be as reasonable and predictable as possible
87 during these unpredictable times.

88 There was no Board or public comment offered

89 **Agenda Item 6: Department of Consumer Affairs (DCA) Update**

90 Mr. Foo welcomed Ms. Brianna Miller from the Department of Consumer Affairs' Board
91 and Bureau Relations division.

92 Ms. Miller introduced herself and provided an update from DCA on public health orders
93 related to a variety of items including remote meetings and face coverings. She stated
94 that there was currently no update to the waiver set to end September 30, 2021 but that
95 this was subject to change.

96 Ms. Miller emphasized that DCA would do everything possible to ensure programs had
97 the ability to plan safely for in-person meetings and that any changes to meeting
98 requirements would be provided as they change.

99 Ms. Miller provided an update on public health safety orders and stated that all were
100 encouraged to visit [COVID-19.ca.gov](https://www.covid-19.ca.gov) for the most up-to-date information on COVID-19,
101 safety measures, face coverings, testing, and vaccines. She also provided the
102 [DCA.ca.gov](https://www.dca.ca.gov) website for a full list of all current waivers and guidelines as the DCA was
103 still awaiting final approval for COVID-19 transition plans.

104 Ms. Miller encouraged all Boards and Bureaus to look through all laws and regulations
105 that were waived, determine if changes are needed in the future and proceed with those
106 changes.

107 She provided 2021 training requirements for DCA employees and Board members
108 which would be completed through the LMS training system online and concluded her
109 presentation.

110 Mr. Foo thanked Ms. Miller for the presentation and queried about waivers and asked
111 what would trigger reevaluation of a waiver extension and in the event of an extension,

112 requested as early of a notification as possible so as to provide licensees this
113 information so that they could plan accordingly.

114 Ms. Miller responded that ongoing discussions were being held to monitor the daily
115 environment and status of variants and DCA would provide updates as quickly as
116 possible.

117 There was no further Board and no public comment offered.

118 **Agenda Item 7: Budget Report**

119 Mr. Glasspiegel referenced the hand carry attachment in the meeting materials and
120 provided an update to this item.

121 A discussion ensued regarding increased costs with expenses such as payments to the
122 Attorney General's office and if those possible increases were accounted for in the
123 budget projection.

124 Renee Milano, DCA Budget Office, referenced the document provided and confirmed
125 that a 3 percent cost of living increase related to outgoing payment was included in the
126 data.

127 The ongoing issue with the projected fiscal insolvency date of 2023/2024 was
128 discussed. Mr. Glasspiegel spoke to how this would be addressed and referenced the
129 materials.

130 Dr. Harb Sheets asked whether the proposed plans were intended to right size the
131 insolvency numbers and about further fee studies that may be done.

132 Mr. Glasspiegel clarified that the 1-7-point plan was proposed to rectify the structural
133 imbalance.

134 Matt Nishimine, DCA Budget Office, provided a refresher on what a fee study would
135 entail and how one would be completed. He also responded that the increased
136 expenses were mainly due to enforcement related responsibilities which were an
137 important part of a Board's consumer protection mission.

138 Discussion ensued regarding fees and context was provided by Ms. Sorrick regarding
139 licensing fees, rate increases from other state programs, and budget

140 Public comment

141 Dr. Jo Linder Crow, CPA, queried if the cost of operations and increased operations
142 cost would always be passed to the licensee.

143 Mr. Foo provided clarification regarding historical context of Board of Psychology
144 funding and licensing fees. He stated that the licensing fee amounts that were set over
145 three decades ago no longer offset the cost of operation. Cost saving strategies had
146 been implemented over the years, but it was no longer possible to continue without
147 raising licensing fees to the statutory limit.

148 Mr. Foo asked for confirmation that the amount that had been set thirty years ago no
149 longer covered the cost of operation and is not reflective of the actual expenses of the
150 Board.

151 Mr. Glasspiegel confirmed this information.

152 There was no further Board or public comment offered.

153 **Agenda Item 8: Presentation by Health Professions Education Foundation on**
154 **Licensed Mental Health Services Provider Education Program (LMHSPEP) and**
155 **Mental Health Loan Assumption Program (MHLAP); Discussion and Questions to**
156 **Follow**

157 Mr. Foo introduced this item and Mr. Michael Andrijich of Health Professions Education
158 Foundation.

159 Mr. Andrijich presented on what the program was, how qualifications are met, the
160 breakdowns of these funds, and how they work. These items with referenced data could
161 be found on pages 21 through 31 of the Board meeting materials.

162 A discussion ensued between Mr. Andrijich, Dr. Cervantes, Ms. Nystrom, and Mr. Foo
163 about average yearly fund totals and how the process works. Mr. Andrijich stated the
164 average yearly fund amount was typically around \$400,000 and provided the application
165 and qualifiers for the award which would go to Board of Psychology licensees and
166 registrants who apply and meet the criteria.

167 Dr. Rodgers expressed appreciation for the presentation and asked how outreach is
168 done to licensees so that they would be made aware of the program and apply.

169 Mr. Andrijich stated various ways outreach is done by the program.

170 Mr. Foo stated the Board's support in the assistance of outreach for the program and
171 asked about general fund and dollars related to foster youth.

172 Mr. Andrijich stated that there was a separate fund for former foster youth specifically
173 and that the criteria was very similar.

174 There was no public comment offered.

175 **Agenda Item 9: Enforcement Report**

176 Ms. Monterrubio provided the enforcement report with statistics and performance
177 measures and stated that the documents were included in the meeting materials. She
178 noted that there was a mistake on the report which showed the year 2022 where it
179 should have been 2021.

180 Ms. Monterrubio announced that the Office Technician position in the Enforcement unit
181 that had been vacant for some time had been filled and that the new employee will
182 begin approximately September 1, 2021. She expressed appreciation to the

183 enforcement team for all the extra work that they have done to support the unit while the
184 position was vacant.

185 She stated that there had been 106 complaints received since July 1, 2021 and all had
186 been opened and assigned to an enforcement analyst for processing.

187 Ms. Monterrubio addressed a question regarding any trends in enforcement complaints
188 that had been asked by Ms. Nystrom at the previous Board meeting. She stated that
189 review of complaint records had not shown any major trends though there had been an
190 increase in complaints related to licensees who let their licenses lapse. She reasoned it
191 might be due to the pandemic and stress. Other types of complaints included licensees
192 not complying with local health orders regarding masks and social distancing.

193 Ms. Monterrubio stated that there would be additional discussion in the next
194 Enforcement Committee meeting as to how statistical information would be reported to
195 the Board and that the statistical information would be provided differently at the
196 November 2021 Board meeting.

197 Dr. Harb Sheets asked for clarification on some complaints related to safety measures
198 for COVID; Licensees maskless or a lack of social distancing, and asked if in those
199 circumstances local health orders were researched, which was confirmed by Ms.
200 Monterrubio.

201 Ms. Monterrubio then provided a summary of the complaint investigation process.

202 Dr. Elizabeth Winkleman, California Psychological Association, provided a comment
203 that psychologist's offices would fall under the guidelines of a healthcare provider and
204 would require masking. This was confirmed by Ms. Monterrubio.

205 **Agenda Item 10: Licensure Committee Report and Consideration of and Possible**
206 **Action on Committee Recommendations**

207 Licensing Committee Chairperson Harb Sheets introduced Stephanie Cheung,
208 Licensing Manager, who provided a summary on the types of waivers that were in
209 place. Ms. Cheung explained the difference between waivers issued and maintained by
210 the Department of Consumer Affairs and the three waivers issued by the Board and
211 provided a reminder that all waivers could be viewed on the Board of Psychology
212 website.

213 a) Update on Waivers

214 Ms. Cheung provided an update for this item.

215 Dr. Harb Sheets asked if many licensees had taken advantage of the "Back to Active"
216 reactivation option. Ms. Cheung responded that approximately 50 licensees had done
217 so.

218 b) Licensing Report

219 Ms. Xiong provided a summary of trends and data listed on the report. She noted that
220 there had been some changes to the way data was reported as requested by Board
221 members, such as a new attachment which provided a six-month overview of the
222 average application processing time. It was also noted that the data collection process
223 had been transitioned from the end of month to beginning of month which resulted in no
224 data listed for the month of July on the report.

225 Ms. Xiong stated that all application processing timeframe information was available to
226 the public on the Board website and is updated monthly.

227 Ms. Cheung provided additional updates that there had been improvements made to
228 BreEZe so that applicants would be able to check their status by logging in to their
229 profile in BreEZe. She also referenced pages 55 to 57 of the meeting materials which
230 contained data collected at the request of the Board and showed a year-to-year
231 comparison of the number of approved candidates versus the number of candidates
232 that had taken the exam as well as a summary of projects that were on hold.

233 A discussion ensued between Dr. Cervantes, Dr. Harb Sheets, Mr. Foo, and Ms.
234 Cheung regarding the data provided about waivers and how they have been helpful for
235 applicants and licensees.

236 c) Continuing Education and Renewals Report

237 Ms. McCockran provided an update to this item and noted that licensees with expiration
238 dates between March 31, 2020 and September 30, 2021 are given until January 26,
239 2022 to fulfill the CE requirement; licensees must still renew by their expiration date and
240 state the true amount of CE accrued at that time. Once the 36-hour requirement is
241 fulfilled, the licensee is to keep record of their CE documentation for four years and will
242 only need to provide them to the Board upon request.

243 Dr. Harb Sheets expressed appreciation for the report and for the data broken down in
244 the attachment. She asked for clarification on audit failure criteria for CE audits which
245 was provided by Ms. McCockran.

246 d) Feedback Requested by ASPPB regarding Examination for Professional Practice
247 in Psychology (EPPP) Part 2 – Skills Survey

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

249 It was M(Foo)/S(Harb Sheets)/C that the Board approve the adjusted responses listed
250 in attachment B.

251 A discussion ensued regarding attached responses to the survey about the possibility of
252 licensees potentially opting to take the EPPP Part 2 without the exam being required for
253 licensure in California. It was determined that the Board did not have the authority to
254 determine so.

255 Dr. Matt Turner, ASPPB, provided some background on the reason for the survey and
256 stated that it was intended to make sure possible issues with rules and regulations
257 could be reviewed.

258 A public comment was submitted regarding the possibility of online proctored testing
259 options.

260 Ms. Snyder responded that online proctored exam options were not offered due to
261 security issues but that testing accommodations were an option and Ms. Snyder was
262 available to discuss options should anyone want to apply

263 There was no further Board or public comment offered.

264 Vote: 8 Ayes (Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate)
265 0 Noes

266 e) Consideration of Licensure Committee Recommendations Regarding Requests
267 for an Extension of the 72-Month Registration Period Limitation for Registered
268 Psychological Assistant Pursuant to 16 CCR section 1391.1, subdivision (b)

269 PSB #1 requested an extension of 15 months. Dr. Harb Sheets provided the
270 committee's perspective that the request was too long and recommended a six-month
271 extension to take the EPPP.

272 It was M(Foo)/S(Phillips)/C to adopt the Licensure Committee's recommendation to
273 create a six-month extension request beyond the 78-month limitation provided by the
274 waiver.

275 There was no Board or public comment offered.

276 Vote: 8 Ayes (Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate)
277 0 Noes

278 No board or public comment offered.

279 PSB #2 completed their hours in 2007 and had not taken the exam. They requested an
280 extension of 18 months. Dr. Harb Sheets relayed the Committee recommendation to
281 deny the request due to concern that the person had been looking at the Psychological
282 Assistant registration as a career.

283 It was M(Tate)/S(Phillips)/C to adopt the Licensure Committee's recommendation.

284 There was no Board or public comment offered.

285 Vote: 8 Ayes (Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate)
286 0 Noes

287 PSB #3 took the exam in 2016 but not had not taken it since. They requested an
288 extension of 12 months. Dr. Harb Sheets relayed the Committee recommendation to
289 deny the request, as the person had ample time with waivers that had been extended.

290 It was M(Phillips)/S(Nystrom)/C to adopt the Licensure Committee's recommendation.
291 There was no Board or public comment offered.
292 Vote: 8 Ayes (Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate)
293 0 Noes
294 PSB #4 requested a 12-month extension after having taken and not passed the exam
295 15 times. This person had a current expiration date of January 1, 2022. Dr. Harb Sheets
296 relayed the committee recommendation to allow an additional six months versus 12
297 months.
298 It was M(Nystrom)/S(Rodgers)/C to adopt the Licensure Committee's recommendation.
299 There was no Board or public comment offered.
300 Vote: 8 Ayes (Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate)
301 0 Noes
302 PSB #5 requested a 12-month extension after having taken and not passed the exam
303 three times. Dr. Harb Sheets relayed the Committee recommendation to allow an
304 additional six-month extension versus 12 months.
305 It was M(Foo)/S(Nystrom)/C to adopt the Licensure Committee's recommendation.
306 There was no Board or public comment offered.
307 Vote: 8 Ayes (Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate)
308 0 Noes
309 PSB #6 requested a 12-month extension. Dr. Harb Sheets relayed the Committee
310 recommendation to additional six-month extension versus 12 months.
311 It was M(Nystrom)/S(Rodgers)/C to adopt the Licensure Committee's recommendation.
312 There was no Board or public comment offered.
313 Vote: 8 Ayes (Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate)
314 0 Noes
315 PSB #7 requested a 12-month extension but has since passed the EPPP. Dr. Harb
316 Sheets relayed the Committee recommendation to approve an additional three-month
317 extension to allow time to take the CPLEE.
318 It was M(Nystrom)/S(Harb Sheets)/C to adopt the Licensure Committee's
319 recommendation.
320 There was no Board or public comment offered.
321 Vote: 8 Ayes (Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate)
322 0 Noes

323 PSB #8 has approved accommodations and has had difficulty scheduling the exam and
324 requested a six-month extension. Dr. Harb Sheets relayed the Committee
325 recommendation to approve an additional six-month extension but noted that this
326 registrant had an outstanding deficiency and was missing a Supervision Agreement in
327 their file.

328 It was M(Phillip)/S(Nystrom)/C to approve the recommendation of the Committee once
329 the Supervision Agreement was received by the Board.

330 There was no Board or public comment offered.

331 Vote: 8 Ayes (Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate)
332 0 Noes

333 PSB #9 requested a 12-month extension after having taken the EPPP three times and
334 not passed. Dr. Harb Sheets relayed the Committee recommendation to approve an
335 additional six-month extension.

336 It was M(Phillips)/S(Nystrom)/C to adopt the Licensure Committee's recommendation.

337 There was no Board or public comment offered.

338 Vote: 8 Ayes (Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate)
339 0 Noes

340 PSB #10 requested a 12-month extension after having taken the EPPP in 2010 and did
341 not pass. Dr. Harb Sheets relayed the Committee recommendation to deny the request
342 based on the requestor not having shown an intention of progressing toward licensure.

343 It was M(Tate)/S(Nystrom)/C to adopt the Licensure Committee's recommendation.

344 There was no Board or public comment offered.

345 Vote: 8 Ayes (Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate)
346 0 Noes

347 f) Consideration of Licensure Committee Recommendations Regarding Requests
348 for an Extension of the 30-Consecutive Month Limitation to Accrue 1500 Hours of Post-
349 Doctoral Supervised Professional Experience Pursuant to 16 CCR section 1387,
350 subdivision (a)

351 PSY #1, is licensed in another state and had applied with California but needed an
352 additional 312 hours of post-doctoral supervised professional experience. They
353 requested an extension of 2 years, 4 months to accrue the additional hours. Dr. Harb
354 Sheets relayed the Committee's recommendation to approve the request.

355 It was M(Nystrom)/S(Rodgers)/C to adopt the Licensure Committee's recommendation.

356 There was no Board or public comment offered.

357 Vote: 8 Ayes (Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate)
358 0 Noes

359 **Agenda Item 13: Telepsychology Committee Report and Consideration of and**
360 **Possible Action on Committee Recommendations**

361 President Foo stated that this item would be moved up in the agenda and introduced
362 Telepsychology Committee Chair, Dr. Phillips. Once Agenda Item 13 was completed,
363 the Board would continue with Item 11.

364 a) Presentation on the Psychology Interjurisdictional Compact (PSYPACT) by
365 Representatives of the Association of State and Provincial Psychology Boards (ASPPB)

366 Dr. Phillips introduced this item and Jon Burke, Assistant Executive Officer, who
367 provided a presentation on PSYPACT.

368 b) Historical Overview of the Psychology Interjurisdictional Compact (PSYPACT)

369 c) Timeline of the Board's prior consideration of PSYPACT

370 d) Correspondence between the Board of Psychology and the Association of State
371 and Provincial Psychology Boards (ASPPB)

372 e) Identify Outstanding Issues

373 f) Review of and Possible Action on PSYPACT Model Legislation for a Report to
374 the Full Board on November 18-19, 2021

375 Dr. Phillips provided a summary of four specific reasons from Mr. Burke's presentation
376 that the committee was not comfortable in supporting PSYPACT.

- 377 • The exclusion of non-APA accredited programs and their graduates which tend
378 to be more diverse from PSYPACT.
- 379 • The inconsistency of licensing statutes and continuing education requirements
380 between states
- 381 • The concern at the prospect of potentially delegating authority to a non-
382 governmental body
- 383 • The cost factors

384 It was M(Tate)/S(Harb Sheets)/C to adopt the Committee's recommendation to not
385 proceed with actions toward adoption of PSYPACT.

386 Board discussion ensued and included comments of concern about the lack of
387 requirement of criminal background screening in some states, concern about consumer
388 protection should psychologists with less stringent state licensure criteria put California
389 consumers at risk, and the intent to be mindful of how an adoption of PSYPACT could
390 affect marginalized populations.

391 Public Comment

392 Discussion ensued and participants provided comments for and against the Committee
393 recommendation. Concerns included, the APA accredited program requirement within
394 PSYPACT, the possibility that adoption could lead to a two-tiered system, and access to
395 services for underserved populations.

396 Dr. Phillips then read written comments that had been submitted.

397 Dr. Phillips restated the motion on the table to adopt the Committee recommendation.

398 Vote: 8 Ayes (Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate)
399 0 Noes

400 It was determined that Ms. Janet Orwig would convey the Board's stance to ASPPB.

401 Dr. Phillips and Mr. Foo expressed appreciation for participation with this item.

402 **Agenda Item 11: Legislative and Regulatory Affairs Committee Report and**
403 **Consideration of and Possible Action on Committee Recommendations**

404 Committee Chair, Dr. Cervantes introduced this item and stated that the Committee had
405 their final meeting of 2021 on June 11. She stated that she would provide updates on
406 movement on items and would only touch on watched bills individually at the request of
407 Board members.

- 408 a) Board Sponsored Legislation for the 2021 Legislative Session: Review and
409 Possible Action (M. Cervantes)
- 410 1. SB 401 (Pan) Healing arts: psychology - Amendments to sections 2960 and
411 2960.1 of the Business and Professions Code Regarding Denial, Suspension
412 and Revocation for Acts of Sexual Contact

413 Dr. Cervantes provided a brief information only-update on SB 401 (Pan), which is a
414 Board sponsored, two-year bill in the Assembly Rules Committee. No action was
415 required.

416 There was no Board or public comment offered.

- 417 2. Pathways to Licensure Statutory Revisions – Amendments to sections 27,
418 2909, 2909.5, 2910, 2911, 2913, 2914, 2915, 2915.5, 2915.7, 2942, 2944,
419 2946, and 2960 of the Business and Professions Code, and section 1010 of
420 the Evidence Code

421 Dr. Cervantes introduced this item and provided background and information. No action
422 was required.

423 A brief discussion ensued between Dr. Phillips and Ms. Sorrick regarding a requested
424 amendment to the Board's temporary practice provision, which had been a part of this
425 item. Ms. Sorrick advised the Legislature chose not to include that requested
426 amendment, as it was deemed too controversial.

427 Public comment

428 Dr. Elizabeth Winkelman, California Psychological Association, stated that questions
429 were received regularly about temporary licensure and that questioners were referred to
430 the Board for clarity.

431 There was no further Board or public comment offered.

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

436 b) Legislative Update, Review, and Consideration of Additional Changes (M.
437 Cervantes)

438 Dr. Cervantes provided an information only update. No action was required.

439 A. AB 32 (Aguiar-Curry) Telehealth

440 Dr. Cervantes introduced and stated the Board's previously determined position on AB
441 32 (Aguiar-Curry) and that the bill was in the Senate Health Committee. It had been set
442 for hearing, but the hearing was cancelled at the request of the author.

443 B. AB 107 (Salas) Department of Consumer Affairs: boards: temporary licenses:
444 military spouses

445 Dr. Cervantes introduced and provided the Board's position on AB 107 (Salas) from
446 April of Support if Amended, the amendments were made, and the Board position was
447 moved to Support. She stated that AB 107 (Salas) was on the Assembly floor.

448 This update was information only, with no action required.

449 C. SB 731 (Durazo) Criminal records: relief

450 Dr. Cervantes introduced and provided the Board's position on SB 731 (Durazo) from
451 April of Oppose. She stated that AB 731 (Durazo) was on the Assembly floor.

452 This update was information only, with no action required.

453 D. SB 772 (Ochoa Bogh) Professions and vocations: citations: minor violations

454 Dr. Cervantes introduced and provided the Board's position on SB 772 (Ochoa Bogh)
455 from April of Oppose Unless Amended. She stated that SB 772 (Ochoa Bogh) was a
456 two-year bill.

457 This update was information only, with no action required

458 E. SB 801 (Roth) Healing arts: Board of Behavioral Sciences: Board of Psychology:
459 licensees.

460 Dr. Cervantes introduced and provided an update to this item which included Sunset
461 provisions but excluded two items.

- 462 1. Emergency authorization due to a declared state of emergency, ; and,
463 2. An update to the statutory language for temporary practice.

464 Dr. Cervantes stated that this bill had been passed by the Appropriations Committee
465 and was on its way to the Assembly floor.

466 This update was information only, with no action required

467 There was no Board or public comment offered.

468 2. Watch Bills

469 Dr. Cervantes stated that there was an analysis for each watch bill included in the
470 meeting materials beginning on page 303 but that item O, SB 221 (Wiener) would be
471 pulled for discussion.

472 A. AB 29 (Cooper) State bodies: meetings

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

474 C. AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military
475 spouses: licenses

476 D. AB 339 (Lee) State and local government: open meetings

477 E. AB 562 (Low) Frontline COVID-19 Provider Mental Health Resiliency Act of
478 2021: health care providers: mental health services

479 F. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions

480 G. AB 657 (Cooper) State civil service system: personal services contracts:
481 professionals

482 H. AB 810 (Flora) Healing arts: reports: claims against licensees

483 I. AB 830 (Flora) Department of Consumer Affairs: director: powers and duties.

484 J. AB 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing

485 K. AB 1026 (Smith) Business licenses: veterans.

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

487 M. AB 1386 (Cunningham) License fees: military partners and spouses

488 N. SB 102 (Melendez) COVID-19 emergency order violation: license revocation

489 O. SB 221 (Wiener) Health care coverage: timely access to care

490 Dr. Cervantes provided the page number of 382 for this item.

491 Mr. Glasspiegel provided update that the item was on the assembly floor.

492 Dr. Cervantes provided the staff recommendation that the Board support the bill.

493 It was moved to M(Foo)/S(Phillips)/C to adopt the staff recommendation of SB 221
494 (Wiener) from Watch to Support.

495 Ms. Nystrom recused herself from voting due to her position with the Senate.

496 Board discussion ensued regarding what provisions would change compared to what
497 had already in place and the recommendation of support had been made with an intent
498 to increase timely access to mental health care services.

499 Public comment

500 Dr. Elizabeth Winkelman, CPA, expressed appreciation to the Board for considering
501 support of this bill.

502 Vote: 8 Ayes (Cervantes, Foo, Harb Sheet, Phillips, Rescate, Rodgers, Tate) 0 Noes 1
503 Recusal (Nystrom)

504 P. SB 224 (Portantino) Pupil instruction: mental health education

505 3. Update, Consideration, and Possible action on Governor's Budget Trailer Bill
506 proposal on Bagley-Keene Open Meeting Act: Remote Participation in Meetings.

507 Dr. Cervantes introduced this item and provided context that it had been included in the
508 agenda because of anticipated inclusion in the Governor's bill. She stated no update
509 had been provided as the language had not been included in the bill.

510 There was no Board or public comment offered.

511 c) Legislative Items for Future Meeting. The Board May Discuss Other Items of
512 Legislation in Sufficient Detail to Determine Whether Such Items Should be on a Future
513 Board Meeting Agenda and/or Whether to Hold a Special Meeting of the Board to
514 Discuss Such Items Pursuant to Government Code section 11125.4

515 Dr. Cervantes introduced this item.

516 There was no Board or public comment offered.

517 12. Regulatory Update, Review, and Consideration of Additional Changes (M.
518 Cervantes)

519 Dr. Cervantes introduced this item which was informational only with no action required.

520 Mr. Glasspiegel provided an update to two of the Regulatory packages.

521 a) 16 California Code of Regulations (CCR) 1396.8 – Standards of Practice for
522 Telehealth

523 b) 16 CCR sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11,
524 1391.12, 1392.1 – Psychological Assistants

525 c) 16 CCR sections 1381.9, 1381.10, 1392 – Retired License, Renewal of Expired
526 License, Psychologist Fees

527 d) 16 CCR sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing
528 Professional Development

529 Mr. Glasspiegel provided an update to this package, which was in final departmental
530 review. What does this mean? He stated that staff expected to receive comments from
531 the Director.

532 He also provided an update to the fee study package, and that it was submitted for
533 initial review and he expected to follow up with regulatory counsel within the following
534 weeks.

535 Mr. Glasspiegel stated that the Telepsychology Regulatory package had been
536 chaptered by the Secretary of State and the advisory had been sent out to all licensees
537 and was available on the Board of Psychology website.

538 Ms. Sorrick echoed Mr. Glasspiegel regarding the advisory on the Board website and
539 stated that comments received would be collected to create a Frequently Asked
540 Questions document based on real life practice questions that would then be posted as
541 well. She also provided some context that the initial discussion had begun in 2011 and
542 as such, had been well thought out. Appreciation was expressed to current and prior
543 Board members and stakeholders for their involvement in the long process.

544 e) 16 CCR sections 1391.13, and 1391.14 – Inactive Psychological Assistant
545 Registration and Reactivating a Psychological Assistant Registration

546 f) 16 CCR 1392 – Psychologist Fees – California Psychology Law and Ethics
547 Examination (CPLÉE) and Initial License and Biennial Renewal Fee for a Psychologist

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

550 There was no additional Board and no public comment offered.

551 Dr. Cervantes expressed her appreciation to the Board and staff and concluded the
552 report.

553 **Agenda Item 14: Recommendations for Agenda Items for Future Board Meetings.**
554 **Note: The Board May Not Discuss or Take Action on Any Matter Raised During**
555 **This Public Comment Section, Except to Decide Whether to Place the Matter on**
556 **the Agenda of a Future Meeting [Government Code Sections 11125 and**
557 **11125.7(a)].**

558 Mr. Foo introduced this item.

559 There was no Board or public comment offered.

560 **Agenda Item 15: Call for Nominations to Association of State and Provincial**
561 **Psychology Board's (ASPPB) Board of Directors First Year Member-At-Large**

562 Mr. Foo introduced this item, provided context, and stated that ASPPB was looking for
563 nominations for the Board of Director's First Year Member-At-Large position.

564 Ms. Sorrick stated that the Board had not had a presence on the ASPPB Board in some
565 time and explained her understanding of how it would work.

566 A discussion ensued between Drs. Phillips and Harb Sheets, Ms. Geoffrey, and Mr. Foo
567 who provided their understanding as to how candidates had been involved with ASPPB
568 historically.

569 No Board members expressed interest in candidacy.

570 There was no further Board and no public comment offered.

571 **Agenda Item 16: Opportunity for Board Members to Express an Interest in Being**
572 **President or Vice President of the Board in 2022**

573 Mr. Foo introduced this item.

574 Dr. Tate expressed interest in presidency of the Board of Psychology in 2022.

575 There was no public comment offered.

576 **Agenda Item 17: The Board Will Meet in Closed Session Pursuant to Government**
577 **Code Section 11126, subdivision (c)(3) to Discuss Disciplinary Matters Including**
578 **Proposed Decisions, Stipulations, Petitions for Reinstatement or Modification of**
579 **Penalty, Petitions for Reconsideration, and Remands.**

580 Mr. Foo stated that there were no items on the agenda for closed session which was
581 confirmed by Ms. Sorrick.

582 ADJOURNMENT

583 The meeting adjourned at 4:09 p.m.

584

585

MEMORANDUM

DATE	November 12, 2021
TO	Psychology Board Members
FROM	Sandra Monterrubio, Enforcement Program Manager
SUBJECT	Agenda Item 11 Overview of Enforcement Statistical Data

Background

At each Board Meeting, the Board is provided with an Overview of Enforcement Statistical Activity. The Board asked the Committee and Board staff to review the data provided and determine what information should be provided to the Board. The Committee and Board staff reviewed and discussed the statistical data and made changes.

Action Requested

To approve the Enforcement Committee's recommended changes to the Overview of Enforcement Activity.

Attachment:

Overview of Enforcement Statistical Data

BOARD OF PSYCHOLOGY

Overview of Enforcement Activity

LICENSES	17/18	18/19	19/20	20/21	21/22
Psychologist	20,977	21,329	18,763	22,058	22,179
Registered Psychologist	188	162	127	110	93
Registered Psychological Assistant	1,350	1,475	1,392	1,369	1,351
COMPLAINTS					
Complaints Received ¹	1,097	1,093	1,092	1,130	332
Arrest Reports Received	53	40	43	32	9
Investigations Opened ²	805	862	829	788	264
ENFORCEMENT OUTCOMES					
Total Citations Issued	46	47	35	37	15
Total Cases Referred to AG	70	56	75	60	14
Accusations	15	31	47	32	14
Statement of Issues	6	4	10	1	0
Petition to Revoke Probation	6	3	2	2	0
Petitions for Penalty Relief	6	5	4	8	0
Petition for Reinstatement	1	5	3	3	0
Total Filings	34	48	66	46	14
Accusations Withdrawn/Dismissed	0	7	1	3	0
Statement of Issues Withdrawn	3	0	3	2	0
Total Filings Withdrawn/Dismissed	3	7	4	5	0
Revocations	9	1	9	1	2
Probation	7	11	16	14	4
Surrender	11	9	12	12	4
Reprovals	4	1	2	6	5
Interim Orders	2	1	2	0	0
Statement of Issues-License Denied	0	0	0	1	0
Total Disciplinary Decisions	33	23	41	34	15
Petitions for Penalty Relief Denied	4	7	3	2	1
Petitions for Penalty Relief Granted	2	3	2	0	0
Petition for Reinstatement Granted	0	1	0	0	0
Petition for Reinstatement Denied	1	1	1	0	0
Total Other Decisions	7	12	6	2	1
VIOLATION TYPES					
Gross Negligence/Incompetence	20	20	28	29	10
Improper Supervision	1	0	0	0	0
Repeated Negligent Acts	21	13	15	25	4
Self-Abuse of Drugs or Alcohol	7	3	1	12	0
Dishonest/Corrupt/Fraudulent Act	9	6	10	6	0
Mental Illness	2	2	1	0	1
Aiding Unlicensed Practice	0	0	0	1	0
General Unprofessional Conduct	13	8	25	26	12
Probation Violation	29	12	6	7	1
Sexual Misconduct	2	3	4	7	1
Conviction of a Crime	1	8	7	10	3
Discipline by Another State Board	2	0	0	2	2
Misrepresentation of License Status	1	0	3	1	3

**Enforcement data pulled on November 9, 2021

¹ Complaints Received-refers to all complaints submitted to the Board even if the complaint does not fall within the Board's jurisdiction or if multiple complaints are filed regarding a single incident.

² Investigations Opened-refers to complaints where a desk investigation is initiated.

MEMORANDUM

DATE	November 12, 2021
TO	Psychology Board Members
FROM	Sandra Monterrubio, Enforcement Program Manager Board of Psychology
SUBJECT	Agenda Item 21 (a)(13)-Disciplinary Guidelines – Review and Consider Draft Language for Violations of Prohibition on Conversion Therapy

Background

In our Background Paper for our Sunset Review we were asked, “What actions can the Board take to protect minors from the prohibited practice of conversion therapy? Our response was, “Effective January 1, 2013, any sexual orientation change efforts with a patient under 18 years of age, was deemed unprofessional conduct for a licensed mental health provider.” The Board has not identified any existing barriers to enforcing this law.

Board staff drafted minimum and maximum penalties within its disciplinary guidelines for conversion therapy.

Action Requested:

To approve the Enforcement Committee’s recommendation to add minimum and maximum penalties to the disciplinary guidelines for violating the sections of the code prohibiting sexual orientation efforts/conversion therapy.

2960/865.2

Sexual Orientation Change Efforts (Conversion Therapy)

MAXIMUM: Revocation; denial of license

MINIMUM: Revocation stayed, standard terms and conditions (14-32), and depending on the circumstances, up to five (5)-years probation, practice monitor (3), practice restriction (4), psychotherapy (5), and examination(s) (6)