

**BOARD OF PSYCHOLOGY**

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**BOARD MEETING MINUTES**

**The Belamar Hotel  
3501 Sepulveda Boulevard  
Manhattan Beach, CA 90266**

**Friday, May 8, 2009**

The open session meeting was called to order by the President, James McGhee, at 9:03 a.m. A quorum was present and due notice had been sent to all interested parties.

**Members Present:**

James McGhee, President  
Sharon O'Connor, Ph.D., Vice-President  
Lucille Acquaye-Badoo  
Alex Calero, J.D.  
Jacqueline Horn, Ph.D.  
Richard Sherman, Ph.D.  
Celinda Vazquez

**Others Present:**

Robert Kahane, Executive Officer  
Jeffrey Thomas, Assistant Executive Officer  
Norine Marks, Legal Counsel  
Gina Bayless, Enforcement Coordinator  
Linda Kassis, Administrative Services Coordinator  
Lavinia Snyder, Licensing/Registration Program Coordinator  
Denise Russell, Continuing Education/Probation Coordinator  
Diana Crosby, Administrative Technician

**Agenda Item #1 – Administration of Oath of Office to Appointed Board Member Ms. Acquaye-Badoo**

Mr. Kahane administered the Oath of Office to Ms. Acquaye-Badoo.

**Agenda Item #2 – Approval of Minutes for February 20-21, 2009 Board Meeting**

It was M(Horn)/S(Sherman)/C to approve the February 20-21, 2009, open session minutes with minor grammatical changes.

Vote: 6 – 0 (Dr. O'Connor not present for vote)

**Agenda Item #3 – Approval of 2009 - 2011 Strategic Plan**

It was M(Horn)/S(Acquaye-Badoo)/C to approve the 2009 – 2011 Strategic Plan as amended.

Vote: 6 – 0 (Dr. O'Connor not present for vote)

**Agenda Item #4 – Presentation by the Lesbian and Gay Psychotherapy Association of California Regarding Request for LGBT Issues Continuing Education Requirement**

The Lesbian and Gay Psychotherapy Association of Southern California (LAGPA) made a presentation to the Board regarding their request for a mandated continuing education course on the subject of LGBT issues.

**9:30 A.M. – Open Session Committee Meetings**

The Continuing Education Committee, Credentials Committee and Legislation Committee met to discuss and formulate recommendations to the Board.

**11:15 P.M. – Open Session Committee Meetings**

The Examination Committee, Outreach and Consumer Education Committee and Committee on Contemporary and Emerging Issues met to discuss and formulate recommendations to the Board.

**2:00 P.M. – Open Session Committee Meetings**

The Enforcement Committee and Personnel and Board Operations Committee met to discuss and formulate recommendations to the Board.

The Board adjourned into closed session at the conclusion of the committee meetings pursuant to Government Code section 11126(a)(1) and 11126(c)(3) to discuss and vote on disciplinary decisions and personnel issues.

**Saturday, May 9, 2009**

The open session meeting was called to order by the President, James McGhee, at 9:07 a.m. A quorum was present and due notice had been sent to all interested parties.

**Members Present:**

James McGhee, President  
Sharon O'Connor, Ph.D., Vice-President  
Lucille Acquaye-Baddoo  
Alex Calero, J.D.  
Jacqueline Horn, Ph.D.  
Emil Rodolfa, Ph.D.  
Richard Sherman, Ph.D.  
Celinda Vazquez

**Others Present:**

Robert Kahane, Executive Officer  
Jeffrey Thomas, Assistant Executive Officer  
Norine Marks, Legal Counsel  
Gina Bayless, Enforcement Coordinator  
Linda Kassis, Administrative Services Coordinator  
Lavinia Snyder, Licensing/Registration Program Coordinator  
Denise Russell, Continuing Education/Probation Coordinator  
Diana Crosby, Administrative Technician

## **Agenda Item #5 – President’s Report – Mr. McGhee**

### **a) Monthly Meeting with Executive Officer**

Mr. McGhee reported that has continued to meet with Mr. Kahane on a monthly basis. He indicated that budget issues have been the primary focus of these meetings.

### **b) Other President’s Informational Items**

Mr. McGhee reported that Rosario Marin resigned as the Secretary of the State and Consumer Services Agency and that Fred Aguiar has been appointed in her place. He also stated that Carrie Lopez has resigned as the Director of the Department of Consumer Affairs, and a new Director has yet to be appointed.

## **Agenda Item #6– Executive Officer’s Report – Mr. Kahane**

### **a) Association of State & Provincial Psychology Boards (ASPPB) Meeting**

Mr. Kahane reported on his attendance at the ASPPB meeting in Boston. He was a panel discussant on scope of practice issues and the delegate from California. Multiple issues were discussed including turf wars, enhancing mobility between jurisdictions, the revised naming of non-mental health disciplines to General Applied Psychology and states’ consistency in laws and regulation to promote reciprocity.

### **b) California Psychological Association Convention**

Mr. Kahane reported on the Board’s attendance at the CPA Convention in April at the Oakland Marriott. In addition to the Board having a booth, Mr. Kahane discussed the class presented for Board of Psychology Expert Reviewers at the convention. Presenters were Dr. Alan Karbelnig, a psychologist in private practice and Board Expert Reviewer, and Mr. Bob Miller, Deputy Attorney General and the Board of Psychology liaison for the Attorney Generals’ office. The presentations were well received with excellent ideas from the attendees for our next Expert Training session in October 2009.

### **c) Staff Update**

Mr. Kahane noted some staff changes. Linda Kassis is the new Administrative Services Coordinator and doing excellent work getting the Administrative Team focused and directed. Ms. Kassis comes to us from the Veterinary Medicine Board staff with many years of legislative and budgetary experience. This area has been without a functioning lead person for approximately three years.

Mr. Kahane also noted that one of our retired annuitants, Sandy Alexander, has returned to the BOP to assist the Enforcement Team. We are pleased to have her back. We are dealing with the furloughs and continuing to keep pace with out timeframes and highest expectations of customer service.

### **d) Other Executive Officer’s Informational Items**

Mr. Kahane also discussed the following items:

- Dr. O'Connor, Mr. McGhee and Mr. Kahane attended an Executive meeting, held by the department regarding Board consolidation and the common issues among the healing arts Boards.
- The Board of Psychology/California Psychological Association Diversity Conference is scheduled for September 25, 2009 at Pepperdine University, West LA campus.
- School visits and presentations continue by the Executive Officer and Board members. The Board has recently presented at Argosy University. Schools have been most appreciative of the time the Board takes in this effort to enhance communication and clarity regarding Board processes for applicants, licensees and registrants. The Board will continue these visits as part of the 2009-2011 Strategic Plan.
- The Board staff continues to respond positively in a most difficult fiscal environment.
- The Board meeting for August is currently scheduled at the Citizen Hotel Sacramento on August 14-15, 2009.
- The Board is expecting to obtain a new (previously authorized) position as of July 1<sup>st</sup>. Specific position and assignment to be determined, after requested upgrade.

#### **Agenda Item #7 – Regulations Update**

##### **a) Psychological Assistant Plans for Supervised Professional Experience – Title 16, California Code of Regulations sections 1387(b)(10), 1387(b)(11) and 1387.6**

Mr. Thomas reported that the final rulemaking file was submitted to the DCA Legal Office on April 28, 2009 for review.

##### **b) Psychological Assistant Renewals – Title 16, California Code of Regulations sections 1391.4, 1391.10 and 1391.12**

Mr. Thomas reported that the final rulemaking file was approved by the DCA Legal Office on March 24, 2009 and approved by the DCA Division of Legislative and Policy Review on April 8, 2009. The file is currently being reviewed by the State and Consumer Services Agency.

#### **Agenda Item 8 – Continuing Education Committee Report**

##### **a) Continuing Education Statistics**

Dr. O'Connor referred the Board to the continuing education statistics located in the Board packets. She indicated that the non-compliance rates are a little high but still within the normal range.

##### **b) Draft Regulation Language – Continuing Education Provider System (Title 16, California Code of Regulations Sections 1397.60-1397.71)**

Dr. O'Connor suggested that the Board consider noticing the draft language for a regulation hearing at the next Board meeting in August. After further discussion by the Board, it was determined that further analysis needs to be conducted regarding the fee to be paid by renewing licensees to administer the continuing education program. Additionally, the Board requested that amendments be made to the language in sections 1397.61(f)(1)(E),

1397.61(f)(3), 1397.61(f)(4), 1397.61(h), and 1397.62(a)(1). Therefore, Dr. O'Connor recommended that the draft language be brought back to the Continuing Education Committee in August for further review and discussion.

Dr. O'Connor referred the Board to a letter submitted by the Association of Black Psychologists (ABP) requesting that they be approved as a Board-recognized accrediting agency and provider. In their letter, ABP indicated that they are still preparing their formal application. Dr. O'Connor requested staff to write a letter to APB providing the criteria for being recognized by the Board to assist them in their request.

Dr. Rodolfa pointed out that the criteria for other entities to be recognized by the Board as approved providers is being deleted in the proposed regulatory changes. He indicated that there will likely be other organizations that will be requesting recognition by the Board and questioned if the criteria should be left in. Dr. O'Connor stated that this issue will also be brought back to the Continuing Education Committee in August for further discussion.

**c) Request for LGBT Issues Continuing Education Requirement**

Based on the presentation made by the Lesbian and Gay Psychotherapy Association of Southern California (LAGPA) the previous day, Dr. O'Connor encouraged LAGPA to write an article on LGBT issues for inclusion in the BOP Update. She also indicated that the Board would look into strengthening the language of the mandated pre-licensure human sexuality course requirement to include LGBT issues as well as amending the regulations to encourage licensees to take continuing education in this area.

**f) Public Comment**

Dr. Doris Penman questioned the rationale for adding the term "graduate" to the wording of section 1397.61(f)(1)(E) as recommended previously by the Board. She indicated that it was her understanding that the idea behind continuing education is that acceptable courses be at the post-graduate level. Dr. Rodolfa stated that there are quality graduate courses that should be accepted. Dr. Charles Faltz reminded the Board that there is currently a Master's degree in psychopharmacology that doctoral-level psychologists take that is at the graduate level. After discussion, the Board determined that the criteria for these types of courses needs to be better defined.

Dr. Faltz expressed CPA's concerns regarding the collection of any additional fees and asked that the Board be mindful when requiring any such fees in light of the General Fund loans previously taken from the Board's fund.

It was M(Continuing Education Committee)/S(Sherman)/C to accept the Continuing Education Committee's report and recommendations.

Vote: 8 – 0

**Agenda Item #9 – Credentials Committee Report**

**a) Satisfaction Survey Results**

Dr. Horn stated that the results of the survey reveal a very low response rate. To increase feedback, it was suggested that the Board email the satisfaction survey to training programs as well as to Dr. Charles Faltz for inclusion in the California Psychological Association newsletter.

Dr. Horn also stated the Board's satisfaction survey was given by telephone to individuals whose licenses and registrations were issued in 2007 and 2008. The research resulted in a list of comments and suggestions. An action plan will be developed to address these issues. Dr. Rodolfa suggested adding a "total" column for each survey question.

**b) Response to Issues Regarding the Supervision and Licensure of Non-Mental Health Service Providers**

Dr. Horn reported on the letter sent to Dr. Judith Blanton of RHR International. This letter explains the Board's efforts to address the examination process and supervision requirements for trainees in areas of general applied psychology. She stated that copies of this letter were also sent to Rebecca Turner, Ph.D., Chair, Division of Industrial and Organizational Psychology of the California Psychology Association; Stephen DeMers, Ed.D, Executive Officer for the Association of State and Provincial Psychology Boards; and Jo Linder-Crow, Ph.D. Executive Director of the California Psychology Association.

**c) Draft Regulation Language – California Approved Schools (Title 16, California Code of Regulations Section 1386)**

Dr. Horn reported that the Credentials Committee made one substantive change to the proposed regulation language. Dr. Horn recommended that the language be noticed for hearing at the August Board meeting.

Ms. Marks clarified that if the Bureau for Private Post-Secondary and Vocational Education (BPPVE) is reconstituted, the approved schools that were deemed approved on July 1, 1999, will continue to be approved for licensure as the draft legislation currently read. If the BPPVE is not reconstituted and the proposed regulation is approved, students who matriculated on or before December 31, 2008, and graduated on or before December 31, 2013, will be allowed to apply for psychology licensure. However, if the Psychology Licensing Law is amended to remove approved schools, then the statute supersedes any regulatory guidelines.

Dr. Sherman commented that he is still very concerned that there are approved schools that are not under any authority and provide no significant accountability. He stated that there are still some schools advertising their eligibility for psychology licensure without providing any information regarding the Board's discussion on this issue.

Dr. O'Connor expressed concern that schools have continued to accept students beyond the Board's proposed December 31, 2008, date, and she made a motion to table the regulatory hearing in order to establish a task force to deal with this issue for the protection of California consumers. Any task force recommendations would essentially refine the proposed language. Mr. Calero commented that the draft regulation would, in effect, protect the consumer because the proposed regulation defines the guidelines for acceptable degrees from approved schools. He suggested that the Board move forward with the regulations while simultaneously working to determine what else the Board can do to protect consumers. Dr. O'Connor withdrew her motion to table the regulations and recommended moving forward with the regulatory process and establishing a task force to look at this issue. The Board decided that Dr. Rodolfa and Dr. Sherman will co-chair the task force.

**d) Draft Regulation Language – Psychological Assistant Renewal Limitation to 72 Months (Title 16, California Code of Regulations Section 1391.5)**

Dr. Horn made the recommendation to approve the draft regulation language limiting the psychological assistant registration period to 72 aggregate months and to notice the language for a regulatory hearing at the August Board meeting.

**e) Draft Regulation Language – Alternative Supervision for Non-Mental Health Service Providers (Title 16, California Code of Regulations Section 1387.3)**

Dr. Horn reported that APA has started using the term “General Applied Psychology” to address non-mental health providers and “Health Services Provider” for mental health providers. Dr. Horn recommended that the Board use these terms to remain consistent with the national standard. The committee directed staff to make the changes to present at the next Board meeting.

Mr. Calero requested that the committee review the draft language of Section 1387 of the California Code of Regulation for consistency and to add as an agenda item for the next Board meeting.

Dr. Horn thanked Ms. Snyder for her work and continued focus in accomplishing tasks for the committee.

**f) Discuss Inter-Jurisdictional Practice Certificate**

Dr. Horn stated that persons licensed as psychologists at the doctoral level in another state or province are exempt from Board licensure when practicing in California for a period not to exceed 30 days in any calendar year. She indicated that there is no monitoring system that oversees these licensees. Dr. Horn directed staff to develop draft language to address out of state licensees practicing in California.

Mr. Calero commented that there are no enforcement penalties that the Board can assess to out of state licensees who fail to abide by the proposed regulation requiring registration with the Board. Ms. Marks stated that the only penalty that the Board can assess is a citation for the “unlicensed practice” if and when the licensee continues to work in California after the required 30 days.

**g) Summarization of Closed Session Items**

Dr. Horn reported that the Credentials Committee reviewed and denied one plan for supervised professional experience (SPE) in non-mental health, approved one degree from a California approved school, and required additional documentation regarding a request for exemption from completing human sexuality, child abuse, and spousal/partner abuse training.

**h) Public Comment**

Mr. Steve Arthur from Ryokan College commented that the presumption that approved schools are not notifying students is erroneous and that their institution is protecting students by keeping the educational costs down.

Dr. Charles Faltz from the California Psychological Association commented that the purpose of the closed session is to keep the identity of the applicants confidential, but that the Board should allow information to be presented in open session on how the committee is applying policy.

It was M(Credentials Committee)/S(Vazquez)/C to accept the Credentials Committee's report and recommendations.

Vote: 8 – 0

### **Agenda Item #10 – Examination Committee Report**

#### **a) Examination Statistics**

Dr. Rodolfa referred the Board to the statistics provided in the agenda packets. The statistics were revised to include the percentage of candidates who pass the EPPP, CPSE, and CPLEE examinations on their first attempt. He recommended including this data on the Board's website and continuing posting passing rates for each school.

#### **b) Discussion Regarding Hiatus for Examinees After Multiple Failures of Any Board Examination**

Dr. Rodolfa stated that currently candidates are allowed to take the EPPP four times within a 12-month period, and the CPSE or CPLEE once every six months. Dr. Rodolfa stated that since there are built in limits for the EPPP, CPSE and CPLEE, the committee sees no need to make any recommendations on this issue at this time.

#### **c) Recommendations for Website Update**

Dr. Rodolfa stated that Ms. Snyder gathered all comments regarding the Board's website and compiled them in one easy legible format. He suggested combining the comments gathered from the satisfaction survey with the comments he'd received and then developing an action plan to address each comment. He thanked Ms. Snyder for all the work she's done for the committee.

Dr. Horn recommended highlighting any updates made on the website; however, Mr. Kahane stated that the Department has set limitations on what can and cannot be done on the website. He recommended adding a date to reflect the most recent updates on the website.

#### **d) Public Comment**

None.

It was M(Examination Committee)/S(Calero)/C to accept the Examination Committee's report and recommendations.

Vote: 8 - 0

### **Agenda Item #11 - Enforcement Committee Report**

#### **a) Enforcement Statistics**

Mr. Calero referred the Board to the enforcement statistics in the agenda packets. He indicated that there are no significant changes to reports as all statistics are in-line with prior fiscal year activity.



He stated that the Enforcement Committee is continuing to review the types of complaints referred for formal discipline in the last three fiscal years. The information is being reviewed in an effort to identify trends as a proactive attempt to decrease the most common types of violations. Some of the trends identified are sexual misconduct/dual relationships and practice outside the area of expertise. The committee will develop methods to address the trends and educate consumers and licensees.

**b) Expert Reviewer Program Update**

Mr. Calero reported that Expert Reviewer Training was held on April 16, 2009 in Oakland, CA. The training was held during the annual California Psychological Association Convention.

**c) Review of Practice Monitor Training**

Mr. Calero reported the committee is reviewing the probation practice monitor program to determine if changes or improvements are needed.

Mr. Calero reported that geographically we have a shortage of practice monitors in the central California region. The committee determined that it is necessary to establish a list of trained practice monitors to address the shortage. This will assist probationers that require practice monitoring as a condition of probation.

**d) Review of Complaint Forms**

Mr. Calero reported that the Enforcement Committee reviewed the current complaint form. The committee recommends revising the form to a more user friendly format. Mr. Calero requested staff to revise the complaint form for review at the next Board meeting.

The committee discussed adding to the complaint form a disclaimer regarding the confidentiality of the complaint information. This would ensure that consumers are advised of the intent to maintain confidentiality of complaint information and related records. Mr. Calero asked staff to prepare draft language for review at the next Board meeting.

**e) Discussion Regarding Disclosure of Out-of-State Discipline and Criminal Convictions as a Condition of Renewal and Proposed Draft Regulatory Language (Title 16, California Code of Regulations Sections 1381.6 – 1381.9)**

Mr. Calero reported that the Enforcement Committee reviewed draft language requiring psychologists to disclose on each renewal disciplinary actions taken by other states since their last renewal. Currently, licensees and registrants are required to disclose criminal convictions but are not required to disclose disciplinary actions taken by other states or other governing agencies. The committee recommends moving forward with the proposed draft regulatory changes for Sections 1381.6 – 1381.9.

**f) Discuss Mail Vote Procedures**

Mr. Calero reported that the Enforcement Committee discussed the option of utilizing electronic vote procedures for review and vote on discipline actions. This would allow the Board to access proposed discipline actions via a secure website for review and vote. This method of voting would replace the current mail vote process. The committee recommended that staff proceed with implementing electronic voting procedures.

## **g) Public Comment**

None.

It was M(Enforcement Committee)/S(O'Connor)/C to accept the Enforcement Committee's report and recommendations.

Vote: 8 - 0

## **Agenda Item #12 – Legislation Committee Report**

### **a) Review of California Code of Regulations, Title 16, Division 13.1, Articles 1-3**

Dr. Sherman reported that the committee completed review of Articles 1-3 and recommends referring the proposed changes to the Credentials Committee for review.

Dr. Sherman reported that the committee will begin reviewing Articles 4-6 at the next committee meeting.

### **b) SB 43 (Alquist) – Health Professionals and Healing Arts**

Dr. Sherman reported that this bill would authorize the Board to collect the cultural and linguistic competencies of our applicants and licensees.

The bill would require that this information be used for the purpose of meeting the cultural and linguistic concerns of the State's diverse patient population.

This bill would additionally require the director to permit the use of that information in order to enable the Office of Statewide Health Planning and Development to obtain specified data for the health care workforce clearinghouse.

The committee discussed the ongoing efforts among advocates and policymakers to increase the number of providers who are able to meet California's healthcare needs. Striking shortages have been noted in the primary care, public health and nursing fields. This has had adverse effects on access to care in both rural and urban areas of the state. Another shortage area is related to the racial and ethnic diversity of the state's workforce.

### **c) AB 48 (Portantino & Niello) – Private Post Secondary Education**

Dr. Sherman reported that this bill would establish a Bureau for Private Postsecondary Education under the administration of the Department of Consumer Affairs and would appropriate \$1,000,000 to the Department for the above purposes.

Dr. Sherman referred the Board to the position letter in the agenda packets. The committee recommends sending a similar letter to all Assembly Appropriation Committee members informing them of the Board's position and requesting exclusion of professional psychology education and training from any bureau or body reconstituted under AB 48 and the BOP's efforts to address underserved communities. This bill is pending in the Assembly Business and Professions Committee.

### **d) SB 489 (Liu) – Private Post Secondary Education**

Dr. Sherman reported that this bill would require the California Postsecondary Education Commission to establish a Bureau for Private Postsecondary Education to function as the statewide private postsecondary and vocational educational licensing and enforcement agency. This bill is pending in the Senate Business, Professions and Economic Development Committee.

**e) SB 543 (Leno) – Family Code Relating to Minors**

Dr. Sherman reported this bill would authorize a minor who is 12 years of age or older to consent to mental health treatment if specific conditions are met. This bill is pending in the Senate Judiciary committee.

**f) SB 599 (McLeod) – Private Postsecondary and Vocational Education Reform Act of 1989**

Dr. Sherman reported that this bill would require the successor agency to the former Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs to provide data regarding school performance to the California Postsecondary Education Commission.

The bill would be operative only if AB 48 becomes effective on or before January 1, 2010, and creates a successor agency to the former Bureau for Private Postsecondary and Vocational Education. This bill is pending in the Senate Business, Professions and Economic Development Committee.

**g) AB 612 (Beall) – Family Code Relating to Custody and Visitation**

Dr. Sherman reported that this bill would prohibit a court from considering a nonscientific theory in making a determination regarding child custody or visitation with a child. The bill would also prohibit a court from considering or receiving into evidence a report, assessment, evaluation, or investigation prepared pursuant to the provisions described above if it includes a nonscientific theory.

**h) SB 638 (McLeod) – Regulatory Boards**

Dr. Sherman reported that this bill would abolish the Joint Committee on Boards, Commissions, and Consumer Protection and would authorize the appropriate policy committees of the Legislature to carry out its duties. The appropriate policy committees of the Legislature would review the boards, bureaus, or entities that are scheduled to have their board membership or bureau chief so terminated or reviewed, and would authorize the appropriate policy committees of the Legislature to investigate their operations and to hold specified public hearings.

The bill would terminate the terms of office of each board member or bureau chief within the department on unspecified dates and would authorize successor board members and bureau chiefs to be appointed, as specified.

This bill was re-referred to the Committee on Rules.

**i) SB 707 (DeSaulnier) – Alcohol and Other Drug Counselor Licensing and Certification**

Dr. Sherman reported that this bill would establish similar licensure, registration, and certification provisions relating to alcohol and other drug counselors to be administered by the State Department of Alcohol and Drug Programs. This bill is pending in the Senate Appropriations Committee.

**j) SB 788 (Wyland-Steinberg) – Licensed Professional Counselors**

Dr. Sherman reported that this bill would provide for the licensure, registration, and regulation of licensed professional clinical counselors and interns by the Board of Behavioral Sciences and would add 4 additional members to the board, to be appointed by the Governor. This bill is pending in the Senate Business, Professions and Economic Development Committee.

**k) AB 834 (Solorio) – Health Care Practitioners – Peer Review and Voluntary Mediation**

Dr. Sherman reported that this bill would provide an alternative to the requirement to file reports with the applicable state licensing agency of specified health care practitioners upon the occurrence of specified events, by authorizing a peer review body to impose, and a practitioner to accept, voluntary remediation which may include mandatory proctoring, consultation, education, and retraining.

The bill would require the reporting person to file a report with the applicable agency within 15 days following the commencement date of a voluntary remediation, to immediately file a supplementary report if the practitioner fails to fulfill the terms of the remediation, and to file another report within 30 days following completion of remediation. This bill is pending with the Assembly Business and Professions Committee.

**l) AB 1113 (Lowenthal) – Prisoners: Professional Mental Health Providers, Marriage and Family Therapists**

Dr. Sherman reported that this bill would create a license exemption for individuals employed or under contract to provide mental health diagnostic or treatment or other mental health services in the state correctional system in order for a person to gain qualifying experience for licensure as a marriage and family therapist or clinical social worker. The licensure requirement may be waived in order for a person to gain qualifying experience for licensure as a marriage and family therapist or clinical social worker. This bill is pending in the Assembly Appropriations Committee.

**m) AB 1310 (Hernandez) – Healing Arts Database**

Dr. Sherman reported that this bill would require specified healing arts boards to add and label as “mandatory” specified fields on an application for initial licensure or a renewal form for applicants applying to those boards.

Under existing law, the Health Care Workforce Clearinghouse serves as the central source for collection, analysis, and distribution of information on the health care workforce employment and educational data trends for the state.

The bill would require the department, in consultation with the division and the clearinghouse, to select a database and to add some of the data collected in these applications and renewal forms to the database and to submit the data to the clearinghouse

annually on or before January 1. This bill is pending in the Assembly Appropriations Committee.

**n) SB 33 (Correa) – Marriage and Family Therapy; Licensure and Registration**

Dr. Sherman reported that this bill would limit the application of these requirements to applicants for licensure or registration who begin graduate study before August 1, 2012, and would impose additional requirements on applicants who do not complete that study on or before December 31, 2018, on applicants who graduate from a degree program that meets those requirements, and on those who begin graduate study on or after August 1, 2012. The bill further establishes educational requirements and supervised professional experience. This bill is currently pending in the Professions and Economic Development Committee.

**o) SB 821 (Senate B & P Committee) – Healing Arts Licensees**

Dr. Sherman reported that this bill would delete references to the employment of unlicensed interns and instead refer to marriage and family therapy interns or associate clinical social workers, and would apply specified disciplinary and probationary provisions to registered marriage and family therapy interns and associate clinical social workers. This bill is pending in the Senate Appropriations Committee.

**p) AB 877 (Emmerson) – Healing Arts Scope of Practice**

Dr. Sherman reported this bill would require the Director of Consumer Affairs to appoint a scope of practice committee of 5 members, as specified, to perform occupational analyses and prepare written reports, as specified, on any bills seeking to substantively expand the scope of a healing arts practice.

The bill would require that the reasonable cost of an analysis and report be paid by the affected licensing board, as specified. This bill is pending in the Assembly Appropriations Committee.

**q) Public Comment**

None.

It was M(Legislation Committee)/S(O'Connor)/C to accept the Legislation Committee's report and recommendations.

VOTE: 8 - 0

**Agenda Item #13 – Outreach and Consumer Education Committee Report**

**a) Consumer Outreach**

Ms. Vazquez reported that, as Mr. Kahane indicated earlier, the date for the Diversity Conference, which is being co-planned with CPA, has been set for September 25, 2009 at the Pepperdine Culver City Campus.

Ms. Vazquez also stated that the Consumer Guide is currently available in seven languages and is in the queue to be posted on the Board's website as well.

**b) Educational Outreach**

Ms. Vazquez reported that Dr. O'Connor and Mr. Kahane visited Argosy University and are scheduled to visit the University of San Diego University soon. There are also plans to visit Pepperdine University as well.

**c) BOP Update**

Ms. Vazquez reported that the BOP Update is included in the Board packets for review and will be mailed out soon. She indicated that Dr. Horn recommended including a legend to describe each code section when referencing disciplinary actions rather than merely citing the section number to make the reason for disciplinary action more apparent.

**d) Letter Regarding the Misuse of the MMPI-II**

Ms. Vazquez reported that Dr. O'Connor, Mr. Calero, and Mr. Kahane will be meeting to determine the current status of the letter regarding the misuse of the MMPI-II and to determine if it is still a valid letter to send. An article will also be included in a future edition of the BOP Update.

**e) Public Comment**

Dr. Rodolfa requested that the Board discuss inviting Steve Behnke, Ph.D., Director of APA Office of Ethics, to make an ethics presentation on behalf of the Board.

It was M(Outreach and Consumer Education Committee)/S(Sherman)/C to accept the Outreach and Consumer Education Committee's report and recommendations.

Vote: 8 – 0

**Agenda Item #14 – Personnel and Board Operations Committee**

**a) Discussion of Sunset Review**

Dr. Horn reported that the Board is scheduled to be sunsetted in 2011. The Board is currently waiting for the list of questions from the Legislature. In the meantime, she reminded the Board to be proactive in educating the legislature of the importance of the Board.

**b) Consolidation of Boards**

Dr. Horn reported that a letter from Judith Blanton, Ph.D., was sent to the Governor's office opposing the consolidation of Boards. The Governor responded that the issue of consolidation was off the table for the time being. The California Psychological Association has done advocacy work for the Board and found that different Boards and the Legislature are not in favor of the consolidation. Dr. Horn stated that there is still the need for continued advocacy work, because this issue is likely to come up again.

**c) Public Comment**

Dr. Horn recommended continuing to reform the process for the Executive Officer's performance evaluation. She also recommended considering the inclusion of staff feedback in

the Executive Officer's evaluation. Dr. Horn recommended that this item be added to the August agenda.

It was M(Personnel and Board Operations Committee)/S(O'Connor)/C to accept the Personnel and Board Operations Committee's report and recommendations.

Vote: 8 - 0

### **Agenda Item #15 – Committee on Contemporary and Emerging Issues Report**

#### **a) Telemedicine and Enforcement**

Dr. O'Connor reported that the Committee on Contemporary and Emerging Issues reviewed guidelines regarding the practice of telemedicine established by other regulatory boards. Dr. O'Connor stated that most regulatory Board's use the term telepsychology rather than telemedicine. The committee recommends that staff further research the issue and possibly arrange for a presentation on this topic.

#### **b) Discussion Regarding Additional License Status**

Dr. O'Connor reported that the Committee on Contemporary and Emerging Issues discussed the need for an additional license status for psychologists that have retired. Mr. Kahane reported that currently the only options available for retired psychologists that elect not to maintain the required continuing education hours is inactive or delinquent status. Dr. O'Connor stated that the committee will continue to discuss this issue at the next Board meeting.

#### **c) Child Custody**

Dr. O'Connor reported that the Committee on Contemporary and Emerging Issues continued its discussion regarding child custody evaluation issues as it relates to enforcement and the difficulty in acting as an evaluator. The Committee discussed the possibility of arranging for a presentation on the topic.

#### **d) Public Comment**

None.

It was M(Committee on Contemporary and Emerging Issues)/S (Sherman)/C to accept the Committee on Contemporary and Emerging Issues report and recommendations.

Vote: 8 – 0

### **Agenda Item #16 – Election of Officers**

Mr. McGhee stated that he has been blessed to serve previously as the Board's Vice-President and most recently as President for the past two years. He stated that it has been a pleasure to advocate on behalf of the Board and he has learned a lot through this experience.

Mr. McGhee nominated Dr. O'Connor for President and Mr. Calero as Vice-President.

It was M(Sherman)/S(Vazquez)/C to nominate Sharon O'Connor, Ph.D. as the Board President and Alex Calero, Esq. as the Board Vice President.

Vote: 8 – 0

**Agenda Item #17 – Public Comment on Items Not on the Agenda**

Allison Parelman, Ph.D. announced that she will no longer be attending Board meetings.

**Agenda Item #18 – Agenda Items for Future Meetings**

None.

**Agenda Item #19 – Acknowledgement of Dr. Horn**

The Board's Executive Officer, Robert Kahane, spoke and acknowledged Dr. Horn's many years of outstanding service to the Board and the Consumer, as not only a Board Member, but especially as Board President during the difficult and transitional phases of the past few years. Dr. Horn was awarded a crystal gavel and two gift certificates. Dr. Horn's expertise, acumen and linguistic skills will be sorely missed by the Board. Dr Horn thanked the Board and was very appreciative of the small tribute and gifts for her service.

It was M(Horn)/S(Rodolfa)/C to adjourn the open session meeting.

Vote: 8 – 0

The open session meeting adjourned at 12:23 p.m.

\_\_\_\_\_  
James L. McGhee  
President

\_\_\_\_\_  
Date