

BOARD OF PSYCHOLOGY

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BOARD MEETING MINUTES
Hilton Sacramento Arden West
2200 Harvard Street, Folsom Room
Sacramento, CA 95815

Thursday, September 10, 2009

The open session meeting was called to order by the President, James McGhee, at 8:54 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

James McGhee, President
Richard Sherman, Ph.D., Vice-President
Lucille Acquaye-Badoo
Emil Rodolfa, Ph.D.
Celinda Vazquez

Others Present:

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

Agenda Item #1 – Approval of Minutes

a. May 8 – 9, 2009

It was M(Sherman)/S(Acquaye-Badoo)/C to approve the May 8 - 9, 2009, open session minutes with minor grammatical changes.

Vote: 5-0

b. July 1, 2009

It was M(Rodolfa)/S(Vazquez)/C to approve the July 1, 2009, open session minutes with minor grammatical changes.

Vote: 5-0

Agenda Item #2 – Committee Assignments

Mr. McGhee reported that the Board has a shortage of licensed psychologists at this time. He stated that the Board is normally comprised of nine members, and that we currently have a total of five members, two licensed members and three public members. He stated that, due to the nature of the

Committees, some of the committees require that a licensed psychologist chair those committees. Mr. McGhee stated that the Board normally has five licensed psychologists, and there are now only two licensed members. Mr. McGhee reported that in the interim, with only five board members, the respective committees would consist of all members with a chairperson assigned to each committee in order to provide a broader history of the issues before the Board.

Mr. McGhee reported the assignments for committee chairpersons as follows:

Contemporary and Emerging Issues Committee:	Richard Sherman, Ph.D.
Continuing Education Committee:	Richard Sherman, Ph.D.
Credentials Committee:	Emil Rodolfa, Ph.D.
Enforcement Committee:	Celinda Vazquez
Examination Committee:	Emil Rodolfa, Ph.D.
Legislation Committee:	Celinda Vazquez
Outreach and Consumer Education Committee:	Lucille Acquaye-Baddoo
Personnel and Board Operations Committee	James McGhee

The following discussion included restructuring future meetings until new Board Members have been appointed.

Agenda Item #3 – Petitioner and Administrative Hearing

8:45 A.M. – MCKEON, Patricia, Ph.D., Petition for Termination of Probation

Administrative Law Judge Karen Brandt presided. Deputy Attorney General David Corrick was present and represented the people of the State of California. Patricia McKeon, Ph.D. was present and represented herself.

Agenda Item #4 – Closed Session

The Board adjourned into closed session at the conclusion of the hearing pursuant to Government Code section 11126(c)(3) to discuss and vote on disciplinary decisions, including the above petition.

11:00 A.M. – Open Session Committee Meetings

The Continuing Education Committee, Legislation Committee and Outreach and Consumer Education Committee met to discuss and formulate recommendations to the Board. The salient points of discussion are reflected in the respective committee reports below.

2:00 P.M. – Open Session

Agenda Item #5 – Presentation by Judith Melson, Program Officer, of the Licensed Mental Health Professional Education Fund Regarding Psychologist Participation on the Mental Health Fund Disbursement Board

Ms. Judith Melson, Ms. Kirsten Meza, and Ms. Daniella Reynoso-Miranda from the Office of Statewide Health Planning and Development made a presentation to the Board regarding the Licensed Mental Health Service Provider Education Program established to increase the number of licensed mental health providers available to practice direct patient care in a publicly funded or public mental health facility, non-profit private mental health facility, or in mental health professional shortage areas in California. Ms. Meza also made a presentation to the Board on the Mental Health Loan Assumption Program intended to increase the number of mental health providers available to

practice direct patient care in the Public Mental Health System, and the National Health Service Corps/State Loan Repayment Program intended to increase the number of primary care providers available to provide direct out-patient care in Health Professional Shortage Areas in California.

2:30 P.M. – Open Session Committee Meetings

The Credentials Committee, Examination Committee and Committee on Contemporary and Emerging Issues met to discuss and formulate recommendations to the Board. The salient points of discussion are reflected in the respective committee reports below.

4:00 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 salient points of discussion are reflected in the respective committee reports below.

Friday, September 11, 2009

The open session meeting was called to order by the President, James McGhee, at 9:09 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

James McGhee, President
Richard Sherman, Ph.D., Vice-President
Lucille Acquaye-Baddoo
Emil Rodolfa, Ph.D.
Celinda Vazquez

Others Present:

Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Laura Freedman, Legal Counsel
Gina Bayless, Enforcement Coordinator
Linda Kassis, Administrative Services Coordinator
Lavinia Snyder, Licensing/Registration Program Coordinator

Agenda Item #6 – Regulation Hearings

a) Title 16, California Code of Regulations Section 1386 – Criteria for Evaluation of Education/Approved Schools

Ms. Freedman explained that the proposed regulations were noticed and the required 45 day notice comment period provided prior to the regulatory hearing had been met. All written comments received during the 45 day comment period were included in the Board's agenda package. Ms. Freedman reported that interested parties are allowed to submit comments in writing or testify before the Board thereby allowing an opportunity for persons to bring forth concerns with the regulations. Ms. Freedman stated that the hearing part of the public comment period, is truly testimony and the Board does not have to respond during the hearing to the testimony that is provided. Ms. Freedman stated that once the regulation hearing is closed, the Board's options were to amend the text and notice interested parties that they would have

another opportunity to comment, adopt the language, or the Board may choose to hold the matter over until the next meeting.

Mr. McGhee conducted the regulation hearing on the Criteria for Evaluation of Education/Approved Schools at 9:08 a.m.

Steve Arthur, Ed.D., President, Ryokan College, provided both written and oral testimony opposing the proposed regulations. Dr. Arthur testified that he believes State approved schools serve a niche for students that large universities do not and that the proposed regulations to do away with approved schools are age, sex, and economic discrimination. Dr. Arthur asked that the Board provide statistics, reports and facts that led to the conclusion that unaccredited, State approved schools are in violation of the standards and regulations since the Bureau for Private Postsecondary and Vocational Education's (BPPVE) demise as it pertains to the field of psychology. Dr. Arthur stated that when the Board of Behavioral Sciences (BBS) looked at this issue last year, they did an extensive report regarding the impact on State approved schools, students and graduates, and asked that the Board provide a similar study or an explanation. Dr. Arthur requested that the Board refrain from its mission to eradicate students from pre-established July 2007 unaccredited State Approved Schools for licensing, and remove detrimental information about enrollment from its web site.

Dr. Arthur asked the Board to cease its policy to review applicants from unaccredited institutions differently, because the current policy was delaying Ryokan applicants' licensing time periods. The Board stated that this comment was not relevant to the proposed regulations, and would be addressed during the public comment period.

Bruce Hamlett, Director, Association for Private Postsecondary Education California (APPEC), provided oral testimony opposing the proposed regulations, and stated that some of their member's schools are greatly affected by the action the Board is considering. Mr. Hamlett stated that he agreed with Dr. Arthur's comments in regards to the type of student clientele that State approved schools serve. Mr. Hamlett stated that approved schools serve an older cohort of students who may not have time or access to get into a regionally accredited schools. Mr. Hamlett questioned the underlined language of Section 1386 with regards to approved schools and stated that if no legislation was enacted to restore the BPPVE, he understood that there would be significant problems the Board would need to deal with; but now we have AB 48, which will hopefully pass, and would reestablish the BPPVE. Mr. Hamlett asked if AB 48 passes will this thereby reestablish the authority for state approved schools to operate according to the law as they have in the past. Mr. Hamlett urged the Board to go with the language the Board has here regarding degrees from approved schools, and to add that if legislation is enacted, the approved category be reestablished and continue. Mr. Hamlett stated the Board is assessing the outcome of graduates, and approved schools have a demonstrated track record of serving a clientele section of California population, and their graduates pass the licensing exam. Mr. Hamlett asked why close down this section of education in California when we now need it more than ever with the quality of our society and the growth of the population.

Ms. Faye Snyder, MFT, Los Angeles, provided both written and oral testimony opposing the proposed regulations. Ms. Snyder stated that she is a Marriage and Family Therapist (MFT) who is expecting to become a licensed psychologist by the end of the year. Ms. Snyder stated that she is here to represent new schools, new blood, and innovation. Ms. Snyder stated that she received her masters and Psy.D. from approved schools and found them to be the best for her experience and growth. Ms. Snyder stated that CGI worked hard and long to become an accredited school, and as they were becoming accredited they sold out to a Chicago school. Ms. Snyder stated that since then the demographics have changed, tuition has nearly doubled. Ms.

Snyder stated that she hopes the Board of Psychology will stay this movement and impede this blow to critical thinking and theoretical development. Ms. Snyder stated that she is an example of a student from an approved school who has achieved a lot and would never have made it if she had to attend an accredited school.

Dr. Christina Versari, President, San Diego University of Integrated Studies (SDUIS), provided both written and oral testimony opposing the proposed regulations. Dr. Versari stated she is the founder of the school established in 1999, to meet the needs of students from a school that had closed. Dr. Versari stated that SDUIS has the largest sport psychology program in the United States and also offers very unique programs such as transpersonal psychology and expressive arts therapy which are programs that can not be found in other schools. Dr. Versari stated that this proposal has already affected students and faculty. Dr. Versari stated that for the first time this summer they had to cancel classes because they have not been able to enroll new students and have lost 25 students since December costing them \$500,000, which will continue every quarter that students cannot be enrolled. Dr. Versari stated that she believes this proposal is unfair and is discriminating the type of students who attend SDUIS. Dr. Versari stated that 60% of their students are female, 40+ years of age, and African American who are often the first in their family to get a degree. Dr. Versari stated that she has read everything on the Board's web site and has not seen any information based on facts, and that she finds no studies conducted, nor has anyone contacted or visited their university for information. Dr. Versari stated that her written testimony includes information that there has never been a complaint against any of their students who are licensed psychologists or therapists, and asked what the Board is protecting consumers from. Dr. Versari stated that unethical psychologists go to all schools, not just approved schools. Dr. Versari stated the Board is making decisions not based on facts and the proposal against the law, unfair and arbitrary, and requests that the Board allow students of SDUIS to sit for the licensing exam until a new agency is created. Dr. Versari provided information to the Board in her written testimony submitted at this hearing.

Dr. Versari stated she would like to address the Board regarding a position statement prepared by her attorney. Dr. Versari stated that three out of five Board members are associated WASC schools and the 25 students who they could not enroll in their university, enrolled in a WASC school. Dr. Versari stated that she strongly believes there is a conflict of interest for those board members associated with a WASC university and that they should not be allowed to vote against approved schools because they will directly benefit from the decision. Dr. Versari requested the Board remove any negative information from their web site in regards to approved schools.

Terry Sereno, Ph.D. provided oral testimony in opposition of the proposed regulations. Dr. Sereno stated that he obtained his degree at a regionally accredited school in Ohio, and since he came to California and has worked in private and accredited approved schools. Dr. Sereno stated that he knows in the past this Board has undergone degree equivalency determinations and asked whether the Board planned to repeat that practice. Dr. Sereno stated that the Board allows out of country/foreign students to have his/her credentials evaluated for doctoral equivalencies, and asked why state approved school graduates don't have the same right. Dr. Sereno stated with a third party determination there wouldn't be as much bias and prejudice that exist right now, particularly against approved schools. Dr. Sereno stated that this is a door of opportunity this proposal closes and that the demographics discussed today do not need to be repeated. Dr. Sereno stated that most Board Members come from public universities, and the current fiscal crisis is causing an erosion of public funds and with two of the major universities also shutting down options, this is not a time to be closing options. Dr. Sereno stated that a professor once told him "You create conflict when you reduce options, and you resolve conflict when you open options."

Randoll McManus, Attorney at Law, representing SDUIS submitted oral testimony in opposition of the proposed regulations. Mr. McManus stated that they submitted an attorney's position letter from Samuel Park along with a position letter from the law firm of Duane Morris supporting their position in opposition to the Board adopting any changes at this time. Mr. McManus stated that he's sure the Board wants to do the right thing, and the question is what is the right thing? Mr. McManus stated he is unclear why the Board feels an urgency at this time to pass anything that would overlap or undermine the legislature. Mr. McManus stated he is concerned in regards to Board Members with WASC affiliations, and that this regulation is oppressive to formerly approved schools.

Mr. McManus stated that it took over a year and three requests for Board Member bios and that the Board Member bios received two days ago were heavily redacted and omitted any reference to WASC schools or WASC employment. Mr. McManus stated that he was also concerned the Board had closed session meetings yesterday that appeared to be in violation of the Brown Act. Mr. McManus recommended that the Board not do anything do this time, let the legislature do their job, and see if AB 48 passes.

No further comments. The regulation hearing was then closed.

Mr. McGhee announced that the Board would like to discuss the testimony received and that there were a couple issues brought up that the Board would like to address.

Ms. Freedman stated that if AB 48 is adopted and it contains a provision that says institutions that met the requirements are deemed approved then this proposal would become inoperative and have no effect pursuant to the proposed language in subsection b(2).

Ms. Freedman stated that in response to the other issue raised regarding the Open Meeting Act question, the Board conducted a closed session meeting yesterday to review discipline and applications, both of which were authorized by the Open Meeting Act and more specifically noticed on the agenda. Ms. Freedman stated that she was present during those meetings and that there was no discussion of the proposed regulations during those meetings.

Dr. Sherman stated that in 1997 he taught one class at Cal State Northridge, and hasn't been back to the campus for 12 years. Dr Sherman stated that prior to taking office, members are required to take an oath and disclose their relations for potential conflicts of interest, and that he takes his position very seriously.

Ms. Freedman stated that although this does not mean a potential conflict of interest could not arise, in light of the information currently available; she does not believe the conflict issue raised prohibits the members' participation in the decision. Ms. Freedman further stated that the type of conflict that she would watch for that would be disqualifying is if the relationship has a more direct financial impact on a member personally; or if a member worked for an association that had a specific conflict.

Dr. Sherman recommended that the Board revisit this issue at their next Board Meeting in November. Ms. Vazquez stated by then the Board would know whether AB 48 has been approved.

Dr. Rodolfa stated this it was his understanding that the Board was currently accepting applications from approved schools that were approved by BPPVE.

Ms. Freedman, stated that she understood that staff has accepted applications from graduates from approved schools and has evaluated them on a case by case basis.

Mr. Kahane, stated that the Board is working with 36 furlough days per position, and that the Board has three vacancies (including two in licensing). Mr. Kahane stated that applications from approved schools are not being treated differently; delays are due to budget cutbacks, 15% reduction, and the furloughs. Mr. Kahane stated that everything is handled fairly and equitably, and the case by case basis review is conducted with the same standards and integrity used for everyone.

Ms. Vazquez asked about the Board's bios and how these were prepared. Mr. Kahane stated that bios are taken care of at the time of appointment from the governor's office. Mr. Kahane stated that the Board has changed members several times and that the bios provided two days ago were the Board's most recent bios that were updated last November for the Department of Consumer Affairs (DCA) Pact Summit.

Dr. Arthur asked if AB 48 passes can they begin enrolling students, or if they have to wait for the November Board Meeting to determine if they can accept new students.

Ms. Freeman recommended that approved schools speak with their legal counsel. Ms. Freedman stated that there is a difference in the ability for a school to operate and the ability for an individual to take an exam, and that the Board does not deal with whether or not the business can function. Ms. Freedman stated that the school can conduct business as long as it is a lawful business and the Board controls only who can qualify for the licensure exam.

Mr. Hamlett, stated that AB 48 would not be effective until January 1, 2010, and asked what advice does the Board have for state approved schools in the interim.

James McGhee stated that it is not the Board's role to give legal advice and agreed with Ms. Freedman's recommendation to speak with their legal counsel. Mr. McGhee stated that the Board also has to wait to see what happens with the passage of AB 48 and what that legislation provides. Mr. McGhee stated he understands everyone's frustration and that the Board does want to do the right thing, and that they appreciate everyone's testimony.

Mr. McManus asked whether there is anything on the Board's web site that would have a chilling effect on students wishing to enroll in an approved school.

Mr. McGhee stated not to his knowledge. Ms. Freedman indicated the proposed regulations are required to be on the Board's web site.

Ms. Snyder asked whether the Board had any plans on not accepting any new schools.

Ms. Freedman stated that Business and Professions Code Section 2914 specifically grandfathered approved schools that existed as of the sunset date of July 1, 1999, therefore new schools not regionally accredited prior to that time cannot obtain approval.

Dr. Versari stated that this decision didn't affect their school, but the Board's did. Dr. Versari stated that they cannot enroll new students, and this is the only decision in the last 10 years that has impacted their school in a negative way and they are going to close if the Board doesn't change this decision.

Dr. Sereno asked in regards to the grandfathering of schools, whether the twelve schools listed on the Board's web site are the only approved schools that meet this approval. Ms. Lavinia Snyder, Licensing Program Coordinator, responded yes.

It was M(Sherman)/S(Vazquez)/C that the Board postpone making a decision on approval of the proposed amendments to California Code of Regulations Section 1386, and to review further and bring back for discussion at the November Board Meeting.

VOTE 5 – 0

b) Title 16, California Code of Regulations Section 1391.5 - Psychological Assistant Limitation of Registration Period

Mr. McGhee conducted the regulation hearing on the Psychological Assistant Limitation of Registration Period at 10:24 a.m.

No public comments were received and the regulation hearing was closed.

It was M(Sherman)/S(Vazquez)/C that the Board direct staff to adopt the proposed amendments to Section 1391.5 and to delegate authority to the Executive Officer to make any non-substantive changes as may be required.

After the Board realized a written comment had not been taken into account, it was M(Sherman)/S(Vazquez)/C to rescind the motion.

Mr. Thomas reported that the Board received a written comment from Gary Buck requesting clarification on the terminology regarding the effective date of this subdivision and whether the language meant "from the date of renewal" or "from the date of his current Psychological Assistantship".

Ms. Freedman explained that when a psychological assistant changes supervisors or location, they are required to re-register. The Board discussed and clarified that the language should be amended to read "from the date of the psychological assistant's next registration or renewal, whichever occurs first."

Ms. Kassis reported that the comment received from Jonathan Rich, Ph.D. raised concerns regarding the elimination of a paraprofessional career path.

The Board discussed and Dr. Rodolfa stated that this category was never intended to be a career path, rather a training category.

It was M(Sherman)/S(Aquaye-Baddoo)/C to direct staff to make the changes to the proposed language and adopt the proposed amendments to Section 1391.5 assuming no negative comments are received, and to delegate authority to the Executive Officer to make any non-substantive changes as may be required.

VOTE: 5 - 0

Agenda Item #7 – President’s Report – Mr. McGhee

a) Other President’s Informational Items

Mr. McGhee reported that he attended training on the Cal-Aters system which is the on-line system for reviewing and approving State travel claims.

Mr. McGhee reported that he has been meeting with Mr. Kahane on a monthly basis regarding the issues and concerns regarding operating on restrained resources during the budget crisis. He stated that Mr. Kahane spends a lot of time in meetings on these issues away from the office which absorbs a great deal of his time, creating additional challenges on top of everything else. Mr. McGhee stated that he truly appreciates the awesome task that Mr. Kahane is faced with, especially in this climate of deficit, furloughs, etc. He also acknowledged the challenges faced by staff being furloughed three days per month. Mr. McGhee stated that the Board truly appreciates all the work that staff is doing on behalf of the consumers and citizens of the state of California. Mr. McGhee apologized for his comments yesterday regarding outreach events for high school students and stated that he is aware that Mr. Kahane works hard to accomplish everything he asks, especially as it relates to outreach.

Dr. Sherman concurred with the President in his comments regarding the appreciation of Mr. Kahane and staff.

Agenda Item #8– Executive Officer’s Report – Mr. Kahane

a) Staff Update

Mr. Kahane discussed the current staffing challenges. There are currently three open positions. Interviews are taking place as quickly as possible working with the limitations of the Department of Personnel Administration. After evaluating numerous applications, he expects to have these positions filled soon. The open positions and furlough days continue to remain a challenge, but staff has responded positively and continues to work within mandated time frames, as guided by the Lead Coordinators for each team.

b) Budget Update

Mr. Kahane reported the Board has complied with the orders for a 15% overall spending cut for the budget. Administrative and Executive Staff have incorporated those savings in areas which will least effect Board operations. We are also asking for a 15% reduction in price from our vendors and contractors when providing their services to the Board, as requested by Agency and the Department.

c) Other Executive Officer’s Informational Items

Mr. Kahane discussed the decision to cancel the national Examination for Professional Practice in Psychology (EPPP) during the second week of July 2009 for three days, due to the Board having no valid contract in place with the examination vendor. Contracts were not renewed as per usual and were not to be backdated. This was due to continuing state budget issues and directives during that time. This, in effect, did not give the Board authority to have the examination conducted on behalf of the Board for the first three weeks of July. The primary focus of any solution was to ensure the Board’s authority and avoid affecting those scheduled for the test that week. Notices were sent to test candidates immediately. Then, Mr. Kahane, working with the Department of Consumer Affairs (DCA) Administration, had the contract in

place within three days, and the test was resumed. There was some inconvenience to a minimal number of candidates and the Board worked with the vendors in this process to ensure those few persons were able to complete the test as quickly as possible. That decision enabled the best possible result of a very complex and difficult situation.

Mr. Kahane noted, after a number of dates and revisions, the Diversity Conference on Enhancing Services to the Consumer will be held on September 25, 2009 at Pepperdine University, West LA Campus. Over 130 invitees have registered to attend. The Board, in conjunction with the California Psychological Association (CPA), is expecting an excellent event. Mr. Kahane will report on results of the Conference at the November 2009 Board meeting.

Mr. Kahane reported that he will be representing the Board as a delegate at the Association of State and Provincial Psychology Boards (ASPPB) Conference during the last week of October 2009 in Idaho. This was a previously approved trip by DCA for this year. Mr. Kahane was not authorized to travel to Sarasota, Florida October 17-18, 2009, for a weekend, no-cost trip to contribute to the ASPPB Board of Director's Bylaws Revision Task Force Committee, as was his term and assignment.

Mr. Kahane will be speaking with the DCA Director of Board Relations about getting more Board Members appointed. As Boards are working with quorum only and will be for months to come, he does not realistically expect this to gain any additional appointments to the Board of Psychology.

Mr. Kahane also reported that he and Dr. Sherman traveled to the University of San Diego in July to give a presentation to students and interns as part of the Board's Outreach Program. A questions and answer session followed. Issues were discussed regarding licensing, documentation, and process. All in attendance were most appreciative of the time taken by Mr. Kahane and Dr. Sherman to come to their University and speak.

Agenda Item #9 – Regulations Update and Review

a) Draft Regulation Language – Disclosure of Out-of-State Discipline and Criminal Convictions as a Condition of Renewal – Title 16, California Code of Regulations Sections 1381.6 – 1381.9

Ms. Kassis reported that staff is currently working on the draft language with Legal Counsel and that it should be scheduled for hearing at the November Board Meeting.

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

Ms. Kassis reported that the final rulemaking file was submitted to the Office of Administrative Law (OAL) on June 17, 2009 and was approved on July 24, 2009. Ms. Kassis stated that these regulations became effective on August 23, 2009.

c) Psychological Assistant Renewals – Title 16, California Code of Regulations Sections 1391.4, 1391.10 and 1391.12

Ms. Kassis reported that the final rulemaking file was submitted to the Office of Administrative Law (OAL) on June 17, 2009 and was approved on July 24, 2009. Ms. Kassis stated that these regulations became effective on August 23, 2009.

Agenda Item #10 – Continuing Education Committee Report

a) Strategic Plan Progress Report

Dr. Sherman reported that the Continuing Education Committee is continuing to work on all aspects of the Strategic Plan.

b) Continuing Education Statistics

Dr. Sherman reported that the continuing education statistics regarding compliance were provided in the meeting packets.

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

Dr. Sherman reported that the draft continuing education regulations are still being worked on by the Continuing Education Committee. He indicated that the draft regulations do not contain clear criteria for what organizations have to do to obtain and maintain provider-approval status. Dr. Sherman stated that Dr. Rodolfa, Mr. Thomas, and Dr. Linder-Crow will conduct a workgroup to establish such guidelines and further review the draft regulations. The results of this workgroup will be reported on at the November meeting.

d) Review Requests for Exception Pursuant to California Code of Regulations Section 1397.62(b)

Dr. Sherman reported that the Continuing Education Committee reviewed four requests for exception pursuant to California Code of Regulations Section 1397.62(b). He stated that the committee was concerned by the number of requests received for review as there may be some misunderstanding about who can request such an exception. Dr. Sherman reiterated that this exception is available only to licensed psychologists who are not engaged in the direct delivery of mental health services for whom there is an absence of available continuing education courses. He stated that licensed psychologists who do such work as consulting or evaluations have clients and are considered to be providing mental health services. The committee's recommendations with respect to these four requests were as follows:

M.G. – Approved subject to submission of official documentation of the coursework completed.

P.G. – Deny

S.W. – Deny

M.U. – Deny

e) Review Request for Continuing Education Accreditation from Prescribing Psychologists' Register Inc.

Dr. Sherman reported that the Continuing Education Committee decided to defer Prescribing Psychologists' Register, Inc.'s request for continuing education accreditation to a future Board meeting since the Board is currently in the process of revising its continuing education regulations and establishing criteria in this regard.

f) Public Comment

Michael Berger, attorney for Prescribing Psychologists Register, Inc., asked if any Board members have discussed this issue with other Board members or with members of any professional organization outside a formal Board meeting that would require them to recuse

themselves from participating in discussions on this issue. The Board Members responded that there have been no such discussions.

Mr. Berger asked if any Board members receive any remuneration or compensation from continuing education activities or are members of any of the organizations currently approved to perform accrediting functions. Dr. Rodolfa stated that he is not a continuing education provider, but he has provided supervision workshops. He also stated that he does not see any conflict of interest. All other Board members answered in the negative.

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

Vote: 5 – 0

Agenda Item #11 – Credentials Committee Report

a) Strategic Plan Progress Report

The Strategic Plan Progress Report is ongoing.

b) Satisfaction Survey Results

Dr. Rodolfa commented that the current data on the Satisfaction Survey supports that the furloughs are affecting staff response times.

Dr. Rodolfa also directed staff to add a column to reflect the totals for the year.

c) Review of Proposed Changes of California Code of Regulations, Title 16, Division 13.1, Article 1 (General Provisions), Article 2 (Applications) and Article 3 (Education and Experience)

Additional revisions were made which will be reviewed at the next Board meeting.

d) Proposed Regulation Language for Interjurisdictional Practice Certificate

Dr. Rodolfa reported that this regulation language was not necessary and there is no need to move forward with the regulatory process.

e) Discussion Regarding Current Barriers to the Process of Licensure for I/O Psychologists

Dr. Rodolfa recommended the creation of a workgroup to discuss issues and concerns in licensing non-mental health psychologists and the barriers to accruing supervised professional experience for applicants practicing in non-mental health areas. The workgroup would consist of Dr. Judith Blanton, Dr. John Renner, Dr. Emil Rodolfa. Staff member Ms. Lavinia Snyder, Licensing Program Coordinator, will also attend.

f) Review of Revised Supervision Agreement Form for Supervised Professional Experience in Health Services

Dr. Rodolfa presented two supervision agreement forms; one was approved at the May 2008 Board meeting and another version for Board review and approval. Dr. Doris Penman commented that the latter form was completely different than what was approved. After review of both forms, Dr. Rodolfa recommends the Board continue to use the supervision agreement form that was approved by the Board at the May 2008 meeting, and to re-evaluate this form at the next Board meeting for further enhancements.

g) Summarization of Closed Session Items

Dr. Rodolfa stated out of the three requests for an extension of the 30 consecutive month requirement, one request was approved and two required additional information. The committee delegated authority to approve the request requiring additional information if the information submitted was consistent with the committee's discussion, and if not the information would be returned to the committee for further review.

Dr. Rodolfa also stated that out of the three requests for hours of supervised professional experience in non-mental health, one was approved and the other two were denied.

h) Public Comment

In response to Mr. Kahane's reply regarding applications from students from approved schools, Dr. Steve Arthur from Ryokan College clarified his comment regarding the Board's case by case review of transcripts from approved schools. Dr. Arthur stated that the Board is setting aside these transcripts to review at Board meetings, and that the Board does not meet on a regular basis. Dr. Arthur stated that this process delays applicants from achieving licensure or registration.

Mr. Kahane added that in the absence of the BPPVE the proposed regulation was created in order to help students who were currently enrolled in approved schools. Mr. Kahane stated that applications received from students from approved schools are not set aside, and are processed along with all other applications in the order in which they are received.

Dr. Christina Versari from San Diego University for Integrative Studies stated that their school continues to follow state requirements and that SDUIS students can pass the Board of Psychology exams and yet the Board wants to penalize their school.

Ms. Freedman, stated that the exam is just one part of the licensing process and it is not the sole criteria for licensure.

Ms. Vasquez stated that it is not appropriate to compare the Board of Psychology to other Boards, in that each Board has different laws and regulations and the licensure process at the doctoral level is different than Board's who license individuals at the Master's level.

Mr. James McGhee stated that the Board will take all comments seriously and will postpone further discussion on approved schools until the Board has more information regarding AB 48.

It was M(Credentials Committee)/C to accept the Credential Committee's recommendations on the closed session items.

Vote: 5 - 0

Agenda Item #12 – Examination Committee Report

a) Strategic Plan Progress Report

All items on the report are currently ongoing.

b) Examination Statistics

Dr. Rodolfa stated that the statistics for the EPPP, CPSE and CPLEE are posted on the Board's website. He stated that the EPPP had a 70% pass rate, the CPSE had a pass rate of 80%, and the CPLEE had a low 70% pass rate. Dr. Rodolfa also stated that low pass rate for the CPLEE is a good indication that candidates are not familiar with California laws pertaining to the practice of Psychology.

c) Public Comment

Dr. Charles Faltz, California Psychological Association, recalled that the Board would annually publish the changes to the California laws pertaining to the practice of psychology. Ms. Snyder clarified that the summary of laws pertaining to the practice in psychology is now incorporated in the Board's Laws and Regulations booklet, which is on the BOP's website.

This concluded the Examination Committee's report. No vote was taken.

Agenda Item #13 - Enforcement Committee Report

a) Strategic Plan Progress Report

Ms. Vazquez reported that the strategic objectives are ongoing.

b) Enforcement Statistics

Ms. Vazquez referred the Board to the enforcement statistics in the agenda packets. She noted a significant increase from the prior fiscal year in the number of complaints received and investigations opened.

c) Review of Enforcement Processing Times

Ms. Vazquez reported that the committee reviewed the enforcement processing times over the last seven years. The overall processing time has increased over the last three years due to the steady increase in the number of complaints received each year.

Ms. Vazquez reported that the Department of Consumer Affairs (DCA) is developing a new enforcement model to assist the Boards in reducing processing times. Staff is working closely with DCA on this project and will provide further information at the next Board meeting.

d) Review of Revised Complaint Forms

Ms. Vazquez reported that the committee reviewed the revised complaint form and recommended further revisions. Ms Vazquez requested staff to revise the complaint form for review at the next Board meeting.

e) Public Comment

Dr. Charles Faltz from the California Psychological Association commented that the Board has many ongoing issues that require a lot of work and he is concerned that the furloughs will cause enforcement processing times to be further drawn out. He commented that the hearings held before the Board are jeopardized due to the lack of a full board.

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

Vote: 5 - 0

Agenda Item #14 – Legislation Committee Report

a) Strategic Plan Progress Report

Ms. Vazquez reported that the strategic objectives are ongoing.

Ms. Vazquez publically thanked the Board and staff for dealing with her situation last month before the Board meeting. Ms. Vazquez stated that this was an example of the challenges the Board faces by not having a full Board, and quorum issues.

b) Review of California Code of Regulations, Title 16, Division 13.1, Articles 4-6

Ms. Vazquez reported that the committee discussed whether delinquent fees should be added to the regulations, and whether language should be added regarding requiring examination fees be paid directly to the testing vendor for the EPPP examination. The committee recommended referring this item to the Examination Committee for further review.

c) AB 120 (Hayashi) – Healing Arts: Peer Review

d) SB 389 (McLeod) – Professions and Vocations: Fingerprinting Requirements

e) AB 681 (Hernandez) – Confidentiality of Medical Information: Psychotherapy

f) SB 762 (Aanestad) – Professions and Vocations: Healing Arts

g) SB 820 (McLeod and Aanestad) – Healing Arts: Peer Review

Ms. Vazquez reported that since today, September 11, 2009, is the last day of the legislative session, the Legislation Committee will report the final outcome of the bills listed above at the next Board meeting.

h) Update on Other Bills of Interest

Ms. Vazquez reported that the committee also discussed the status of AB 48 which had been enrolled, and is waiting for the outcome in order to provide more clarity. Ms. Vazquez stated that all bill information was in the agenda binder.

i) Public Comment

Ms. Vazquez asked if there were any public comments. No comments were received.

Ms. Vazquez submitted her report for approval.
It was M(Legislation Committee)/C to accept the Legislation Committee's report and recommendations.

VOTE: 5 - 0

Agenda Item #15 – Outreach and Consumer Education Committee Report

a) Strategic Plan Progress Report

Ms. Acquaye-Baddoo reported that the Outreach and Consumer Education Committee's Strategic Report goals and objectives are ongoing.

b) Consumer Outreach

Ms. Acquaye-Baddoo reported that there will be a Diversity Conference on September 25, 2009 which has been in the planning stages for quite some time. The conference will be held at Pepperdine University in Culver City. She stated that there are approximately 125-130 participants registered at this point in time.

Ms. Acquaye-Baddoo reported that the Outreach and Consumer Education Committee discussed expanding the Board's outreach efforts to high schools.

c) Educational Outreach

Ms. Acquaye-Baddoo reported that Mr. Kahane has visited several universities to perform educational outreach to students.

She also indicated that a letter regarding the misuse of the MMPI has been sent to the State Bar for inclusion in their newsletter.

d) Public Comment

None.

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

Vote: 5 - 0

Agenda Item #16 – Personnel and Board Operations Committee

a) Strategic Plan Progress Report

All items on the report are currently ongoing.

b) Discuss Future Board Meetings

Mr. McGhee stated that he will be working with all Board members to ensure that all Board members are available to attend all future Board meetings. Mr. Kahane stated that there may be another Professional Achieving Consumers Trust (PACT) Summit in January. He stated that if

the Board meets in conjunction with the PACT summit, there will be no need to hold a February Board meeting.

c) Public Comment

None.

Agenda Item #17 – Committee on Contemporary and Emerging Issues Report

a) Discussion Regarding Telepsychology Studies

Dr. Sherman reported that the Committee on Contemporary and Emerging Issues is in the early stages of reviewing the issue of telepsychology. He reported that Mr. McGhee and Mr. Kahane will be attending ASPPB in October where telepsychology is one of the topics to be discussed. Further discussion is deferred until the next Board meeting.

b) Public Comment

None.

Agenda Item #18 – Public Comment on Items Not on the Agenda

None.

Agenda Item #19 – Agenda Items for Future Meetings

Dr. Sherman requested that the Board's hold policy regarding disciplinary actions taken by mail ballot be placed on the agenda for the November meeting.

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

Vote: 5 – 0

The open session meeting adjourned at 12:34 p.m.

James L. McGhee
President

Date