

**BOARD OF PSYCHOLOGY**

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**BOARD MEETING MINUTES**  
**DoubleTree Hotel San Diego Downtown**  
**1646 Front Street, Skyline Ballroom I & II**  
**San Diego, CA 92101**

**Friday, November 13, 2009**

The open session meeting was called to order by the President, James McGhee, at 9:16 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  
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

**Agenda Item #1 – Credentials Committee Closed Session**

Dr. Sherman and Dr. Rodolfa adjourned into closed session at the conclusion of the hearing pursuant to Government Code section 11126(c)(2) to review applicant credentials for licensure.

**Agenda Item #2 – Closed Session**

The Board adjourned into closed session pursuant to Government Code section 11126(c)(3) to discuss and vote on disciplinary decisions.

**10:36 A.M. – Open Session**

**Agenda Item #3 – Approval of September 10 – 11, 2009 Minutes**

It was M(Sherman)/S(Acquaye-Baddoo)/C to approve the September 10 - 11, 2009, open session minutes with minor changes.

Vote: 5-0

Mr. Michael Berger provided public comment regarding the September 10 - 11, 2009 minutes. Mr. Berger stated that he objected to the minutes and that at the last meeting there was some confusion

about the agenda regarding Agenda Item #4. Mr. Berger stated that he addressed the Board on September 10<sup>th</sup> and again on September 11<sup>th</sup> during what was Agenda Item #4 on the public copy of the agenda. Mr. Berger stated that the testimony he provided is referenced as Agenda Item #10 in the minutes on September 11, 2009, and that the testimony he provided on September 10, 2009 was not included on the audio tapes he was provided and is not reflected in the minutes.

Ms. Marks stated that although she was not present at that meeting, it is her understanding that on day one when the committees meet it is not the Board's practice to have minutes reflecting the committees' discussion because the committee reports are made the next day to the full Board. Dr. Rodolfa confirmed that this is correct, and that the minutes accurately reflect action taken on day one by the committee, and that committee discussion is reported to the full Board on day two as reflected in the minutes.

Mr. Berger stated that he would like the record to reflect that these minutes show the overall general perspective of day one but do not reflect in detail what transpired and that the audio recordings that he received are not an accurate reflection of day one.

Ms. Marks stated that the Board and the public are entitled to an accurate record of what actions the Board took at their meeting, and stated that if Mr. Berger would like to correct something that is inaccurate, or something substantial that is missing with regards to the Board Minutes, not necessarily the committee meetings since committee meetings are not recorded or reflected in the minutes, the Board could allow him to present something in writing by the end of today's meeting and that matter could be held open until then. Dr. Rodolfa objected to this offer, due to the inability to offer all other committee participants the same opportunity and the Board's processes with respect to the minutes. Mr. Berger stated that he would provide a written summary to the Board in regards to Agenda Item #10, at his convenience.

Mr. McGhee stated that this would conclude the public comment on this matter, and that the minutes have been approved unanimously.

Dr. Sherman stated that he wanted to reiterate that for this meeting the current agenda format is a little different than in the past and that committees will now meet as a full board rather than break out into committees, and there will not be committee reports at tomorrow's full Board meeting. Ms. Marks confirmed that due to the current structure of the Board, all committee issues will be addressed by the full Board with the exception of the closed session Credential Committee items listed on the agenda. Ms. Marks further explained that although the agenda items may appear as a committee, the name of the chairperson was included merely to reflect the name of the person who will lead the Board's discussion.

#### **Agenda Item #4 – Continuing Education Committee Report**

##### **a) Strategic Plan Progress Report**

Dr. Sherman reported that the strategic plan is ongoing.

##### **b) Continuing Education Statistics**

Dr. Sherman and Dr. Rodolfa requested clarification on how the statistic report is interpreted and the consequences of continued non-compliance.

Mr. Thomas and Ms. Russell explained the structure of the report and indicated that the report reflects normal compliance from initial notification to current status.

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

Dr. Rodolfa reported that a working group consisting of himself, Dr. Linder-Crow, Ms. Marks, Mr. Thomas, Ms. Kassis, and Ms. Russell met on November 9, 2009 regarding the draft continuing education language. He stated that the group discussed the continuing education provider criteria and who should be included in the regulations as a Board-recognized provider. Dr. Rodolfa indicated that the following models were discussed:

- a) American Psychological Association (APA) only
- b) APA and CME only
- c) APA, CME and accept others that apply to get on the list (the group acknowledged many challenges with this model including provider approval criteria and Board staffing)
- d) Mirror Board of Behavioral Science (BBS) model (requires registration for classes with the Board)

Dr. Rodolfa reported that the group determined that further discussion, in greater detail, needs to take place to ensure the ideal course of action. The Board is aware that the MCEP program has possibly run its course and would like to continue to move toward consistency with other states.

Dr. Jo Linder-Crow, Executive Director of the California Psychological Association, commented that typically most states approve APA and any course offered by a state psychological association. She also explained the overall procedures for APA approval and that APA already has rigorous stands for approval, reporting, and oversight in place.

Dr. Christina Versari stated that she would like the Board to include state approved schools in whatever model is adopted. She stated that she is concerned about the elimination of state approved schools.

Mr. Berger raised comments and concerns about the lack of workgroup notification and the fact that he had no previous knowledge of the proposed provider changes.

Ms. Marks responded that public notice was not required for the workgroup meeting.

Mr. Berger asked if these new proposed rules disenfranchise existing providers now under MCEP. If so, will the new rules allow the accrediting entities the opportunity to continue under the new system. Mr. Berger commented that Prescribing Psychologists' Register Inc. (PPR) has requested, on several different occasions, to see the previously approved provider documentation.

Dr. Doris Penman, President of CPA and a license psychologist, is concerned that, as a secondary effect, mounting an APA provider model will exclude the smaller specialized continuing education providers.

Dr. Candace Young representing the Los Angeles County Psychological Association stated she is also concerned for the smaller, specialized providers and it potentially leading to a homogenized profession. Dr. Young would like to know the continuing education organizations that would serve the non mental health professional, should the Board go forward with licensing them.

Dr. Rodolfa and Dr. Sherman both expressed the need to further look into this. The Board agreed to conduct another working group to address some of these issues and how to proceed prior to the next Board meeting.

**d) Review Request for Continuing Education “Accreditation” from Prescribing Psychologists’ Register Inc (PPR).**

Dr. Rodolfa stated he would like clarification from PPR concerning the request to become an accrediting agency or a provider of Board approved continuing education classes. Currently the request from PPR states they would like to become an accrediting agency. Dr. Sherman stated that he would like to know if the Board could even accept the request and/or delay the decision pending clarification from Prescribing Psychologists’ Register Inc. (PPR).

Mr. Berger thanked the Board for making PPR’s petition available in the public copy of the Board packets.

Dr. Linder-Crow pointed that there may be confusion regarding the role of the MCEP Accrediting Agency (MCEPAA). She reiterated that MCEPAA does not offer continuing education. She further clarified that PPR is probably seeking authority to offer continue education rather than to be an Accrediting Agency.

Mr. McGhee stated that he would like the Board to communicate with PPR asking for written clarification.

**Agenda Item #5 – Credentials**

**a) Strategic Plan Progress Report**

Dr. Rodolfa reported that the Strategic Plan is ongoing. He indicated that he had no comments to any particular item on the plan.

**b) Satisfaction Survey Results**

Dr. Rodolfa stated survey results show that the candidates who contacted the Board are generally satisfied with their experience with the Board. However, Dr. Rodolfa commented that his review of a student listserve has mentioned a slower response time from Board staff and he believes that furloughs are affecting the Board’s response time.

Dr. Sherman commented that there has been a significant increase in the fair and poor category on item # 13 of the satisfaction survey, which can be attributed to the furloughs.

Ms. Marks recommended having an auto-response available for the Board’s website to notify candidates of any delays.

**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)**

Dr. Rodolfa reported that further review is needed and that this item will be discussed at the next Board meeting.

**d) Review of California Code of Regulations, Title 16, Division 13.1, Articles 5 and 5.1**

Dr. Rodolfa reported that further review is needed and that this will be discussed at the next Board meeting.

**e) Report Regarding Licensing of Psychologists Practicing in Non-Mental Health Areas and the Barriers to Accruing Supervised Professional Experience**

On October 22, 2009, the Board sponsored a meeting to discuss issues and concerns regarding the licensing of psychologists who practice in non-mental health areas. In attendance were Dr. John Renner, Dr. Judith Blanton, Dr. Jo Linder-Crow, Dr. Emil Rodolfa, Norine Marks and Jeffrey Thomas.

The discussion involved two issues: 1) the barriers to applicants who are accruing supervised professional experience in non-mental health areas and 2) the state exam. Overall, the discussion was very helpful to develop a direction that will help reduce the barriers to applicants who are accruing SPE in general applied health settings. Further discussion is needed on this issue to determine a more firm proposal.

Dr. Doris Penman, President of CPA and a license psychologist, had some concerns and commented on two points:

- 1) That furloughs and delays have a grave impact on a potential young psychologist's future and it puts the Board in a position of impeding the training and licensure of a psychologist.
- 2) Emails and phone calls are not necessarily responded to and returned, in particular, when SPE is denied and an inquiry is made by the applicant.

**f) Review Supervision Agreement Form**

Dr. Rodolfa reported that the current supervision agreement form is adequate and useful for the Board's needs.

Dr. Melodie Schaefer, Chair of CAPIC, Division II, requested some consideration be given to CAPIC approved internship training programs to allow a supervisory agreement form that is institutionally approved as opposed to having each primary supervisor sign the form.

**g) Report on Closed Session**

Dr. Rodolfa stated to help facilitate the processing of these items, Board staff will continually submit these items to the committee on an ongoing basis to help expedite the review of licensing applications.

The Credentials Committee met in closed session and recommended the following:

- 1) Request for Extension of the 30 or 60-Consecutive Month Limit of Section 1387(a) of the California Code of Regulations: 5 approved and 1 denied.

Dr. Sherman commented that majority of the requests were related to illnesses. However, there was a request based on difficulty finding work due to the downturn in the economy. The committee directed staff to keep track of those requests that are based on the inability to obtain internships due the economic downturn and report it to the Board.

- 2) Plan(s) for Supervised Professional Experience (SPE) in Non-Mental Health: 2 approved

- 3) Doctoral Degrees from California Approved Schools: 1 approved
- 4) Exemption Request(s) for Pre-licensure Course(s) - (Human Sexuality, Child Abuse, Spousal/Partner Abuse, and/or Aging and Long-Term Care): 1 approved
- 5) Supervision Plan(s) for Psychological Assistants in Private Practice: 1 approved

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

Vote: 5 - 0

Dr. Charles Faltz stated that there is a huge issue concerning the backdating of the supervision agreement form, which is affecting supervisors and students who are applying for licensure. He stated that there is misinformation regarding the completion of the form and requested the Board provide some guidance regarding the issue and to help develop a better understanding of the problem.

There is also great concern that the majority of the trainees affected by the issue will lose a year's worth of SPE which is a huge penalty and requested the Board to establish a dialogue so all parties can be educated about the problem and work together to address it.

Dr. Rodolfa stated that this issue will be added on the agenda for the February 2010 Board meeting.

Dr. Linda Garcia Shelton, Executive Director of CAPIC, also commented that she has received a lot of emails from members regarding their experiences with the supervision agreement form. She commented that majority of their members did not willfully disregard the regulations and she hopes that the Board will be able to work this matter out with those individuals.

Dr. Rodolfa stated that if any trainees have mitigating circumstances regarding their supervision agreement form, they need to submit it to the Board for further review. He also reiterated that the supervision agreement form will be added on the agenda for the next Board meeting.

Dr. Penman stated that when there is a violation, the Board has discretion to respond to a violation in a variety of ways. The Board could issue a warning and perhaps a citation or provide an education exchange with individuals concerned to help educate. When a violation has a huge secondary consequence and when a process affects so many, the Board may want to take a more educative stance to informing the public at large.

Dr. Candace Young from the Los Angeles County Psychological Association, stated, that there seems to be a delay in processing fingerprints from the Department of Justice.

Mr. McGhee explained that once the Board has completed its part of the process, the Board has no authority over the processing time frames of other state agencies.

Dr. Rodolfa suggested posting information on the Board's website regarding the average processing time for fingerprints. Mr. McGhee prefers not to provide information on the Board's website that concerns another agency's time frame because we have no control over that agency.

Dr. Jo Linder-Crow, Executive Director of the California Psychological Association, provided follow-up comments related to the denial of hours of SPE. She stated that CPA has received calls from individuals who have not received a response from the BOP regarding the denial of hours and requested guidance from the Board on how to respond to these calls regarding the Board's decision, the type of latitude and how the penalties are determined.

She reiterated and clarified that CPA will not in any means advocate to ignore regulations, but would like to help provide information if there is any guidance that the Board can provide.

Dr. Rodolfa strongly encourages anyone who has mitigating circumstances to submit them to the Board for further evaluation. He stated that the denial of hours is not a discipline action but a credential action, which determines if the individual met the qualification requirements for licensure in compliance with the regulations.

Ms. Norine Marks, reiterated Dr. Rodolfa's comments and at the same time stated that the action taken on the supervisors are a separate issue.

Dr. Penman stated that although the Board has the authority to deny hours, does this mean that the Board must exercise that authority or simply has the authority and can choose to exercise in various ways?

Ms. Marks, in response stated that the Board does not have the authority to ignore the qualifications for licensure.

## **Agenda Item #6 - Enforcement**

### **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 that the statistics are consistent except for an increase in the number of accusations filed to date with Fiscal Year 08/09 ending with a total of 13 Accusations filed and the current Fiscal Year 09/10 shows eight Accusations filed to date.

Dr. Sherman pointed out an increase in the number of voluntary license surrenders with Fiscal Year 08/09 ending with eight surrenders but the current Fiscal Year shows we only have one to date.

Dr. Penman asked whether the Board has statistics regarding Board initiated complaints and citations. Ms. Bayless, in response, stated the Board can generate a report to capture this information to be presented at the next Board meeting.

### **c) Review of Mail Vote Policy**

Ms. Vazquez reported that the current mail vote policy requires two votes for a case to be held for discussion during the next regularly scheduled Board meeting. However, since the Board is down to five members, the current policy should be discussed to determine if changes are needed.

Dr. Sherman stated the policy worked when we had nine members but now that the Board is temporarily reduced to five members the policy should be revised to only require one vote to hold a case for discussion.

Ms. Vazquez recommended that the mail vote policy be amended to require one hold vote to hold a case for discussion.

It was M(Vazquez)/S(Sherman)/C to direct staff to revise the mail vote policy to specify that if one vote is other than adopt the decision will be held for discussion at the next regularly scheduled Board meeting.

VOTE: 5-0

#### **d) Model Mail Ballots**

Ms. Vazquez referred the Board to the draft mail ballot in the agenda packets. She stated the new ballot provides additional details regarding the vote process as well as an explanation of the ballot terms. The new ballot should streamline the voting process and provide clear directions regarding the voting options.

Ms. Vasquez reported that the new ballot can be sent via email to further expedite the mail vote process and reduce the overall processing time for decisions. Ms. Marks stated that the Board will have a problem with the vote to reject or hold for discussion option and recommends revising the vote to reject and hold for discussion. Because the Board has a bare quorum at five members, Board staff needs all five votes and a hold is not considered a vote.

Dr. Rodolfa asked if five votes are required, what happens if one of the Board members needs to recuse themselves from voting.

Ms. Marks, in response, stated she will need to review the rule of necessity to determine if it would be applied in that situation.

It was M(Vazquez)/S(Sherman)/C to direct staff to implement use of the new mail vote ballot.

VOTE: 5-0

#### **e) Information from DCA Regarding Enforcement Model**

Ms. Vazquez reported that the Department of Consumer Affairs (DCA) is developing a new model for enforcement processes to ensure greater accountability, greater efficiency and put consumer protection first. The new model includes comprehensive IT solutions to further improve the overall process.

Ms. Vazquez stated Board staff has worked closely with DCA to identify current procedures and assist in developing the new model. Board staff will continue to work with DCA on proposals to obtain the resources to complete enforcement actions within 12-18 months, as compared to three years under the current system.

Ms. Vazquez stated some of the changes will require legislative changes and will be discussed further during the legislation committee discussion regarding SB 294.



#### **f) Review of Revised Complaint Forms**

Ms. Vazquez reported that the committee has been working with Board staff on revision to the consumer complaint form. The goal was to streamline the form and create a more user friendly form. The changes include the addition of frequently asked questions and updated instructions for filing a complaint. The complaint form has been revised to a more user friendly format and was reduced from a seven page form to a four page form.

Ms. Vazquez reported that the revised form will be available in Spanish.

It was M(Sherman)/S(Rodolfa)/C to direct staff to implement use of the new revised consumer complaint form. .

Vote: 5-0

No public comment.

#### **Agenda Item #7 – Legislation**

##### **a) Strategic Plan Progress Report**

Ms. Vazquez reported that strategic plan is ongoing.

##### **b) AB 48 (Portantino) – Private Postsecondary Education: California Private Postsecondary Education Act of 2009**

Ms. Vazquez reported that AB 48 was signed into law and chaptered, and will become effective January 1, 2010. Ms. Vazquez stated that there are some ramifications for our work, and that the Board will be dealing with the regulation component tomorrow. Ms. Vazquez asked the Board if there was anything they want the Legislation Committee to address in regards to this new law.

Dr. Rodolfa stated that in relation to the former Bureau of Private Postsecondary Education (BPPVE) there was a bill that passed (AB 400) that required approved schools to disclose issues that students should be aware of (i.e. the likelihood of them obtaining licensure in other states, etc.). Dr. Rodolfa asked whether this requirement, included in AB 400, still exists.

Ms. Vazquez stated that she believes this piece of legislation would supersede AB 400. Ms. Marks reported that AB 400 amended portions of the Psychology Law in addition to sections of the Education Code that were included within the Reform Act, which is what they called the old act, and that the entire Reform Act was sunsetted. Ms. Marks stated that she does not believe that the provisions of AB 400 were included in other portions of the Education Code, and that the entire Reform Act went away. Ms. Marks reported that based on her review, AB 48 does not include any like provisions.

Dr. Doris Penman, President, California Psychological Association asked whether AB 400 is still in tact. Ms. Marks stated that a portion of AB 400 amended both the Education Code and the Psychology Licensing Law. Ms. Marks stated that the sunset of the Reform Act did not affect the portions of AB 400 that amended the Psychology Licensing Law, Business and Professions Code Section 2914. Ms. Marks stated that the limitation contained in Business and Professions Code Section 2914, which froze in time the schools whose degrees will meet the qualification for examination and licensure, is still in effect. Ms. Marks stated that AB 48 resurrects the approvals of any approved schools that were approved as of June 30, 2007.

Dr. Penman stated that pursuant to Business and Professions Code Section 2914 and California Code of Regulations Section 1386, the approved school must also have been offering a doctoral degree program in psychology as of July 1, 1999. Ms. Marks agreed, and stated the Board has an established list of approved schools whose degrees meet these criteria which allows students to qualify for examination and licensure, and that no new schools can be added based on existing law.

Dr. Penman stated that in regards to AB 48 there were two issues:

1) Now that AB 48 takes effect next year, will the Department post a list of approved schools on BPPE's web site? Dr. Penman stated that in the past the BPPVE sent the Board a list of approved schools, and asked if there are mistakes on that list does the Board have the right to challenge if they believe there are schools that don't belong on the list, such as an approved school that was not offering a doctoral degree program as of July 1, 1999. Mr. Kahane and Ms. Marks responded yes the Board would have the right to question whether the approved school met the criteria under section 2914(g). Mr. McGhee stated that once a list of approved schools has been produced, the Board could revisit the issue.

2) Dr. Penman stated that the language for AB 48, Section 94899, listed on page 34, states in pertinent part that an institution who offers an educational program that requires licensure shall obtain approval from the appropriate state licensing agency in order for a student who completes the educational program to be eligible to sit for any required licensing examination. Dr. Penman asked if this language puts the Board in the position of making these recommendations or does the license law override that. Ms. Marks stated that this provision refers to Boards who have previously approved curriculums in their substantive areas, and provides those entities the ability to continue to do so. Ms. Marks stated that since this Board does not approve schools or their curriculum, this section would not apply. Dr. Rodolfa asked staff to obtain a reading from BPPVE to verify and confirm the intent of this language.

Dr. Linda Garcia Shelton, California Psychology Internship Council stated she had a question regarding AB 48, page 2, second paragraph which states the bill would exempt Western Association of Schools and College (WASC) in addition to other accredited institutions, and includes a sunset date of January 1, 2016 for an institution accredited by a regional accrediting agency recognized by the United States Department of Education. Dr. Shelton asked why there is a sunset clause.

Ms. Vazquez asked Mr. Kahane if we could work with the new BPPVE to obtain answers to these questions. Mr. Kahane agreed to research further and report back at the next Board meeting.

#### **c) SB 294 (Negrete McLeod) – Healing Arts**

Ms. Vazquez reported that SB 294 attempts to streamline certain processes and provides expanded authority to the Director and Executive Officer relating to enforcement programs. Ms. Vazquez stated that this is a two year bill that will revive itself in January.

#### **d) SB 599 (Negrete McLeod) – Workforce Development**

Ms. Vazquez reported that subsequent to the report included in the Board package, this bill was signed by the Governor and chaptered on November 2, 2009. Ms. Vazquez reported that this bill will require the successor agency to the BPPVE to transmit data to the California Postsecondary

Education Commission (CPEC) for the purpose of distributing funds provided by the federal American Recovery and Reinvestment Act of 2009 (ARRA), and to transmit data regarding school performance, including attendance and graduation rates that it receives from any schools under its jurisdiction.

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

Ms. Vazquez reported that this bill was signed by the Governor and chaptered October 11, 2009. Ms. Vazquez stated that this bill permits a health care provider to release otherwise confidential medical information about a patient's participation in outpatient treatment as specified.

**f) Legislative Update on Other Bills**

Ms. Vazquez reported that the list of bills included in the Board package summarizes other pieces of legislation that the Board reviewed over the last year. Ms. Vazquez reported that the majority of the bills have been chaptered, and will become law on January 1st. Ms. Vazquez stated that the next legislative session beginning in January will provide new legislation for the Board to review and consider at the February Board meeting.

Ms. Vazquez asked if there were any public comments pertaining to any of the legislation included in her report. No additional comments were received.

**Agenda Item #8 – Examination**

**a) Strategic Plan Progress Report**

Dr. Rodolfa reported that the Strategic Plan is ongoing.

**b) Examination Statistics**

Dr. Rodolfa reported nothing unusual regarding the statistics for the Examination for Professional Practice in Psychology, the California Psychology Supplemental Examination and the California Psychology Laws and Ethics Examination.

Dr. Rodolfa hypothesized that the passing range for the CPLEE seems high compared to the CPSE passing range which could be attributed to out of state licensees not being familiar with California Laws and Regulations.

No public comment.

**c) Review of California Code of Regulations, Title 16, Division 13.1, Articles 4 and 6**

Dr. Rodolfa reported that no substantive changes were made.

**Saturday, November 14, 2009**

The open session meeting was called to order by the President, James McGhee, at 9:06 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  
Norine Marks, Legal Counsel  
Gina Bayless, Enforcement Coordinator  
Linda Kassis, Administrative Services Coordinator  
Lavinia Snyder, Licensing/Registration Program Coordinator

**Agenda Item #9 – Regulation Hearing**

**Title 16, California Code of Regulations Sections 1381.7, 1381.8 and 1381.9, Renewal of License – Disclosure of Discipline and Criminal Convictions**

Mr. McGhee conducted the regulation hearing on Renewal of License - Disclosure of Discipline and Criminal Convictions at 9:09 a.m.

No oral testimony was received.

The Board received one written comment that raised concern regarding the \$300.00 limit for traffic fines that must be reported, and stated that this amount seemed overly low due to traffic violations carrying fines greater than \$300.00 that do not suggest characteristics from which the public needs protection.

Ms. Marks stated that if the Board wanted to increase the fine amount threshold, the Board would decide what amount is reasonable and then issue a 15 day notice for the modified text. Ms. Marks stated that there was also modified language presented for the Board's consideration that could also be included in the 15-day notice if the Board chooses to modify the language.

The Board accepted this comment and agreed to raise the threshold to \$500.00 based on an understanding that due to inflation certain common traffic infractions could be above \$300.00 but below \$500.00.

It was M(Sherman)/S(Vazquez)/C to direct staff to raise the fine threshold to \$500.00 for traffic infractions and issue a 15-day notice for the modified text.

VOTE: 5–0

The Board discussed proposed modified text presented at this meeting which amended the original language to require licensees/registrants for whom an "electronic" record of the submission of fingerprints does not exist in the Department of Justice (DOJ) criminal offender record identification database to resubmit fingerprints electronically.

Dr. Sherman asked if it is the intent of the Board to notify psychologists whose electronic fingerprints are not on file. Ms. Marks stated that staff will work with the DOJ to determine whose electronic fingerprints are on file, and licensees will be notified if electronic fingerprints will be required. Mr. Thomas stated that the specific procedures are not outlined in the regulations but that staff will work with applicants to notify them if electronic fingerprints are required.

It was M(Rodolfa)/S(Acquaye-Baddoo)/C to approve the modified text, raise the reportable fine threshold, issue a 15-day notice of the modifications, and to delegate the authority to the Executive Officer to adopt the regulations in the absence of any negative comments.

VOTE: 5-0

Mr. McGhee asked if there were any additional public comments pertaining to the proposed regulations. Mr. McGhee stated that since there are no further comments the regulation hearing is now closed.

#### **Agenda Item #10 – Consideration and Adoption of Proposed Regulatory Language**

##### **Consideration and Adoption of Proposed Regulatory Language to Amend Title 16, California Code of Regulations Sections 1381.7, 1381.8 and 1381.9, Renewal of License – Disclosure of Discipline and Criminal Convictions**

Dr. Melodie Schaefer, California Psychological Association, Division II asked the Board to consider posting information on its website stating this is a new requirement, or possibly have a license look-up screen so that licensees can determine whether or not they have submitted electronic fingerprints so that the Board is not inundated with calls.

Mr. McGhee thanked Dr. Schaefer for her comment and stated that it is a good suggestion.

#### **Agenda Item #11 – President’s Report – Mr. McGhee**

##### **a) Future Board Meeting Dates**

Mr. McGhee reported that all Board Meetings Dates and other Association Events are noted on the calendar that is available on the back table.

##### **b) Diversity Conference (September 25, 2009)**

Mr. McGhee reported that he and Mr. Kahane attended the Diversity Conference that was held September 25, 2009 at Pepperdine University. Mr. McGhee congratulated Celinda Vazquez and Dr. Rodolfa for their great work making this event a success. Mr. McGhee stated he would defer this portion of his report to Mr. Kahane.

Mr. Kahane reported on the Board’s recent event held in conjunction with the California Psychological Association (CPA). The program, “Enhancing Services to California’s Consumers: Strengthening Psychology’s Culturally Responsive Education and Training was given on September 25, 2009 at Pepperdine’s West LA campus.

Mr. Kahane reported that over 130 educators, internship and training directors were present to hear multiple presentations by Dr. Melba Vazquez, Dr. Alvin Dueck, Dr. Eduardo Morales, Dr. Manuel Casas, Dr. David Martin and Dr. Latonya Wood. Mr. Kahane stated that breakout groups were held in the afternoon, followed by a plenary session summarizing major initiatives and strategies. The Board looks forward to planning an event in Northern California during the upcoming year.

Mr. Kahane noted a special thanks to the following individuals whose contributions and time made this very important event possible. Dr. Jo Linder-Crow, Dr. Miguel Gallardo, Ms. Celinda

Vazquez, Dr. Carol Falender, Dr. Richard Sherman, Dr. Emil Rodolfa, Mr. James McGhee, CPA, Dr. Doris Penman and support staff at Pepperdine, in addition to all our speakers.

**c) Other Informational Items**

Dr. Sherman asked whether the 2010 Board calendar would combine the summer Board meeting with the PACT Summit meeting. Mr. Kahane stated that as soon as we have more details for the PACT Summit, that is currently scheduled for the week of July 26, 2010, the Board could determine whether they want to combine the August Board meeting along with the PACT Summit.

Mr. Kahane explained that the PACT Summit is a consumer summit where all the Board's conduct their meetings within the same week and the public is invited. Mr. Kahane stated that this event was held at the Westin in Los Angeles last year and that it is an educational event that gives members and consumers the opportunity to observe and meet members from other DCA programs.

**Agenda Item #12– Executive Officer's Report – Mr. Kahane**

**a) Staff Update**

Mr. Kahane reported the following staff update regarding our 2 vacant positions, one in Licensing and one in Enforcement. Ms. Deborah Morales started last week as our new Staff Service Analyst in Enforcement. Ms. Valerie Riazzi started two weeks ago as our new Licensing SSA.

**b) Budget Update**

Mr. Kahane updated the Board on recent budget issues. Mr. Kahane reported that Board operations now work within our 15% budget cut. Mr. Kahane stated that this impact has been absorbed, as well as certain capital expenditures have been delayed. Mr. Kahane stated that we expect the impact in Board service to be minimal as we strive to ensure excellent customer service regardless of the limitations placed on us financially.

**c) ASPPB Annual Meeting (October 26 – November 1, 2009)**

Mr. Kahane reported on his attendance as the delegate from California at the Association of State and Provincial Psychology Boards (ASPPB) meeting in Coeur D'Alene, Idaho. The theme was consistency in regulation and licensing across jurisdictions. Our Board Member Emil Rodolfa became Past President of that same organization. Mr. Kahane noted that the extreme differences in regulation and licensing decrease mobility for psychologists and many jurisdictions remain very protective of their own requirements. ASPPB is continuing to address this issue for the good of the public and profession.

**d) Discussion Regarding Telepsychology Studies**

Mr. Kahane reported that the next ASPPB meeting will be focusing on telepsychology. Mr. Kahane stated that this will continue to be a contemporary issue and is in the initial stages for discussion at the next Board Meeting in February 2010.

**e) Other Informational Items**

Mr. Kahane reported that educational outreach continues this year as the Board is focusing on talking to programs regarding the licensing process and procedures. Mr. Kahane stated that the Board is imparting information at these venues with a talk and Q&A session. Mr. Kahane reported that the Board has two more visits tentatively scheduled for two different programs in Los Angeles, one for December and another after the holidays. Mr. Kahane stated that we are continuing to receive requests to present at many programs and will schedule as many programs as possible.

Mr. Kahane stated the Board will be sending follow up letters to our original letters asking those persons again to provide evidence of compliance with the regulations. Mr. Kahane reported that twelve persons in the last two weeks have had all their hours allowed based on their responses to our initial letter.

**Agenda Item #13 – Regulations Update, Review and Action as Necessary**

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

Ms. Kassis reported that the Board conducted a public hearing on this matter on September 11, 2009. Ms. Kassis stated at that time the Board voted to hold this matter over until this meeting to determine the outcome of AB 48. Ms. Kassis asked the Board to direct staff on how to proceed with this proposed rulemaking file.

Ms. Acquaye-Baddoo asked if the Bureau for Private Postsecondary and Vocational Education (BPPVE) is now back. Ms. Marks reported yes, effective January 1, 2010. Ms. Marks stated that the proposed regulatory language has a sunset provision written into it that states if BPPVE or a successor agency is reenacted this regulation would become inoperative; therefore since AB 48 has passed and the Bureau has been reestablished, the Board could vote to withdraw this rulemaking file.

Dr. Rodolfa reported that the Board had developed a plan to review applicants from approved schools on a case-by-case basis during the absence of BPPVE. Dr. Rodolfa stated that since the Board is going to withdraw this regulation, in the interim period between now and January 1<sup>st</sup> he directed staff to e-mail the information for any applicants from approved schools to the Credentials Committee for review rather than having them wait until the February Board Meeting.

It was M(Sherman)/S(Vazquez)/C to direct staff to withdraw this rulemaking file.

VOTE: 5-0

Mr. McGhee asked if there were any public comments.

Samuel Park, Attorney at Law, representing San Diego University of Integrated Studies (SDUIS), stated that the proposed regulations were withdrawn as a result of AB 48 passing and asked why this regulation was raised in the first place if the issue was going to be moot upon the passage of this legislation. Mr. Park stated that in the interim period between the September Board meeting and today they did a study to find out whether California Approved Schools are graduating students who are in any way inferior candidates for licensure as a psychologist, taking into consideration as many differences as they could. Mr. Park reported that based on information obtained from the Board's web site, the internet, and via telephone, out of the 240

psychologists studied, only 1.67% of the graduates who were disciplined were graduates of a California approved school. Mr. Park stated that during the period of 2006–2008 the total number of licensed psychologists that California Approved Schools contributed was 6.1%, and during that time of the total number of schools that contributed any psychologists whatsoever the California Approved Schools made up 4.3%, therefore per school California State Approved Schools are actually more successful in producing California licensed psychologists.

Mr. Park stated that the reason they are here today is because they are alarmed that there appears to be some bias or an unsubstantiated belief that state approved schools are not producing competent psychologists or that they are not competing as well as their accredited counterparts. Mr. Park stated that they would like to go on record that if in the future any action is taken against state approved schools or to treat them in any way differently than accredited schools that these decisions be supported by evidence and empirical evidence. Mr. Park stated his final point to make is in response to Dr. Rodolfa's comment yesterday suggesting that the field of psychology could benefit from some homogenization, with all due respect we are talking about two flavors here instead of one and that in the interest of California consumers they should have the option to have a choice in the matter.

Mr. McGhee thanked Mr. Park for his comments.

Dr. Sherman also thanked Mr. Park for his comments and for his thoughtfulness in preparing the document. Dr. Sherman stated that he wanted to note on the record that because Mr. Park did not obtain all the information and when looking at disciplinary actions was unable to locate 299 disciplined psychologists, the Board really doesn't know what schools they attended. Mr. Park stated that is correct and that the sample size is 241 psychologists and that is roughly half of the licensees who have been disciplined. Mr. Park encouraged the Board to do their own research and stated that these are just preliminary findings that are not published in any article.

Dr. Rodolfa stated that he would like to express some concern regarding students from approved schools and the fact that they cannot get licensed in other jurisdictions which he believes is very problematic. Dr. Rodolfa stated he is also concerned that some approved schools do not inform students that they are going to spend money to get their education and that they will have limited mobility and cannot go to other jurisdictions to obtain licensure. Dr. Rodolfa stated that these graduates are not able to join the national professional association (APA), and that he is also concerned that the graduates of approved schools are not able to participate in the national match for internships. Dr. Rodolfa stated that there are some limitations and that he hopes that if approved schools continue to stay in existence that they inform students.

Mr. Park agreed that this would be something the Board of Psychology would have the power to mandate, as far as the reporting requirements. Mr. Parks stated that there are numerous other corollaries, such as students from approved schools who pass the state bar examination are only allowed to practice in California and that students are cognizant of this when they apply and there are tradeoffs but that it is an informed decision.

Dr. Rodolfa stated that informed decision is the key, and that he does not believe all approved schools inform their students of the limitations.

Mr. Kahane stated that in November 2008 at the Pact Summit meeting there was discussion regarding approved schools, during which time AB 400 was in effect, and that the Board asked those students in attendance if they were informed of these limitations and whether or not they had been notified as required by AB 400. Mr. Kahane reported that of the 99 students in



attendance, every one of them stated that they were not informed and were not aware of the limitations.

Mr. Kahane stated that these regulations were started prior to the introduction of AB 48 and not in reaction to anything coming. Mr. Kahane stated that this was an effort to take care of the elimination of the BPPVE and to cover the graduates of approved schools during the interim period.

Ms. Vazquez stated that she agreed with Mr. Kahane's comment and that these regulations were proposed to address the gap.

Dr. Melodie Schaeffer, Executive Director of the Office of Applied Professional Practice for Chicago Schools Southern California campuses stated that back in 2009 the Chicago School took in the California Graduate Institute which was one of the BPPVE approved schools. Dr. Schaeffer stated that as a past training director she found it daunting and unconscionable that all of the students she had spoken to had no understanding that they could not practice outside of California, and agrees this is an important issue.

Dr. Sherman stated that he wanted to reiterate one of Dr. Rodolfa's comments that graduates from approved schools who get licensed in California are not able to become full members of the national psychological association. Dr. Sherman stated that this issue is important and needs to be dealt with by the approved schools because it is beyond the scope of this board, but that it is troubling in that it creates an uneven situation.

Dr. Doris Penman, stated that approved schools do have the opportunity to seek WASC accreditation and that they have chosen not to.

Steve Arthur, Ryokan College, stated that the Board just doesn't get it. Mr. Arthur stated that the LA Times published percentage of disciplined individuals is 50% based on a poll of 1500 people, in a country of millions. Mr. Arthur stated that the reason people attend approved schools is because of the costs; it costs \$300,000 for student loans to go to an accredited school vs. \$44,000 to attend an approved school. Mr. Arthur stated students sign a disclosure, although they may forget, and he interviews every student. Mr. Arthur stated that their education may transfer to another state in another profession such as a Marriage Family Therapist (MFT). Mr. Arthur stated that the APA membership percentage is approximately 60% – 65%, so not everyone loves the APA and it is very controversial. Dr. Arthur stated that there is a place and a niche of students for state approved schools, and that they serve a need out there.

Mr. McGhee stated that it is not the intention of the Board to put approved schools out of business, and that this seems to be the opinion. Mr. McGhee stated that Dr. Rodolfa and Dr. Sherman expressed concerns with informed consent so that students can make a decision of whether or not to attend, and that the Board is concerned with some of the processes.

Dr. Sherman concurred and stated he was glad this bill passed so that all schools can be monitored.

Celinda Vazquez stated that there are best practices at universities and schools and there are some that perhaps do not follow the best practices and she believes that when this is the case the Board can see the gap. Ms. Vazquez stated this does not mean that all schools are not informing their students, and trying to educate them so that they can make an informed decision.

Dr. Rodolfa stated he agreed and that his two concerns are: 1) public protection and that the students have informed consent and understand they will be limited where they will be allowed

to practice; and 2) oversight for schools and what it means to provide psychology education in an effective way.

Dr. Christina Versari stated she appreciated some of the concerns expressed today, and stated that SDUIS is not one of those schools. Dr. Versari stated SDUIS has a two page checklist that is reviewed with each student. Dr. Versari stated that she understands the Board has indicated that it is not their goal to put approved schools out of business, however some of the Board's decisions almost put them out of business because they lost almost \$500,000 in a year by not being allowed to enroll new students. Dr. Versari stated that regarding the choice to become accredited, they have applied to become accredited but that it is cost prohibitive for a small school and it is really not a choice for some schools. Dr. Versari stated that they are the only school to provide a Ph.D. sports psychology program. Dr. Versari stated that their concern is there is no data to substantiate the Board's decision.

Mr. McGhee asked if there were any further comments. No additional comments were received.

**b) Proposed Amendments to Title 16, California Code of Regulations Section 1391.1 – Psychological Assistant Limitation of Registration Period – 15 day Notice regarding modified text and moving language from Section 1391.5 to Section 1391.1**

Ms. Kassis reported that the Board held a public hearing on this matter on September 11, 2009. Ms. Kassis stated at that time, the Board voted to issue a 15-day notice for modified text for clarity. Ms. Kassis reported that in response to the 15-day notice the Board received two comments which are included in the package for the Board's consideration.

Dr. Sherman asked in response to the comment received stating that the EPPP examination has no special accommodations for individuals with disabilities, whether or not this statement is true. Dr. Rodolfa responded, absolutely not. Dr. Rodolfa clarified that this person doesn't appear to have a disability; rather they have difficulty taking a multiple choice exam. Dr. Rodolfa reported that the EPPP is the standard in every jurisdiction in the United States and its territories for licensure as a psychologist and is a breadth of knowledge test for the field of psychology. Dr. Rodolfa stated that he believes what the Board has created with the current status of psychological assistant is another practice category that the Board is not regulating. Dr. Rodolfa stated that this proposal, which limits the term of practice to six years reinforces that the psychological assistant category is a training category not a practice category.

Ms. Acquaye-Baddoo stated that the commenter also stated that there are no provisions for taking this test except for a computerized version. Dr. Rodolfa stated this was not true - applicants can request a paper/pencil version of the examination.

It was M(Sherman)/S(Acquaye-Baddoo)/C to adopt the modified text for Sections 1391.1 and 1391.5, and to delegate the authority to the Executive Officer to make any technical and non substantive changes as may be required.

VOTE: 5-0

**Agenda Item #14 – Public Comment on Items Not on the Agenda**

Mr. Arthur asked whether or not the Board of Psychology has a recovery model for education similar to the Board of Behavioral Sciences (BBS). Mr. Arthur stated he attended a meeting recently and that Paul Riches, (BBS) stated that they would not check curriculum unless they get students or graduates who claim they never learned that in school. Mr. Arthur asked whether the Board of

Psychology would be taking a similar position on this matter. Mr. Arthur stated that the issues addressed were documentation, recovery model, cultural diversity, mindfulness, cognitive procedures, evidence based procedures. Mr. Arthur stated that a lot of doctoral programs do not have this substance.

Dr. Sherman thanked Mr. Arthur for his comment and stated that the Board would need to research further in order to respond.

Mr. McGhee asked if there were any further comments. No additional comments were received.

**Agenda Item #15 – Agenda Items for Future Meetings**

Dr. Doris Penman, asked the Board if somebody writes a letter to the Board how specific do they need to be in order to have an item appear on a future agenda.

Mr. Kahane stated that they can send a request to his attention requesting that the matter be put on the agenda for the Board’s consideration.

Dr. Sherman stated that the request could be sent to the Executive Officer and the Board President, and should be received at least three weeks prior to the scheduled meeting date to allow adequate time for sending public notice of the meeting.

Dr. Schaeffer, CAPIC requested that the Board consider putting the supervision agreement form issue on the agenda for further discussion.

Dr. Sherman requested that the recovery model for education issue raised by Mr. Arthur be put on the next agenda for further discussion.

Mr. McGhee asked if there were any further comments. No additional comments were received.

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

Vote: 5-0

The open session meeting adjourned at 11:30 am.

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James L. McGhee  
President

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Date