

BOARD OF PSYCHOLOGY

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BOARD MEETING MINUTES

Department of Consumer Affairs
1625 North Market Boulevard, 1st Floor Hearing Room
Sacramento, CA 95834

Thursday, June 20, 2013

The open session meeting was called to order by Michael Erickson, Ph.D., Board President at 9:11a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Michael Erickson, Ph.D., Board President
Lucille Acquaye-Baddoo
Johanna Arias-Bhatia
Miguel Gallardo, Ph.D.
Andrew Harlem, Ph.D.
Nicole J. Jones
Linda Starr

Others Present:

Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Gina Bayless, Enforcement Coordinator
Deborah Morales, Investigative Analyst
Linda Kassis, Administrative Services Coordinator
Lavinia Snyder, Licensing/Registration Coordinator
Denise Russell, Special Investigator
Nicole Walker, Special Investigator
Colette McDowell, Continuing Education Analyst
Julie Brown, Enforcement Analyst

Agenda Item #1 – Election of Officers, if necessary

Dr. Erickson reported that Barbara Cadow, Ph.D. was not reappointed to the Board. He indicated that as a result, the Board needs to elect a Vice-President.

Ms. Starr moved to elect Ms. Acquaye-Baddoo as Vice-President. Ms. Acquaye-Baddoo respectfully declined.

Dr. Harlem moved to nominate Dr. Gallardo as Vice-President.

It was M(Harlem)/C to elect Dr. Gallardo as Vice-President.

Vote: 6 – 0 (Dr. Gallardo abstained)

Ms. Marks commented that this election is to fulfill the remainder of the current 2013 calendar year. She indicated that elections will be held at the October 2013 Board meeting for the 2014 calendar year.

Agenda Item #2 – Approval of February 21-22, 2013 Board Meeting Minutes

It was M(Jones)/S(Lucille)/C to approve the February 21-22, 2013 Board meeting minutes with minor corrections.

Vote: 7 – 0

Agenda Item #3 - Ethics Training provided by Norine Marks, Supervising Senior Counsel

This item was tabled for a future Board meeting.

Enforcement Committee

The Enforcement Committee met to discuss and formulate recommendations to the Board. See agenda item #4 for the Board's discussion.

Contemporary & Emerging Issues Committee

The Contemporary and Emerging Issues Committee met to discuss and formulate recommendations to the Board. See agenda item #5 for the Board's discussion.

Agenda Item #4 – Enforcement Committee

a) Strategic Plan Progress Report

Ms. Acquaye-Baddoo thanked the Board's enforcement staff for their work. Ms. Bayless reported that all of the Enforcement Committee's goals and objectives are ongoing, and most have been completed as the Board draws close to the end of the current Strategic Plan.

b) Enforcement Statistics

Ms. Acquaye-Baddoo referred to the Overview of Enforcement Activity document provided in the meeting packets and indicated that this information is also available on the Board's website. She indicated that this document provides a comparison of the Board's current year's enforcement statistics to prior years' statistics. Ms. Bayless noted that the statistics provided in this document contain information from July 1, 2012, through May 15, 2013, and that the final statistics for fiscal year 2012/2013 will be reported at the October Board meeting.

Ms. Acquaye-Baddoo referred to the Monthly Enforcement Report to DCA provided in the meeting packets. She indicated that this document provides statistics regarding the various stages of the enforcement and disciplinary process. Ms. Bayless clarified that these are monthly statistics that are reported to DCA on a monthly basis and are used to complete the performance measures report. Ms. Acquaye-Baddoo indicated that staff has made significant internal improvements to move cases through the process more efficiently in the areas of intake and desk investigations. Ms. Bayless stated that these are areas in which the Board does have complete control over, and that the areas that still need improvement are those areas that are not directly within the Board's control such as formal investigations and formal discipline. Ms. Bayless referred to the high statistic for the Average Number of Days to Complete Accusations in November 2012 (1659). She explained that this high number was caused by one particular case.

Ms. Acquaye-Baddoo referred to the Performance Measures Report provided in the meeting packets. She indicated that this report provides a graphic depiction of how the Board is meeting its enforcement goals. She stated that the monthly average of cases received is 50 and that the average number of days for intake is four days which is well under the Board's target of nine days.

She indicated that for intake and investigation, the average number of days is 79, which is just below the Board's target of 80 days. For formal discipline, Ms. Acquaye-Baddoo reported that the target is 540 days. However, the Board's average for this time period was 1,000 days. She also indicated that there is no probation intake to report for this quarter.

Ms. Acquaye-Baddoo referred to the Probation Program Statistics provided in the meeting packets. She reported that out of a total of 74 probationers, 36 are actively on probation which is about half. She explained that the other half are tolled due to non-practice in California, pending licensure or registration issuance. She also indicated that of the total number of 74 probationers, 23 are required to undergo biological fluid testing as a condition of their probation. She stated that 4% of probationers successfully completed their probation this fiscal year.

Ms. Bayless indicated that staff has concerns regarding the BreEZe Project and its impact to workload. She stated that staff resources have been dedicated to ongoing testing and data verification for the new system. She also indicated that the staff's concern regarding the impact on staff resources will continue past the "go-live" date as we will continue to see an impact on our processing times until staff becomes proficient with the new system. She also indicated that the new system will require the completion of many more steps than required in the Board's current systems. She stated that the Board members need to keep this in mind as they start seeing reporting statistics once the Board is live in the new system.

c) Public Comment for Items Not on the Agenda

Jo Linder-Crow, Chief Executive Officer of the California Psychological Association (CPA) stated that it has been their understanding that the BreEZe system would be increasing efficiency rather than slowing the process down. She stated that it is discouraging to hear that it may increase processing times. She stated that she hopes that the delay based on the learning curve will be short and that BreEZe will help instead of hinder the process.

It was M(Acquaye-Baddoo)/S(Erickson)/C to accept the Enforcement Committee's report and the recommendations contained therein.

Vote: 7 – 0

Agenda Item #5 – Contemporary & Emerging Issues Committee

a) Review of ASPPB Jurisdictional Survey on the Interjurisdictional Telepsychology Practice (IJTP)

Dr. Erickson stated that more and more practitioners in California are interested in telehealth or have already started using telehealth as a way of communicating with clients. He indicated that this is an area in which regulations and guidelines are still emerging and that the Board has felt that a sense of direction is needed to address this burgeoning area. Dr. Erickson reported that the Contemporary and Emerging Issues Committee looked at draft guidelines from ASPPB and that the committee is recommending that the draft guidelines be included on the Board's website via a link to the ASPPB website indicating that they are merely a draft at this point. Discussion ensued. Dr. Erickson also noted that ASPPB also has draft guidelines on E.

Passport which is a separate and more complex area. He indicated that each state has its own view of what is and is not acceptable and how long a licensee who is licensed in another jurisdiction can practice in that state. He stated that the E. Passport is intended to make it easier for a psychologist who holds an E. Passport to practice in another jurisdiction. He stated that this is a work in progress and that he understands that ASPPB has asked for the Board's input on both of these documents, however, there is confusion regarding what they want and what they have asked for. Dr. Harlem stated that he will work with Mr. Kahane to draft a letter to ASPPB to express the Board's concerns. Dr. Gallardo stated that he supports Dr. Harlem and Mr. Kahane drafting a letter to provide input regarding the draft E.Passport guidelines as it is the Board's responsibility to be proactive rather than passive.

Dr. Erickson stated that the committee would like to ask the Board to approve putting a link to the joint taskforce guidelines on the Board's website. Ms. Jones stated that the guidelines for telepsychology are the result of a joint taskforce between ASPPB and APA and that this fact needs to be accurately reflected on the Board's website. There were concerns raised regarding which version of the guidelines had been included in the meeting packets.

Dr. Linder-Crow stated that she was able to obtain a copy of the draft joint taskforce guidelines for telepsychology. She indicated that when compared to the document included in the meeting packets, the document included in the packet is accurate, but not complete. She stated that in the full document, there are three more guidelines as well as a large section of definitions as well as a section with the rationale on why the guidelines were developed. She indicated that she was not able to find a copy of the draft guidelines on either APA's or ASPPB's websites, and that the person who sent her the document reminded her that it is still very much a draft document and has not been approved by APA. She indicated that the document is not confidential, just not approved. Dr. Erickson stated that the Board needs to check to make sure that the Board has approval to link to anything on someone else's website, especially since this document doesn't appear to be on either of their websites. He indicated that the Board needs to delay posting this information on its website until it gets a better understanding of where the draft document stands.

Jacqueline Horn, Ph.D., current ASPPB President, indicated that ASPPB had put the draft guidelines out for comment, and has incorporated the responses into a final draft that the ASPPB Board approved just a week and a half ago. She stated that the document may or may not go the APA Counsel to be approved. She indicated that the document included in the meeting packets appears to be a first draft of the guidelines. Dr. Erickson asked Dr. Horn if it would be wise to wait until after the APA Council meeting. Dr. Horn responded that it would be a good idea since it would be better if the document is approved by both organizations.

Dr. Horn stated that the draft E.Passport guidelines are open for comment now, and ASPPB would welcome any comments from the Board as it want to hear from regulatory bodies regarding these guidelines.

b) Review Draft Telehealth Web Site Update

This item was discussed in conjunction with item a) above.

c) Public Comment For Items Not on the Agenda

None.

It was M(Jones)/S(Starr)/C to accept the Contemporary & Emerging Issues Committee's report and the recommendations contained therein.

Vote: 7 – 0

The Board adjourned into closed session pursuant to Government Code Section 11126(c)(3) to discuss and vote on disciplinary matters including stipulations and proposed decisions, and pursuant to Government Code Section 11126(a)(1) to discuss and vote on appointment, employment or evaluation of performance of a public employee.

2:46 P.M. – Open Session

Agenda Item #6 – President’s Report

a) 2014 Meeting Calendars

Dr. Erickson stated that the Board has had discussion for at least a year on what to do with the meeting schedule in terms of the frequency of Board meetings. He indicated that after these discussions, the Board has favored going back to four meetings per year. He referred to a draft 2014 meeting calendar provided in the meeting packets and asked for comments from the Board members. Dr. Gallardo noted that three of the four meetings on the draft calendar are in Northern California with two of them being in Sacramento. He stated that he thought that meetings were alternated between Northern and Southern California locations to make the Board more accessible. Mr. Kahane indicated that it is more cost effective to meet in Sacramento. Dr. Erickson indicated that he would like to conduct two meetings in Northern California and two in Southern California. He indicated that it is important to conduct more than one meeting per year in Southern California given that two thirds of psychologists are located in Southern California. He suggested that the May 15-16, 2014, meeting be scheduled in Southern California. Ms. Arias-Bhatia suggested using Los Angeles as the Southern California location. Dr. Gallardo clarified that meeting locations are selected based on costs and accessibility.

b) Committee Assignments

Dr. Erickson stated that due to the loss of a Board member given that Dr. Cadow was not reappointed, adjustment of committee assignments needed to be made. Dr. Erickson announced the following committee assignments:

- Licensing Committee – Dr. Harlem (Chairperson), Dr. Gallardo and Ms. Acquaye-Baddoo
- Enforcement Committee – (Ms. Acquaye-Baddoo (Chairperson), Ms. Arias-Bhatia and Ms. Starr
- Legislation Committee – Ms. Jones (Chairperson), Ms. Starr and Dr. Gallardo
- Continuing Education Committee – Dr. Gallardo (Chairperson), Ms. Arias-Bhatia and Dr. Harlem
- Outreach and Consumer Education Committee – Ms. Arias-Bhatia (Chairperson), Ms. Acquaye-Baddoo and Ms. Jones
- Contemporary and Emerging Issues Committee – Dr. Harlem (Chairperson), Ms. Jones and Ms. Starr

c) Other Informational Items

Dr. Erickson stated that as President of the Board, he will try to be more proactive in communicating about what is going on administratively to all Board members. He indicated that he welcomes feedback from all members regarding increasing communication.

Agenda Item #7 – Executive Officer’s Report

a) Board Operations

Mr. Kahane reported that licensing staff continues to address the application backlog. He stated that after meeting with DCA Executive Office, they recommended pursuing retired annuitant positions as the quickest solution to receiving additional help to address the backlog. He also indicated that staff will be looking into other avenues to receive both temporary and permanent staff to address the backlog as well.

Mr. Kahane stated that the Board's Administrative Technician will be returning to work on July 1, 2013. He indicated that Joanna Castillo has been hired to fill the Board's Enforcement Technician position and will be starting on Monday, June 24, 2013. Mr. Kahane also introduced Nicole Walker, one of the Board's Special Investigators, to the Board.

b) BreEZe Project

Mr. Kahane stated that although we had been scheduled to go live with BreEZe on February 19, 2103, staff resources are still being dedicated to testing scripts and work scenarios in the test environment. He indicated that the following week is going to be a crucial week for the BreEZe project, however, we have not been given a definitive date as to when the system will be up and running.

Mr. Kahane reiterated that there will be delays initially as staff learns the new system. However, after the learning curve, he indicated that this new system will quickly become familiar to staff and will just be another part of their daily work.

c) Budget Report

Mr. Kahane referred to the Budget Expenditure Projection report provided in the meeting packets. He indicated that these statistics show that the Board's budget is in good shape through the end of the fiscal year. Dr. Gallardo inquired regarding the process for reducing renewal fee for psychologists. Mr. Kahane explained that we would have to obtain a fund condition projection based on any new fees to ensure that a fee reduction wouldn't deplete the Board's fund. Ms. Marks stated that there is a statutory minimum renewal fee for psychologists of \$400, which is the current fee. She explained that a reduction in renewal fees would require a change in statute since we do not currently have the authority to reduce renewal fees for psychologists below \$400.

d) Other Informational Items

Mr. Kahane reported that the Board was approved to attend the CPA Convention in April. He stated that he, Ms. McDowell and Ms. Johnson attended the convention and staffed the Board's booth to answer questions regarding continuing education and licensing.

Mr. Kahane indicated that he had met with the Consumer Information Center (CIC) regarding obtaining Twitter and Facebook pages for the Board. He stated that he will be meeting with them again next month regarding the specifics. He stated that a staff person will need to be assigned to monitor the sites.

Mr. Kahane indicated that he has been in contact with DCA SOLID regarding a facilitator for Strategic Planning. He stated that SOLID has no availability until February since they are currently working on eight other plans that have already expired.

Mr. Kahane indicated that he continues to meet with Dr. Erickson every other Thursday to discuss Board and staff issues.

Dr. Linder-Crow stated that she feels obligated to let the Board know about some potential action that CPA may be trying to coordinate regarding application processing times. She stated that although the Board has worked very hard to change the perception of the Board, the amount of time it takes for applicants to get their credentials reviewed in order to sit for the licensing examination is a very serious issue. She explained that while these applicants are waiting to take the examination, they cannot accept job offers for higher paying jobs. She stated that CPA certainly urges Board staff to pursue additional employees to address this issue, however, the other piece to this is at the Department and Agency level that are not within the Board's control. She stated that CPA has been considering trying to marshal forces to apply pressure from the other side which would mean going to the Legislature. She indicated that this is not meant to be a criticism of the Board, but it is very much a consumer issue, and CPA is looking for a way to remedy the situation.

The open session meeting adjourned at 4:32 p.m.

Friday, February 22, 2013

The open session meeting was called to order by Michael Erickson, Ph.D., Board President at 9:06 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Michael Erickson, Ph.D., Board President
Lucille Acquaye-Baddoo
Johanna Arias-Bhatia
Miguel Gallardo, Ph.D.
Nicole J. Jones
Linda Starr

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 Coordinator
Denise Russell, Special Investigator
Nicole Walker, Special Investigator
Colette McDowell, Continuing Education Analyst

Continuing Education Committee

The Continuing Education Committee met to discuss and formulate recommendations to the Board. See agenda item #8 for the Board's discussion.

Legislation Committee

The Legislation Committee met to discuss and formulate recommendations to the Board. See agenda item #9 for the Board's discussion.

Reconvene Full Board for Committee Reports and Board Action

Agenda Item #8 – Continuing Education Committee

a) Strategic Plan Progress Report

Dr. Gallardo reported that the Continuing Education Committee is current in the process of developing continuing education guidelines. He indicated that the CE Committee has met twice to revamp the continuing education requirements as they have existed for years to more of a professional development model to serve licensees better and to include cultural diversity training. Dr. Gallardo stated that he consulted with Ms. Marks and staff regarding a possible conflict of interest since he works in the field of cultural diversity. He indicated that since he is not a continuing education provider and it is not necessarily how he makes his living, he can continue to participate without a conflict of interest.

b) Continuing Education Statistics

Dr. Gallardo reminded the Board that the MCEP Accrediting Agency no longer exists. He stated that Dr. Linder-Crow and Ms. Van Woerkom from CPA have been very helpful as the Board

makes the transition to the new continuing education requirements. He stated that upon the transition from MCEP to the Board, 268 deficient licensees were sent over to the Board. He indicated that since then, staff has cleared 213 of these deficiencies, and 55 either have not done their continuing education or have not proven to the Board that they have done them. He stated that staff anticipates clearing the remaining 55 within the next month.

Dr. Gallardo stated that the goal is to have consistent audits of approximately 10% of those renewing their licenses each month which would equate to approximately 70 audits per month. He indicated that Board staff has conducted one random audit since implementing the new system in January. He referred to the Statistics for CE Audit for January Renewals included in the meeting packets. He indicated that the program that was used to randomly select licensees for audit was not reflective of all licensees renewing that month. He stated that staff has since pulled numbers from another program to accurately reflect the number of licensees renewing each month, and that ideally 10% of all licensees renewing each month will be selected for auditing. He stated that as the Board transitions to the new BreEZe system and staff becomes more familiar with the auditing process, the process will even out and will not be as time consuming for staff. Dr. Gallardo stated that overall, the system has transitioned fairly well and that staff has done a great job with the transition.

c) Discuss Implementation of AB 1588 (Atkins) – Professions and vocations: Reservist Licensees: Fees and Continuing Education, Chapter 742, Statutes 2012

Dr. Gallardo reported that this is a new piece of legislation that requires the Board to provide exemption status to licensees who are called into active duty. He indicated that the Board needs to determine how to best support our military while serving our country but still maintain consumer protection. He indicated that while any licensee who is called into active duty is on exempt status from meeting licensing requirements while they are on active status, they must meet the licensing requirements within six months of discharge from active duty. He indicated that the Continuing Education Committee is trying to figure out how best to do that and will continue to work on the issue. He thanked Ms. Marks for her assistance in interpreting the requirements.

d) Consider Draft Language Regarding Continuing Education/Professional Development/Cultural Diversity Training Regulations including recommendations from the May 6, 2013 Continuing Education Committee Meeting

Dr. Gallardo referred to the draft of the continuing education/professional development/cultural diversity regulations. He indicated that the Continuing Education Committee will be meeting again prior to the October 2013 Board meeting to further refine the draft.

e) Public Comment for Items Not on the Agenda

None.

It was M(Erickson)/S(Acquaye-Baddoo)/C to accept the Continuing Education Committee's report and the recommendations contained therein.

Vote: 7 – 0

Agenda Item #9 – Legislation Committee

a) Strategic Plan Progress Report

Ms. Jones stated that the Legislation Committee's Strategic Plan goals and objectives are ongoing.

b) SB 304 (Price) – Healing Arts: Boards

Ms. Jones deferred the discussion of this bill to Ms. Bayless. Ms. Bayless indicated that she is closely watching this bill. She reported that this bill will directly affect the Board by transferring all investigators and investigations currently under the Medical Board of California to the Office of the Attorney General effective January 1, 2014. Ms. Bayless indicated that she has been in contact with Gloria Castro with the Office of the Attorney General to discuss some of the processes should the bill pass. She indicated that one issue could be an increase in fees charged for investigations. She indicated that amendments to the bill are expected and that she will check frequently for any such amendments. Ms. Jones indicated that there is a possibility that this change could reduce investigation times. Ms. Bayless indicated that the intent of the bill is for discipline to be applied more effectively and in a more efficient manner.

c) SB 46 (Corbett) – Personal Information: Privacy

Ms. Jones reported that this bill which expands security breach disclosure requirements will not be an impact on the Board as the Board currently has protections in place on its website.

d) AB 186 (Maienschein) – Professions and Vocations: Military Spouses: Temporary Licenses

Ms. Jones reported that this bill, along with AB 213 (Logue), AB 1057 (Medina) and AB 258 (Chavez) puts requirements into place to support military members and their spouses through temporary licenses, acceptance of education, training and experience completed by an applicant in military service and by requiring boards to inquire on every application if the applicant serves or has served in the military. She indicated that DCA currently has information posted on its website that gives an overview of information and explains the ways in which DCA is currently supporting veterans and their families. She indicated that no Board position is need on these bills.

e) AB 213 (Logue) – Healing Arts: Licensure and Certification Requirements: Military Experience

This bill was discussed in conjunction with agenda item d) above.

f) AB 1057 (Medina) – Professions and Vocations: Licenses: Military Service

This bill was discussed in conjunction with agenda item d) above.

g) AB 258 (Chavez) – State Agencies: Veterans

This bill was discussed in conjunction with agenda item d) above.

h) AB 790 (Gomez) – Child Abuse: Reporting

Ms. Jones reported that this bill, which changes the child abuse reporting requirements for mandated reporters, continues to be watched by the committee.

i) SB 131 (Beall) – Damages: Childhood Sexual Abuse: Statute of Limitations

Ms. Jones reported that this bill, which extends the sexual abuse statute of limitations to the age of 26, continues to be watched by the committee.

j) SB 127 (Gaines) – Firearms: Mentally Disordered Persons

Ms. Jones reported that this bill, which changes the reporting requirements for psychotherapists when a serious threat has been communicated to them by mentally disordered persons, continues to be watched by the committee.

k) SB 176 (Galgiani) – Administrative Procedures

Ms. Jones reported that this bill, which requires a state agency proposing to adopt regulations to involve parties subject to the regulations prior to the hearing notice, continues to be watched by the committee.

l) AB 393 (Cooley) – Office of Business and Economic Development: Internet Web Site

Ms. Jones reported that this bill, which requires the Governor's Office of Business and Economic Development to contain fee schedules of state agencies on its website, continues to be watched by the committee.

m) AB 809 (Logue) – Healing Arts: Telehealth

Ms. Jones reported that this bill, which changes the consent process related to telehealth and telemedicine, continues to be watched by the committee.

n) AB 958 (Jones) – Child Custody: Evaluations and Reports

Ms. Jones reported that this bill, which would allow the Board to access a child custody evaluation report to investigate a complaint of licensee unprofessional conduct, did not make the deadline to pass out of committee. She stated that it is uncertain at this time if it will be reintroduced, therefore, the committee will continue to track the progress of this bill.

o) SB 22 (Beall) – Health Coverage: Mental Health Parity

Ms. Jones reported that this bill, which requires health service plans to provide evidence of compliance with mental health parity laws, continues to be watched by the committee.

p) Legislative Status Report & 2013 Legislative Calendar

Ms. Jones referred staff to the Legislative Status Report and the 2013 Legislative Calendar provided in the meeting packets. She thanked staff for the status report and indicated that it is a great reference for obtaining an overview and history of the bills of interest to the Board.

q) Any Other Bills of Interest

None.

r) Public comment for items not on the agenda

Dr. Julie Hayden asked when reviewing legislation whether the board would want to determine a position. Ms. Jones stated that yes, the board can support, oppose, or take a watch position, and that the board is currently taking a watch position on all of the bills reviewed. Dr. Hayden stated that she is wondering if there is any connection related to the reporting period required in

(SB 127) regarding the period that the person was reported to have violence, five years instead of six months, and whether there is any data that connected present violent threat vs. gun violence, not necessarily linked to future violence. Dr. Hayden asked whether there has been any data that came out regarding a current Tarasoff case that could result in someone later shooting someone.

Ms. Jones reported that the bill doesn't reference any specific cases. Ms. Jones stated that the board has not taken a position on this bill. Ms. Jones reported that the current version of SB 127 doesn't reference a change to five years instead of six months, and that the committee will continue to track this bill for any future amendments.

It was M(Jones)/S(Erickson)/C to accept the Legislation Committee's report and the recommendations contained therein.

Vote: 6 – 0

Licensing Committee

The Licensing Committee met to discuss and formulate recommendations to the Board. See agenda item #10 for the Board's discussion.

Outreach and Consumer Education Committee

The Outreach and Consumer Education Committee met to discuss and formulate recommendations to the Board. See agenda item #11 for the Board's discussion.

Agenda Item #10 - Licensing Committee

a) Strategic Plan Progress Report

Ms. Acquaye-Baddoo stated that the Licensing Committee's Strategic Plan goals and objectives are ongoing. She deferred to Ms. Snyder. Ms. Snyder indicated that application processing timeframes are at 14 weeks for licensed psychologists, 5 weeks for registered psychologists and 8 weeks for registered psychological assistants. She is looking at ways to improve the application process such as having applicants submit transcripts (as long as they can be authenticated) and verification of supervised professional experience with their applications instead of having these documents mailed separately. She indicated that this may require changes to statutes and regulations.

Ms. Snyder stated that the testing required for transition to the BreEZe system has utilized a lot of resources from the licensing unit. BreEZe will have an overall positive impact on licensing, however, the Board may experience a temporary negative impact on application processing times due to the learning curve that comes with the implementation of a new system.

Ms. Snyder stated that the enhanced California Psychology Laws and Ethics Examinations (CPLEE) that will replace the California Psychology Supplemental Examination (CPSE) is ready, however, the examination cannot be implemented until the examination regulations that currently require us to administer to CPSE have been amended. Ms. Kassis indicated that she will be providing a regulation update later in the agenda, and that the examination regulations are priority two behind the uniform standards regulations which is getting close to completion.

b) Satisfaction Survey Results

Ms. Acquaye-Baddoo referred to the satisfaction survey results provided in the meeting packets. She reported that there has not been a lot of feedback received. However, out of the responses that were received, there seems to be more negative comments than positive comments. Dr. Gallardo stated that the negative comments reflected in the survey results are based on the delay in application processing. He stated that during the committee meeting, various ways of expediting the process were discussed such as clarifying instructions on the Board's website and letting applicants know that if incomplete applications will result in a delay. He stated that there is a need to increase staff in the licensing unit, and that is currently being worked on. He stated that the committee hopes to start seeing more positive comments and feedback.

c) Discuss Limitations of Exemption Period Granted Under Business and Professions Code Section 2910 and Welfare & Institutions Code Section 5751.2

Ms. Acquaye-Baddoo stated that this item is being deferred to the October 2013 Board meeting.

d) Update Regarding Request for the California Psychological Association (CPA) to Pursue Legislation to Eliminate Subsection (g) from Business and Professions Code Section 2914

Ms. Acquaye-Baddoo stated that this item is being deferred to the October 2013 Board meeting.

e) Examination Statistics

Ms. Snyder referred to examination statistics provided in the meeting packets.

f) Consider English as a Second Language as a Basis for an Accommodation in Taking the Examination

Ms. Acquaye-Baddoo stated that this item is being deferred to the October 2013 Board meeting.

g) Public Comment For Items Not on the Agenda

Steve Arthur from Ryokan College addressed the Board. He stated that at the last Board meeting, the Board heard how poorly graduates from approved schools do on the Examination for Professional Practice in Psychology. He provided the statistics from the Board's website comparing the performance of graduates from approved schools to the performance of graduates of accredited schools.

Juan Yniquez, Executive Director of the Association for Private Postsecondary Education, addressed the board to go on record to strongly opposes the move to eliminate non-accredited schools.

Julie Hayden from Southern California Seminary also addressed the Board on the issue of approved schools. She requested that Mr. Kahane update the document regarding approved schools currently posted on the Board's website.

Dr. Erickson thanked expressed appreciation for the comments. He indicated that this issue will be on the agenda for the October meeting.

It was M(Acquaye-Baddoo)/S(Erickson)/C to accept the Licensing Committee's report and the recommendations contained therein.

Vote: 6 – 0

Agenda Item #11 – Outreach and Consumer Education Committee

a) Strategic Plan Progress Report

Ms. Arias-Bhatia Johanna stated that the Outreach and Consumer Education Committee's goals and objectives are ongoing. She stated that the committee discussed publishing an electronic version of the Board's newsletter, the BOP Update, twice each year on the Board's website. She encouraged Board members to submit articles for publication in the newsletter.

Ms. Arias-Bhatia reported that DCA's Consumer Information Center will be working with Mr. Kahane to set up Twitter and Facebook accounts for the Board. She stated that the Board has been very limited in its outreach efforts. She indicated that most recently, the Board had a booth at the California Psychological Association's convention in April, which was attended by Mr. Kahane, Ms. McDowell and Ms. Johnson of the Board's staff. She also indicated that the committee is looking into updating the Board's stakeholder list in an effort to disseminate information to the underserved communities.

b) Discuss Website Enhancements

This item was discussed in conjunction with item a) above.

c) Discuss Enforcement Trends and Outreach

Ms. Arias-Bhatia stated that the issue of psychological assistant misuse was brought to her attention by the Board's Enforcement Coordinator, Ms. Bayless. She indicated that the psychological assistant registration status is being misused by both the psychological assistants and the supervisors. Ms. Arias-Bhatia indicated that the committee is looking to communicate information via articles and emails regarding what is and what isn't appropriate for psychological assistants, the role of the supervisor, and compliance with the laws and regulations.

Ms. Arias-Bhatia stated that the committee is looking to partner with the Victims Compensation and Government Claims Board (VCGCB) to communicate these issues. She indicated that VCGCB applied for a grant in June 2013 and, if granted, one of the things that they will be doing is a needs assessment of the community and will hopefully have funding for community outreach and for providers to provide services to unrepresented and underserved communities.

d) Consider Victim Compensation and Government Claims Board (VCGCB) Grant Proposal for Underserved Populations

This item was discussed in conjunction with item c) above.

e) Public Comment for Items Not on the Agenda

None

It was M(Arias-Bhatia)/S(Erickson)/C to accept the Outreach and Consumer Education Committee's report and the recommendations contained therein.

Vote: 6 – 0

Agenda Item #12 - Regulation Update, Review and Action as Necessary

a) Regulations Status Report

Ms. Kassis referred to the regulation status report spreadsheet that was provided in the meeting packets. She indicated that the uniform standards related to substance abuse and disciplinary guidelines regulations are the top priority.

b) Update Regarding Proposed Amendments to Title 16, CCR, Section 1397.12 – Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

Ms. Kassis stated that she met with Ms. Bayless and Ms. Marks the previous week regarding a few areas of concern that are identified in the document that was distributed as a hand-carry item.

Ms. Kassis referred everyone to the hand-carry item outlining areas to be addressed. Ms. Kassis reported that the first item of concern is the language included in section 1397.2(b) that states, “If conduct found to be grounds for discipline involves drugs and/or alcohol, the licensee shall be presumed to be a substance-abusing licensee for purposes of section 315 of the Code. If the licensee does not rebut that presumption **at the time of administrative hearing, ...**” Ms. Kassis explained that this language could have unintended consequences by requiring the respondent or petitioner to rebut that presumption **at the time of administrative hearing**, because it could be interpreted to prevent a respondent or petitioner from stipulating to an order that does not contain terms mandated by the Uniform Standards.

Ms. Marks explained that when going over final details, staff was unsure whether this was the board’s intention. Ms. Marks stated that because of the concern Ms. Kassis raised, which is that the only time a licensee can rebut the presumption of being a substance abusing licensee is at the time of administrative hearing, which would not allow staff in negotiating with a licensee to accept some demonstration that rebuts that presumption and apply terms and conditions potentially not the full panoply of the uniform standards. Ms. Marks explained that otherwise there is concern that there will be a move toward not negotiating any stipulated settlements because the licensee does not want included in the order the full panoply that includes an assumption that the person is a substance abusing licensee. Ms. Marks asked the Board whether they want to continue with this language.

Dr. Erickson asked if this language is in there to limit endless appeals to rebut the presumption. Dr. Erickson stated that on the other hand, he believes that a licensee should not have the right to provide new information limited. Dr. Erickson asked if a phrase can be added at the end to explain that the presumption could be revisited as appropriate, or something to that effect.

Ms. Bayless stated that if the Board removes the language, specifically “at the time of administrative hearing”, it would give the Board the option to either enter into settlement agreements **or** go to administrative hearing.

Dr. Erickson stated that he was under the assumption that this language was required.

Ms. Marks stated that it is not required, and explained that when the Board reviewed the three options for proposed language, one of the options states that there is a rebuttable presumption, if the violation includes drugs and/or alcohol and it is up to the licensee to rebut that presumption. Ms. Marks stated that the question is when and how a petitioner can rebut this presumption, and as currently written the language does not allow staff to negotiate stipulations based on evidence. For example, a licensee has been in recovery for three years, what type of mitigating evidence would allow staff to allow the petitioner to rebut the presumption that they are a substance abusing licensee.

Dr. Erickson asked if the Board can remove the phrase, “at the time of administrative hearing.”

Ms. Mark stated that is what staff is suggesting.

It was M(Erickson)/S(Acquaye-Baddoo)/C to remove from section 1395.2(b) the phrase “at the time of administrative hearing.”

Vote: 6 – 0

Ms. Kassis addressed issues referenced in the first bullet regarding Uniform Standards 3, 11, 12 & 16 that need to be incorporated into the guidelines. In response to this recommendation, Ms. Marks suggested rearranging the order in which the Uniform Standards appear. Staff’s recommendation is to incorporate Uniform Standards 3, 11, 12 & 16 and to include the uniform standards at the end of the disciplinary guidelines rather than the beginning as the current draft is written.

Ms. Kassis referenced the second bullet and stated that Business and Professions Code Section 2960 includes reference to the examination that needs to be cleaned up. Staff recommends that the California Psychology Supplemental Examination (CPSE) should be stricken and the California Psychology Law and Ethics Examination (CPLEE) needs to be added to subsections a, d, f and h. Ms. Bayless explained that as currently written, the guidelines would allow an Administrative Law Judge (ALJ) to order the CPSE exam rather than the CPLEE.

Ms. Kassis referenced the third bullet regarding uniform standard #8, and stated there is still some confusion regarding Cease Practice Orders. Staff recommends that uniform standard #8 (items 1-3) be added to the guidelines and that language requiring the Board to notify the licensee’s employer be amended to include and worksite monitor, if any.

Ms. Marks stated that she believes the uniform standards state when a cease practice order must be issued (the most relevant is submitting to biological fluid testing), language will be incorporated into the terms and conditions that explain, if the uniform standard applies, a paragraph should also be included in the order that explains how applied, i.e. if you test positive at a certain level you must: notify employer; cease practice; and demonstrate safety to return to practice. Ms. Marks stated that some of the language is appropriate, some is not.

It was M(Starr)/S(Erickson)/C to accept proposed changes and to move forward with scheduling for regulation hearing.

Vote: 6 – 0

c) Update Regarding Proposed Amendments to Title 16, CCR. Sections 1388, 1388.6, 1389 and 1392 – Examinations

Ms. Kassis reported that the Board and Lani are anxiously waiting for the examination regulations to be promulgated. Ms. Kassis stated that due to time constraints, and the timing of the next board meeting, the following time frames are considered: the Office of Administrative Law (OAL) requires that all regulatory packages be noticed for 45 days to accept comments, in addition to a two week publication period prior to noticing, which requires almost a two month lead time and it is often difficult to get a package noticed for the next board meeting. In order for a hearing to be scheduled for the next board meeting, the package would have to be submitted to OAL by August 27th. Once the package is finalized, there is at least a 30 days review time for the package to be reviewed internally, by Norine Marks, Director, Agency, etc. Ms. Kassis reported that there was new legislation passed last year that changes the date a regulation takes effect, however it doesn’t affect the noticing of the regulation. When the final rulemaking file is submitted to OAL for review, depending on date it is approved by OAL determines the

effective date of the regulation. Effective dates are now driven by when the package is complete and filed with the Secretary of State.

Ms. Jones asked how can the Board make this package a priority since this item appears to have been on the agenda for a while, and she would also like to try to have a legislative committee meeting prior to the next board meeting. Ms. Jones is wondering how can the Board make this a priority since it clearly impacts the board's ability to do our jobs better. Mr. Kahane reported that staff is working on acquiring additional positions for the Board's administration unit so that Ms. Kassis can concentrate more time on legislation and regulations.

d) Update Regarding Proposed Amendments to Title 16, CCR, Division 13.1, Article 1 (General Provisions), Article 2 (Applications), Article 3 (Education and Experience), Article 4 (Examination), Article 5 (Registered Psychologists), Article 5.1 (Psychological Assistants) and Article 6 (Fees)

Ms. Kassis reported that this package is priority three.

Agenda Item #13 – Public Comment on Items Not on the Agenda

None.

Agenda Item #14 – Recommendations for Agenda Items for Future Board Meetings

None.

The Board adjourned at 1:39

President

Date