



BOARD OF PSYCHOLOGY – Administration
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BOARD MEETING MINUTES
Friday, January 9, 2015 1:00 p.m.

Department of Consumer Affairs
1625 N. Market Blvd., Room N-220 (El Dorado Room)
Sacramento, CA 95835

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Members Present:

Michael Erickson, PhD, President
Nicole J. Jones, Public Member, Vice-President
Johanna Arias-Bhatia, Public Member
Jacqueline Horn, PhD
Stephen Phillips, PsyD, JD
Linda Starr, Public Member

Others Present:

Antonette Sorricks, Executive Officer
Sandra Monterrubio, Enforcement Program Manager
Karen Johnson, Licensing Coordinator
Jonathan Burke, Administrative Coordinator
Colette McDowell, Continuing Education/Renewals Coordinator
Claire Yazigi, DCA Legal Counsel
Jo Linder-Crow, PhD, CEO, California Psychological Association
Melodie Schaffer, PhD
Pamela McCrory, PhD
Raymond Trybus, PhD, Walden University and San Diego Psychological Association
Marilyn Immoos, PhD, California Department of Corrections and Rehabilitation
Korey Landry, DCA Human Resources

1 Talia Cortese, Center for Public Interest Law
2 Greg Pruden, Legislative & Policy Analyst, Department of Consumer Affairs
3 (DCA)
4 Alisa Cox
5 Jenna Bowers
6 Paloma Pavel
7 Sarah Williams
8

9 **Friday, January 9, 2015**

10
11 Michael Erickson, PhD, Board President called the open session meeting to order at
12 1:10 p.m. A quorum was present and due notice had been sent to all interested parties.
13

14 **Agenda Item #1: President's Welcome**

15
16 Dr. Erickson welcomed the public, Board members, and Board staff to the meeting and
17 reminded the Board that the next Board meeting is scheduled to occur at the State
18 Capitol in Sacramento, California. He added that Nicole J. Jones was elected Vice
19 President and he was reelected President at the November Board meeting.
20

21 Dr. Erickson gave a summary of AB 2720 which mandates a new process of recording
22 votes of Board members.
23

24 Dr. Erickson presented the mission of the Board of Psychology.
25

26 **Agenda Item #2: Applied Behavioral Analysis (ABA) Task Force Report**
27 **Recommendations to the Board of Psychology Regarding Feedback to the Senate**
28 **Business, Professions, and Economic Development Committee for the Sunrise**
29 **Hearing for ABA Regulation**
30

31 Dr. Erickson invited Ms. Arias-Bhatia to update the Board on the Applied Behavior
32 Analysis (ABA) Task Force meeting.
33

34 Ms. Arias-Bhatia asked Ms. Sorrick to summarize as necessary.
35

36 Ms. Sorrick gave a brief summary of the motions that were made at the ABA Task
37 Force. She stated that all motions, if ratified, would be compiled into a letter and sent to
38 the Senate Business & Professions Committee. Ms. Sorrick summarized the four (4)
39 motions:

- 40 (1) that any licensure bill will have an exemption for licensed psychologists and
41 their supervisees;
- 42 (2) to exclude diagnosis in the scope of practice;
- 43 (3) for the Board to recognize that behavior analysis is within the scope of
44 practice of psychology; and
- 45 (4) that the Board will examine its capacity to house ABA licensure.
46

47 Ms. Arias-Bhatia suggested discussing the motions one at a time.
48

1 Ms. Arias-Bhatia summarized the discussion regarding the first motion regarding
2 exemption for licensed psychologists and their licensees.

3
4 It was M(Arias-Bhatia)/S(Erickson)/C that the Board accept the motion that an
5 exemption of psychologists and their supervisees from the Behavior Analyst Practice
6 Act.

7
8 Vote: 6 aye (Jones, Arias-Bhatia, Horn, Phillips, Starr, Erickson) – 0 Nay
9

10 Ms. Sorrick summarized the second motion of the Task Force: to exclude diagnosis in
11 scope of practice.

12
13 It was M(Arias-Bhatia)/S(Starr)/C to accept the recommendation of the Task Force that
14 diagnosis be excluded from the ABA licensure language.

15
16 Dr. Melodie Shaffer asked for clarification regarding whether or not the language would
17 be excluded in the Board's regulations or in the Sunrise application.

18
19 Dr. Linder-Crow stated that the Board does not have draft language at this point. She
20 added that these recommendations are suggestions that the Board would send to the
21 Senate B&P Committee.

22
23 Vote: 6 aye (Jones, Arias-Bhatia, Horn, Phillips, Starr, Erickson) – 0 Nay
24

25 Ms. Sorrick summarized the third motion of the Task Force: that the Board recognize
26 that behavior analysis is within the scope of practice of psychology.

27
28 M(Arias-Bhatia)/S(Horn)/C that the Board accept the motion that the practice of
29 behavior analysis is within the scope of psychology.

30
31 Ms. Sorrick stated that emails were received from psychologists that have been
32 restrained in trying to provide behavior analysis services. Therefore, Dr. Elizabeth
33 Winkleman stressed this issue at the Task Force meeting.

34
35 Ms. Yazigi stated that both ABA specific practitioners and psychologists may practice
36 ABA and reminded the Board that an individual doesn't need to be licensed to practice
37 ABA based on the language of the documents.

38
39 Vote: 6 aye (Jones, Arias-Bhatia, Horn, Phillips, Starr, Erickson) – 0 nay
40

41 Ms. Sorrick summarized the fourth motion of the Task Force which recommended that
42 the Board examine the capacity to house ABA licensure.

43
44 It was M(Arias-Bhatia)/S(Erickson)/C that the Board analyze the capacity to house ABA
45 licensure.

46
47 Ms. Sorrick stated that the implications of housing ABA would be brought to the
48 attention of the Board after an analysis by staff.

49

1 Vote: 6 aye (Jones, Arias-Bhatia, Horn, Phillips, Starr, Erickson) – 0 nay

2
3 Dr. Horn asked if the Task Force will be examining other states that house ABA
4 licensure under the state’s Board of Psychology.

5
6 Ms. Arias-Bhatia stated that the Task Force would be examining all of models adopted
7 by the states regardless of where licensure is housed.

8
9 Dr. Linder-Crow stated that the Board should examine educational requirements and
10 explore various possibilities.

11
12 **Agenda Item #3: Telepsychology Committee Report**
13 **Recommendations to the Board of Psychology Regarding Feedback to the**
14 **Association of State and Provincial Psychology Boards (ASPPB) draft**
15 **Interjurisdictional Telepsychology Compact**

16
17 Dr. Phillips summarized the discussion of the Telepsychology Committee. He stated
18 that the Committee’s meeting occurred on December 16th to examine the E.Passport
19 and proposed Interjurisdictional Telepsychology Compact. He stated that the
20 E.Passport would be issued by ASPPB and a non-governmental institution would be
21 created to monitor licensees who hold an E.Passport.

22
23 Dr. Phillips added that several questions were raised during the Committee’s
24 discussion. This includes that each state that decided to join the Compact would be
25 responsible for contributing to the creation and maintenance of a Commission. No
26 additional funds would be coming to Board. The Committee questioned whether it is
27 realistic to take on these additional costs and responsibilities.

28
29 In addition, the Commission would be able to promulgate regulations. Dr. Phillips added
30 that the non-governmental Commission would be in charge of the Compact and
31 Commission. The Committee expressed concern about the amount of power that would
32 be given to the non-governmental body.

33
34 Dr. Phillips also stated that the Committee found the Compact lacking in explanation
35 about how the database of information would work. He added that due to the outlined
36 process and required information provided to the Commission, investigations and
37 enforcement would be made difficult. In addition, the Committee expressed concern
38 regarding providing confidential information.

39
40 The Committee also expressed concern regarding educational requirements, which are
41 inadequate for practice between states. Specifically, the Committee noted that licensed
42 psychologists could provide services for California consumers even when they have had
43 almost no Continuing Education hours accumulated based on the Home State’s laws.

44
45 Dr. Phillips reported that the Committee decided that a letter should be written
46 conveying these concerns to ASPPB.

47
48 It was M(Phillips)/S(Erickson)/C to authorize staff to write a letter to ASPPB addressing
49 concerns outlined in the telepsychology meeting.

1
2 Dr. Horn asked whether the Committee would be examining intrajurisdictional
3 telepsychology practice as well as interjurisdictional practice. Dr. Phillips replied that it
4 makes sense that the Committee would also look at intrajurisdictional telepsychology,
5 but for the first meeting, the Committee addressed only the Interjurisdictional Compact.
6

7 Dr. Phillips thanked ASPPB for the work that was put in in order to craft the proposal,
8 and emphasized that the Committee's concerns should not viewed as belittlement of
9 their hard work.

10
11 Vote: 6 aye (Jones, Arias-Bhatia, Horn, Phillips, Starr, Erickson) – 0 nay
12

13 **Agenda Item #4: Discussion and Consideration of Business and Professions**
14 **Code Section 2903 - Licensure Requirement; Practice of Psychology;**
15 **Psychotherapy; Fee**
16

17 Ms. Jones asked whether the Board examined if “pro bono” language works well and is
18 appropriate.
19

20 Ms. Yazigi gave some legislative history regarding the introduction of section 2903. She
21 stated that in 1973, there was no discussion about why “for a fee” language was
22 introduced to BPC 2903.
23

24 Dr. Linder-Crow stated that the word “formal” seems ambiguous and vague. She
25 suggested changing the language to “for a fee or pro bono.”
26

27 Dr. Horn and Dr. Erickson agreed with Linder-Crow's suggestion.
28

29 Dr. Marilyn Immoos suggested leaving the term “formal” in the language to emphasize
30 the relationship and definition.
31

32 Dr. Horn stated that “formal” was not needed in the language. Dr. Horn also suggested
33 defining “fee” in the language and address concerns regarding “pro bono” if they arise
34 later in time.
35

36 It was M(Horn)/S(Phillips)/C that line 6 keeps “for a fee”, and “or pro bono,” on line 18
37 delete “formal,” and add lines 22, 23 and 24 back into the language in addition to
38 granting staff the authority to proceed with the legislative proposal as amended.
39

40 Vote: 6 aye (Jones, Arias-Bhatia, Horn, Phillips, Starr, Erickson) – 0 nay
41

42 Approved Language

43 **Licensure Requirement; Practice of Psychology; Psychotherapy; Fee**

44 § 2903. No person may engage in the practice of psychology, or represent himself or
45 herself to be a psychologist, without a license granted under this chapter, except as
46 otherwise provided in this chapter. The practice of psychology is defined as rendering or
47 offering to render for a fee or pro bono, to individuals, groups, organizations or the
48 public any psychological service involving the application of psychological principles,

1 methods, and procedures of understanding, predicting, and influencing behavior, such
2 as the principles pertaining to learning, perception, motivation, emotions, and
3 interpersonal relationships; and the methods and procedures of interviewing,
4 counseling, psychotherapy, behavior modification, and hypnosis; and of constructing,
5 administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes,
6 personality characteristics, emotions, and motivations.

7
8 The application of these principles and methods includes, but is not restricted to:
9 assessment, diagnosis, prevention, treatment, and amelioration-intervention in order to
10 increase effective functioning of individuals, groups, and organizations of psychological
11 problems and emotional and mental disorders of individuals and groups.

12
13 Psychotherapy within the meaning of this chapter means the use of psychological
14 methods in a professional relationship to assist a person or persons to acquire greater
15 human effectiveness or to modify feelings, conditions, attitudes and behavior which are
16 emotionally, intellectually, or socially ineffectual or ~~maladjustive~~ maladaptive.

17
18 As used in this chapter, “fee” means any charge, monetary or otherwise, whether paid
19 directly or paid on a prepaid or capitation basis by a third party, or a charge assessed
20 by a facility, for services rendered.

21
22 **Agenda Item #5: Discussion and Consideration of Business and Professions**
23 **Code Section 2982 – Expiration of License/Birth Date Renewal**

24
25 Ms. Sorrick stated that the proposal would make the expiration date of an initial license
26 be exactly two (2) years after the date of issuance. There would be no proration and this
27 would be equal for all applicants.

28
29 It was M(Starr)/S(Erickson)/C to approve the language as written and give staff the
30 authority to proceed with a legislative proposal.

31
32 Vote: 6 aye (Jones, Arias-Bhatia, Horn, Phillips, Starr, Erickson) – 0 nay

33
34 **Agenda Item #6: AB 1775 (Melendez) – Child Abuse and Neglect Reporting Act –**
35 **Mandatory Reporting of Electronic Viewing of Child Pornography**
36 **Discussion of Impact**

37
38 Ms. Jones referred to the analysis by staff and the language of the law. She stated that
39 Board staff forwarded the provided information to DCA Legal Counsel, who agreed with
40 the Board staff’s analysis. She added that this information is for informational purposes.

41
42 Dr. Linder-Crow thanked the staff for the information provided. She pointed out that
43 “obscene” is used in the language without a definition and the term “sexting” was not
44 addressed in the staff analysis.

45
46 Dr. Phillips stated that CANRA was initially created to protect children against abuse.
47 He added that, historically, child abuse was only reported if you knew who the victim
48 was, but now in the case of child pornography, a psychologist is not aware of who the
49 victim is.

1
2 Ms. Jones expressed agreement with Linder-Crow's statements. She suggested
3 watching this process closely on the policy level.
4

5 Dr. Erickson suggested writing an advisory on the Board's webpage and in the Board's
6 newsletter addressing the changes made to CANRA.
7

8 Dr. Immoos thanked the Board for attending to this matter.
9

10 **Agenda Item #7: Executive Officer Duty Statement – Revisions**

11
12 Ms. Korey Landry from DCA Human Resources presented and summarized the
13 amended duty statement for the Board's Executive Officer.
14

15 Ms. Jones asked if the Board is able to change the language provided in the duty
16 statement. Ms. Landry stated the Board had the authority to make appropriate changes.
17

18 Due to the latest draft being sent to the Board last minute, Dr. Erickson suggested
19 waiting to make a motion until the Board had more time to review the draft duty
20 statement.
21

22 **Agenda Item #8: Regulation Update, Review, and Action as Necessary**

23
24 **a) Title 16, CCR, Section 1397.12 – Uniform Standards Related to Substance**
25 **Abuse and Disciplinary Guidelines**
26

27 Mr. Burke reported that the hearing took place on August 22, at 9 a.m., at the Board
28 meeting. Subsequent to the Hearing, the Department of Consumer Affairs Legislative
29 and Regulatory Review Division requested that some language be added. The Board
30 conducted a 15 Day Notice and the new language was submitted to the Board for
31 approval at the November Board Meeting.
32

33 Staff will now prepare the Final Statement of Reasons for the final submission to the
34 Office of Administrative Law in the first quarter of 2015.
35
36

37 **b) Title 16, CCR, Sections 1388, 1388.6, 1389, 1392 – Examinations, License**
38 **Requirements and Waiver of Exemption, Reconsideration of Examinations,**
39 **Psychologists Fees**
40

41 Mr. Burke reported that the hearing took place on August 22, at 10 a.m., at the Board
42 meeting. The Board voted to modify the text to correct an error in the noticed language.
43 A 15 Day Notice was published and the amended language was approved.
44

45 Staff will now prepare the Final Statement of Reasons for the final submission to the
46 Office of Administrative Law in the first quarter of 2015.
47
48

1 **c) Title 16, CCR, Sections 1397.60, 1397.61, 1397.62, 1397.67 – Definitions,**
2 **Continuing Education Requirements, Continuing Education Exemptions and**
3 **Exceptions, Renewal after Inactive or Delinquent Status**
4

5 Mr. Burke reported that the Board voted at the August Board meeting to accept the final
6 language changes in order to approve the continuing educational requirements for
7 approved sponsors and to include them in the Continuing Professional Development/
8 Continuing Education Regulations. The hearing took place at the Board’s November
9 Board Meeting and some modifications to the language were requested by the Board.
10 The 15 Day Notice is being prepared by Board staff and will be promulgated as soon as
11 possible. If there are no negative comments, the Executive Office will approve the
12 changes and the Final Statement of Reasons will be prepared and submitted to the
13 Office of Administrative Law.
14
15

16 **d) Title 16, CCR, Section 1380.5 – Filing of Addresses**
17

18 Mr. Burke updated the Board on the 1380.5 regulatory proposal. The language will need
19 to be brought back to the Board for consideration at the February Meeting.
20

21 **Agenda Item #9: Recommendations for Agenda Items for Future Board Meetings**
22

23 Ms. Jones asked that a draft version of the minutes be provided before the next
24 meeting.
25

26 Ms. Monterrubio stated that the next Board meeting is scheduled for the end of January.
27

28 **Agenda Item #10: Public Comment for Items not on the Agenda**
29

30 There was no public comment.
31

32 **Agenda Item #11: Adjournment**
33

34 The Board adjourned at 3:50 p.m.
35
36
37
38
39
40
41

42 _____
President

Date