

## BOARD MEETING MINUTES

Department of Consumer Affairs  
1625 N. Market Blvd., Trinity Room (307)  
Sacramento, CA 95834  
(916) 574-7720

### TELECONFERENCE LOCATIONS

8920 Wilshire  
Boulevard, Suite 334  
Beverly Hills, CA 90211  
(310) 275-4194

Los Angeles Harbor  
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1111 Figueroa Place,  
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(310) 223-4069

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320 W. Fourth Street  
Room 5C  
Los Angeles, CA 90013  
(213) 576-6273

1 **Wednesday, July 27, 2016**

2  
3 Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order  
4 at 9:19 a.m. A quorum was present and due notice had been sent to all interested  
5 parties.

6  
7 **Members Present**

8 Stephen Phillips, JD, PsyD, President  
9 Nicole J. Jones, Public Member, Vice-President  
10 Lucille Acquaye-Baddoo, Public Member  
11 Michael Erickson, PhD  
12 Jacqueline Horn, PhD

13  
14 **Others Present**

15 Antonette Sorrick, Executive Officer  
16 Sandra Monterrubio, Enforcement Program Manager  
17 Karen Johnson, Licensing Coordinator  
18 Jason Glasspiegel, Central Services Coordinator  
19 Jacquelin Everhart, Continuing Education/Renewals Coordinator  
20 Norine Marks, DCA Legal Counsel

21  
22 **Agenda Item #2: President's Welcome**

23

24 Dr. Phillips welcomed everyone in attendance and read the Board's mission statement.  
25 He announced that the next Board meeting would be held August 18 and 19, 2016 at  
26 the Wright Institute in Berkeley. He then explained that the Board would be discussing  
27 agenda item 4(n) first.

28  
29 **Agenda Item #4: Review and Consideration of Proposed Legislation and**  
30 **Positions**

31  
32 **n) SB 1194 (Hill) Psychology: Board of Psychology: Personnel**

33  
34 Mr. Glasspiegel indicated that the hearing is scheduled for August 3, 2016.  
35 Sarah Huchel, Business, Professions and Economic Development Committee, said the  
36 content in SB 1194 will be moved to SB 1193 and the current SB 1194 will be the new  
37 vehicle of SB 1195.

38  
39 Ms. Sorrick presented recommended language changes for the Board to consider. She  
40 said the American Osteopathic Association (AOA), the Osteopathic Physicians and  
41 Surgeons of California (OPSC) and the American College of Osteopathic Neurologists  
42 and Psychiatrists (ACONP) requested that the definition of psychiatrist in Section 2913  
43 be changed to reflect acceptance of a certification from the American College of  
44 Osteopathic Neurologists and Psychiatrists, which was consistent with regulatory  
45 equivalencies for psychiatrists.

46  
47 Ms. Sorrick said the discussion at the June/July Licensing Committee meeting was to  
48 add "Self-Directed Study" as a fifth category of the Continuing Professional  
49 Development (CPD) model. She suggested that this new learning activity be placed  
50 under one of the already established four categories.

51  
52 Dr. Phillips said this category was created as an independent basis for licensees to  
53 accrue hours since the Board wants psychologists to obtain hours from two different  
54 categories.

55  
56 Dr. Horn suggested that "Self-directed Study" be placed in the Academic category  
57 because people participating in self-directed study are engaging in academic-like  
58 activities. She thinks most people will obtain a majority of their hours using the  
59 continuing education category and said that the Academic category is narrow and  
60 including self-directed study will broaden its options.

61  
62 Dr. Phillips said he appreciates the clarification and her explanation makes sense.  
63 The Board members agreed not to include "Self-Directed Study" as a fifth category.

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Ms. Sorrick said the text highlighted in Section 2915(f) is consistent with the Licensing Committee's discussion at its June/July meeting. The Committee wanted to make the language more consistent with the organizations that are providing continuing education courses. The recommended amendment is to take out the terms "sponsored" and "courses that have been" and replace "private, non-profit organization" with the term "entity".

Dr. Linder-Crow asked why "Self-Directed Study" will not be included as a fifth category, but rather within another already established category.

Ms. Sorrick said that from a policy perspective, the Board kept the language in Section 2915(c) very general. She said the Senate Business and Professions Committee and the Legislative Council had asked what categories would be included in the CPD model. The Board already sent the Committee the regulatory package and since the "Self-Directed Study" option was just discussed at the Licensing Committee's last meeting, it has not been full vetted. She said that she did not want the suggested changed to impact legislation.

Dr. Linder-Crow asked if a fifth category would be added in regulations if there were only four listed in statute.

Ms. Sorrick said that the statues and regulations need to be consistent and would have to be the same.

Dr. Linder-Crow said that the Licensing Committee already agreed to bring this fifth category to the full Board and asked if it would not be brought back to the full Board if it is not kept.

Ms. Sorrick explained that it has to do with the timing of the CPD regulations. She said the Licensing Committee met at the end of June and has not completed its review. She said the Committee will meet again in September or October to solidify the language to bring to the full Board at the November Board meeting. She indicated that if the Board takes a different path with the categories, it can then wait for legislative session to clean up the language.

Dr. Phillips indicated that the Licensing Committee will need to revisit this issue. He said that "Self-directed Study" is not going to be ruled out, but it will not be considered a separate category as this time.

It was M(Acquaye-Baddoo)/S(Horn)/C to support SB 1194 with the amendments as stated.

104  
105 Vote: 5 aye (Horn, Erickson, Jones, Phillips, Acquaye-Baddoo) 0 no  
106

107 **Agenda Item #3: Public Comments for Items not on the Agenda**

108  
109 No public comments were received.

110  
111 **Agenda Item #4: Review and Consideration of Proposed Legislation and**  
112 **Positions**

113  
114 Ms. Jones thanked staff for its hard work.

115  
116 **a) AB 796 (Nazarian) Health Care Coverage: Autism and Pervasive Developmental**  
117 **Disorders**

118  
119 Mr. Glasspiegel reported that the Board sent an “Oppose” position letter to the Senate  
120 Health and Human Services Committee as well as to the author’s office. The Board has  
121 since been amended out of the bill. Staff’s recommendation is to take an “Oppose”  
122 position to the amended version of the bill.

123  
124 Dr. Horn asked why the Board should take an “Oppose” position if the Board has been  
125 taken out of the bill.

126  
127 Ms. Sorrick reported that this bill would provide insurance coverage for applied behavior  
128 analysis without establishing licensure. She requested the Board to consider having Ms.  
129 Arias-Bhatia work with staff to draft an “Oppose” letter.

130  
131 Dr. Horn said she would support an “Oppose” position.

132  
133 Ms. Jones asked if it would make sense for the Board to take a position on this bill.

134  
135 Dr. Horn said it did make sense to take a position on the bill because if there is no  
136 licensure, the profession lacks consumer protection..

137 It was M(Acquaye-Baddoo)/S(Horn)/C to oppose AB 796 and to have Ms. Arias-Bhatia  
138 work with staff to draft an “Oppose” letter.

139  
140 Vote: 5 aye (Horn, Erickson, Acquaye-Baddoo, Jones, Phillips) 0 no  
141

142 Ms. Sorrick clarified that staff would include that the Board is opposing the bill for the  
143 lack of consumer protection because of no licensure in addition to not having a sunset  
144 date included in the language.

145

146 The Board agreed to her clarification.

147

148 b) AB 1715 (Holden) Healing Arts: ABA

149

150 Mr. Glasspiegel reported that the hearing was canceled because the author is no longer  
151 pursuing the bill; therefore, no action is required.

152

153 c) AB 1835 (Holden) Private Postsecondary Education: Exemptions

154

155 Mr. Glasspiegel indicated that this agenda item is for informational purposes only.

156

157 d) AB 1962 (Dodd) Criminal Proceedings: Mental Competence

158

159 Ms. Jones indicated that this bill would require the California Department of State  
160 Hospitals to adopt guidelines for education and training standards for psychiatrists or  
161 licensed psychologists to be considered for appointment by the court in consultation  
162 with relevant stakeholder groups. This bill would provide that if there is no reasonably  
163 available expert who meet the guidelines, the court shall have discretion to appoint an  
164 expert who does not meet the guidelines.

165

166 Mr. Glasspiegel reported that the Board has not taken a position and that staff has been  
167 watching this bill.

168 Dr. Horn indicated that, it looks like the Department of State Hospitals would create the  
169 guidelines, but that they would not just be used in State Hospital issues, but for  
170 determining competency throughout the state, regardless of what it is for. She said  
171 there are groups of forensic psychiatrists and groups of forensic psychologists that  
172 already have guidelines, and the courts throughout the states use these already  
173 established guidelines from those groups. She wondered what this bill would actually  
174 do.

175

176 Dr. Phillips said that to his understanding the bill is focused on criminal proceedings in  
177 state courts. He said it has been reported that many people are being referred to the  
178 state hospitals for treatment as incompetent to stand trial when they do not meet the  
179 standard for incompetency from the outset. He stated there might be grounds for  
180 concern that the uniform standards could favor psychologists who work at or have been  
181 trained in State Hospitals over other equally qualified forensic psychologists who have

182 no past or present relationship to the state system. He also raised the issue as to  
183 whether the Department of State Hospitals is the appropriate forum for setting the  
184 relevant standards given their own institutional problems with overcrowding. He  
185 expressed concern there might be some institutional considerations, such as  
186 overcrowding, that may influence the standards created. Dr. Phillips stated that he  
187 understands that relevant stakeholders will be involved in the development of these  
188 standards and that such concerns will hopefully be addressed in that process.

189

190 Dr. Horn said her concern is about when there might not be any qualified people.

191

192 Dr. Phillips said he thinks there will be qualified people; however, he is concerned that  
193 these qualified individuals will all have at one time or another worked at the Department  
194 of State Hospitals if they set the standards in a way that rules out other types of  
195 psychologists. He is concerned with how the process is going to play out.

196 Dr. Horn said she agrees that there will always be a qualified person available, but if  
197 there is not, who does the court appoint?

198

199 Dr. Phillips said he believed the courts will then have to make an independent  
200 determination as to alternative professionals with appropriate expertise in order to  
201 appoint someone who does not comply with the standards as determined by this  
202 legislatively mandated process. He added that sometimes the experts courts appoint  
203 experts from a different part of the state and the courts typically have special funding  
204 sources to retain such experts. He added that this bill does not prevent either party from  
205 retaining their own experts regardless of the standards developed for appointment by  
206 the courts.

207

208 Dr. Horn said she would feel comfortable with a "Watch" position on the bill just in case  
209 something happens down the line.

210

211 Dr. Erickson said that the Board previously discussed whether the term "licensed"  
212 needs to precede "psychologist" because all psychologists working in California must be  
213 licensed. He said he is not sure if this is the appropriate time to bring this issue up, but  
214 he wanted to take the opportunity to raise this issue so that the Board could consider it.

215 Ms. Sorrick indicated that unlicensed individuals in exempt settings are sometimes  
216 labeled as "psychologists" and this may be the reason for using the term "licensed"  
217 before psychologist.

218

219 Ms. Amanda Levy, California Psychological Association (CPA), said CPA has met with  
220 the author's office to discuss this bill and the intent is to include professional

221 associations and unions representing psychologists in the state facilities to develop the  
222 standards.

223  
224 Ms Marks pointed out that subsection (h)(2) states "If there is no reasonable available  
225 expert who meets the guidelines or who has equivalent experience and skills, the court  
226 shall have the discretion to appoint an expert who does not meet the guidelines". She  
227 said that to her, this implies that it does not necessarily mean that an expert will only be  
228 someone who meets the guidelines.

229  
230 Dr. Erickson said he believes that State Hospitals did not go along with the regulations  
231 some years ago when it became possible for psychologists to become part of State  
232 Hospital staff. He said he is not clear how the State Hospital system operates under  
233 separate regulations or authority from other settings in California. He asked how the  
234 Board can work closely to understand what the State Hospitals are doing and to make  
235 clear what the Board is doing when it comes to taking a position on this bill. He asked  
236 Dr. Linder-Crow if she recalls any of this information.

237  
238 Dr. Linder-Crow, CPA, indicated that in 1990 the California Supreme Court ruled that  
239 psychologists could be a part of the medical staff at State Hospitals and regulations  
240 were created to implement this ruling. She said that in most cases State Hospitals have  
241 not applied these regulations. She said it is a very complicated issue and the  
242 organization known as Psychology Shield continues to work on this issue. She indicated  
243 that it is the opinion of both CPA and its attorney that State Hospitals are not following  
244 the law. She said that CPA has taken a "Support" position on the bill because CPA  
245 supports the establishment of standards and she is sure that CPA will be a part of the  
246 stakeholders group to create these standards. She said Dr. Erickson's recollection of  
247 State Hospitals not enforcing the regulations is accurate, but that this is a separate  
248 issue from this bill.

249  
250 Dr. Erickson said this information was very informative and thanked Dr. Linder-Crow for  
251 her comment.

252  
253 Ms. Jones asked the Board members if they would like to entertain a motion and the  
254 Board members agreed to continue watching this bill.

255 e) AB 2017 (McCarty) College Mental Health Services Program

256  
257 Ms. Jones indicated that the Board took a "Support" position in May. She said at the  
258 time the motion was made, there was unspecified amount for the grant and now there is  
259 a \$4 million allocation.

260

261 Mr. Glasspiegel indicated that there is no hearing scheduled and the bill is currently in  
262 the Senate Education Committee.

263

264 Ms. Jones asked Ms. Marks if the Board needs to make a motion and Ms. Marks said  
265 their original decision to take a "Support" position would still stand.

266

267 f) AB 2086 (Cooley) Workers Compensation: Neuropsychologists

268

269 Mr. Glasspiegel indicated that staff has not heard if the Board's amendments are being  
270 considered and reported that there would be a hearing on August 1, 2016.

271

272 Ms. Sorrick reported that staff reached out to Assembly Member Cooley's office to  
273 confirm that they received the Board's position letter and asked the Department of  
274 Industrial Relations (DIR) if they needed additional information. DIR said they were  
275 working with the author's office and would let the Board know if anything else was  
276 needed. She reported that the Senate Appropriations Committee also has the Board's  
277 "Support if Amended" position letter.

278

279 Dr. Erickson suggested that the Board reconsider a position at its August Board meeting  
280 if the amendments are accepted or not.

281

282 Ms. Jones asked if the motion made at the May Board meeting allowed staff to change  
283 the Board's position.

284

285 Ms. Sorrick indicated that staff has the inherent authority change the Board's position if  
286 the amendments were accepted.

287

288 Dr. Linder-Crow, CPA, thanked the Board for its conversation on this bill. She indicated  
289 that CPA is actively working on this bill and asked the Board what it would do if their  
290 amendments were not accepted. She said workers are losing out on appropriate  
291 evaluations and CPA wants to see the bill pass.

292

293 Ms. Jones suggested that staff and Dr. Erickson work together if the Board's input is  
294 needed and Dr. Erickson said he would be glad to help.

295 g) AB 2443 (Baker) Improving Mental Health Access for Students

296

297 Ms. Jones indicated that the Board took a "Support" position at its May Board meeting.

298

299 Mr. Glasspiegel reported that no changes have been made to this bill and it has been  
300 held in the Assembly Appropriations Committee.



301

302 Ms Jones stated that no action is requested at this time.

303

304 h) AB 2507 (Gordon) Telehealth: Access

305

306 Mr. Glasspiegel indicated that AB 2507 has been held in the Assembly Appropriations  
307 Committee.

308

309 Dr. Horn asked what it meant when a bill is held in a committee.

310

311 Ms. Sorrick indicated that it could be for a number of reasons such as at the request of  
312 the author. However, she said that bills could still move after being held in committee.  
313 She said this is the reason staff continues to keep these bills on its radar.

314

315 Dr. Erickson said he noticed that texting and chat conferencing have been removed  
316 from the list of specifics that were previously in the bill and that it now just lists video  
317 and telephone communications. He said Business and Professions Code Section  
318 2290.5 specifies information technologies, but does not specify the type of acceptable  
319 technologies; thus, texting and chat conferencing could still be considered adequate  
320 means to provide services. He said insurance companies are not required to pay for  
321 services rendered via telehealth unless there is a statute to require them to do so.

322

323 i) AB 2859 (Low) Professions and Vocations: Retired Category

324

325 Mr. Glasspiegel reported that staff has been watching this bill and there is language  
326 included in the Board's Sunset Bill that will be heard at a hearing on August 1, 2016. He  
327 indicated that no action was required.

328

329 j) SB 1033 (Hill) Medical Board: Disclosure of Probationary Status

330

331 Mr. Glasspiegel indicated that this bill is currently in the Senate Inactive file and is no  
332 longer moving forward.

333

334 Dr. Horn asked if this bill means that probationary status is currently not provided to the  
335 public.

336 Ms. Sorrick indicated that if passed, this bill would require public positing for licensees  
337 of the Medical Board, the Osteopathic Medical Board, the Board of Podiatric Medicine,  
338 the State Board of Chiropractic Examiners, the Neuropathic Medicine Committee, and \\  
339 the Acupuncture Board . She explained that if this bill applied to the Board of  
340 Psychology, if a client came to the office of a licensee who is on probation, the

341 psychologist would need to publically notice that they are on probation. She said even  
342 though the Board is not included in the bill, staff still wants to watch it.

343

344 k) SB 1034 (Mitchell) Health Care Coverage: Autism

345

346 Mr. Glasspiegel indicated that staff's recommendation is to take an "Oppose" position  
347 and that the hearing would take place on August 3, 2016. He said this bill is slightly  
348 different from the other reimbursement for autism services bill because it would extend  
349 the Sunset date until January 1, 2022.

350

351 Ms. Sorrick indicated that staff is recommending an "Oppose" position because  
352 licensure is not required for the professional providing the services; therefore, there is a  
353 lack of consumer protection.

354

355 Dr. Horn said she is really concerned with the public protection issue and that it keeps  
356 reoccurring. She said it is not that the Board doesn't want people who provide autism  
357 services to be reimbursed, but this is not the issue.

358

359 Ms. Jones thanked Dr. Horn for her comment and said the important part of the motions  
360 is to use the position letters with the reasons included for the Board's opposition as a  
361 vehicle to express those reasons. She said that the quality of the letters reflects the  
362 Board's robust conversations and sentiments.

363

364 Ms. Sorrick said staff would convey in the Board's position letter that it is important for  
365 individuals needing services from autism service providers to have ready access to  
366 those services and for those services to be competent and have consumer protections  
367 in place.

368

369 It was M(Horn)/S(Acquaye-Baddoo)/C to oppose SB 1034 and to ask Ms. Arias-Bhatia  
370 to work with staff to include the reasons for its opposition in the Board's position letter.

371

372 Vote: 5 aye (Horn, Erickson, Phillips, Jones, Acquaye-Baddoo) 0 no

373

374 l) SB 1101 (Wieckowski) Alcohol and Drug Counselors: Regulation

375

376 Mr. Glasspiegel indicated that SB 1101 was held in the Senate Appropriations  
377 Committee.

378

379 m) SB 1155 (Morrell) Professions and Vocations: Licenses: Military

380

381 Mr. Glasspiegel indicated that the hearing is scheduled to be held in the Senate  
382 Appropriations Committee on August 3, 2016.

383

384 o) SB 1195 (Hill) Professions and Vocations: Boards: Competitive Impact

385

386 Ms. Jones indicated that staff will continue to watch SB 1195.

387

388 Ms. Sorrick said that this bill will become SB 1194 and the language will be available in  
389 the next couple of weeks.

390

391 p) SB 1204 (Hernandez) Health Professions Development: Loan Repayment

392

393 Mr. Glasspiegel indicated that Senator Hernandez has decided not to pursue SB 1204  
394 at this time, but is pursuing SB 1471 (Hernandez), which only applies to physicians,  
395 surgeons, and psychiatrists under the Steven Thompson Physician Loan Repayment  
396 Program. He said staff will continue to watch this bill.

397

398 q) SB 1217 (Stone) Healing Arts: Reporting Requirements: Liability

399

400 Mr. Glasspiegel indicated that staff has contacted Senator Stone's office and they have  
401 confirmed that they are no longer pursuing this bill.

402

403 r) SB 1334 (Stone) Crime Reporting: Health Practitioners: Trafficking

404

405 Ms. Jones indicated that staff has been watching this bill.

406

407 Mr. Glasspiegel reported that SB 1334 has been held in the Senate Appropriations  
408 Committee.

409

410 Amanda Levy, CPA, said if the bill moves out of the Committee, it will be made clear  
411 that psychologists are not included in the mandatory reporting requirements.

412

413 s) SB 1471 (Hernandez) Health Professions Development: Loan Repayment

414

415 Mr. Glasspiegel presented the background of SB 1471.

416

417 Dr. Phillips suggested that the Board continue to watch this bill because it does not  
418 impact the Board.

419 The Board members agreed to watch this bill.

420

421 t) Legislative Items for Future Meeting

422

423 Ms. Jones said that the last day to amend on the Floor is August 19.

424

425 **Agenda Item #5: Telepsychology Committee Report and Consideration of**  
426 **Committee Recommendations**

427

428 Dr. Erickson presented the proposed additions to the California Code of Regulations  
429 (CCR) Title 16 to address Standards of Practice for Telehealth and the Committee's  
430 review of a public comment from Dr. Adam Alban. Dr. Erickson said that the  
431 Telepsychology Committee has been meeting for a couple of years and asked the  
432 Board members and the public to review the proposed language. He said the next step  
433 is to move forward in the regulatory process.

434

435 Ms. Sorrick said that once the Board agrees on language, staff can notice the proposed  
436 language for a hearing and then send it out for public comment. She said if the Board  
437 were to agree on the language at this meeting, it may be able to have the hearing at the  
438 November Board meeting.

439

440 Dr. Erickson said the Committee reviewed Dr. Alban's comments and agreed that his  
441 observations were informative, but the Committee decided to move forward with its  
442 revisions.

443

444 Dr. Phillips said the revisions capture the different factors that the Committee felt were  
445 important to communicate to licensees. He said the language does not provide specific  
446 guidance, but rather general. He requested that a colon be added at the end of the first  
447 sentence.

448

449 Dr. Horn said she is happy that the Board is drafting language because they know that  
450 telehealth is occurring and appreciates that psychologists have to be competent in the  
451 use of telehealth.

452

453 Dr. Erickson said that the term "recipient" needs to be changed to "patient or client"  
454 throughout the document.

455

456 Ms. Jones said the language covers the basics and asked if the Committee discussed  
457 the different methods used for telehealth.

458

459 Dr. Erickson said that including texting or chat conferencing as methods to deliver  
460 psychological services is generally looked upon with a big question mark. He said using

461 these methods can pose many hazards and the Committee would not recommend using  
462 them. He asked Ms. Marks if she recalls any additional discussion that the Committee  
463 had about texting or chat conferencing.

464  
465 Ms. Marks said she did not recall any additional conversations about it. She said one of  
466 the ways the Committee was trying to deal with this issue is to ensure that the licensee  
467 was competent enough to use the technology, which is more important than the type of  
468 technology used because these methods are constantly changing. She said unless the  
469 statute restricts particular technologies, the Committee is just trying to address the  
470 different considerations that arise when licensees are using technology in real time  
471 versus technology that is not in real time.

472  
473 Dr. Linder-Crow asked what in the regulations hints that texting is not an appropriate  
474 form of technology. She said technology is growing so quickly and there are younger  
475 clients who frequently text.

476  
477 Dr. Erickson asked what the Board would do if a licensee is texting a client and a  
478 complaint is filed about the service. He said many questions could be raised such as  
479 why texting was chosen versus talking over the telephone or in person and why texting  
480 was a preferable method to deliver the service? He said this does not mean it is wrong  
481 and there may be very good reasons to text with a client. He said some other questions  
482 could be whether texting is confidential enough and if the provider is competent enough  
483 to use texting. Dr. Linder-Crow said she appreciated Dr. Erickson's comments. She said  
484 she expects that there will never be a level of specificity to make everyone comfortable;  
485 however, she believes these guidelines will allow psychologists to determine what  
486 delivery method they should use. She asked what the Board would do if a complaint  
487 was received about service delivered using texting and who would get to determine that  
488 the delivery method was appropriate. She said the next question might be how does  
489 one decide what method is or is not appropriate.

490  
491 Dr. Horn said that the Board already does this for non-technological complaints. She  
492 said a majority of the complaints do not result in an accusation. She said the Board  
493 wants to disseminate these guidelines for licensees to consider.

494  
495 Dr. Elizabeth Winkelman, CPA, suggested changing the term "resident" to "a recipient  
496 located in California". She the term "resident" is confusing because it can capture those  
497 not in California.

498

499 Dr. Linder-Crow said a psychologist in California whose patient goes to college on the  
500 East Coast cannot legally deliver services to this client. She said the guidance would  
501 need to come from the state in which the recipient is physically located.

502

503 Ms. Marks said that this Board and other boards have struggled with this issue because  
504 California might not have complete control. She stated that the psychologists may not  
505 even know where the patient is located. She said the Board wants to protect the citizens  
506 of California to ensure that someone who is licensed elsewhere but not in California  
507 does not continuously provide services within California. She said the definitions for  
508 distance site and originating site do not include where the services are provided. She  
509 said the Board may not have an issue with a psychologist licensed in California  
510 providing services across state lines, but the other state might and vice versa.

511

512 Dr. Winkelman said most guidelines indicate that the licensee must be licensed in both  
513 the place where the services are being provided and the place where the services are  
514 being received.

515

516 Dr. Linder-Crow suggested that the Board only provide guidance to psychologists in  
517 California and define what it means to deliver telehealth in California.

518

519 Ms. Marks said the Board is trying to address those who reach out across the border to  
520 establish a relationship with someone in California.

521

522 Dr. Winkelman said one way to address this issue might be to say that California  
523 psychologists providing services to clients outside of California need to be in  
524 compliance with other states' laws.

525

526 Dr. Phillips said that perhaps the Board needs to think this issue through and determine  
527 what it needs to do in order to address the jurisdiction question. He said this could  
528 become a question of professional judgment as to whether Telepsychology is an  
529 appropriate form of delivering services. He said the Committee should have another  
530 meeting to further discuss the concerns raised.

531

532 Dr. Erickson said that professional judgment is key.

533

534 Dr. Linder-Crow suggested that the Board give informal guidance and suggest licensees  
535 to contact the board in the state in which the patient is physically located.

536

537

538 Dr. Linder-Crow suggested that the Board leave the interjurisdictional issue out of it and  
539 only consider the jurisdiction in which the patient is receiving the service.

540  
541 It was agreed that Dr. Phillips and Dr. Erickson would meet as the Telepsychology  
542 Committee to refine the language and bring recommended changes to the August, 2016  
543 meeting.

544

545 **Agenda Item #6: President's Report**

546

547 **a) 2016 Meeting Calendar and Locations**

548

549 Dr. Phillips reported that the next Licensing Committee meeting is being rescheduled  
550 and the next two Board meetings are on August 18 and 19, 2016 in Berkeley and on  
551 November 17 and 18, 2016 in San Diego.

552

553 **b) Committee Updates**

554

555 Dr. Phillips said the Enforcement Committee is working on the Disciplinary Guidelines to  
556 bring back to the full Board for consideration. He said the Licensing Committee is  
557 working diligently to refine the Continuing Professional Development (CPD) regulations  
558 and review the Pathways to Licensure. He said the Policy and Advocacy Committee is  
559 doing a great job and the Outreach and Education is without a chair. He said there are  
560 some draft committee delegations to be included in the Administrative Procedures  
561 Manual and will provide a more detailed update the next time the Board meets.

562

563 **c) Review and Consideration of Draft Committee Delegation to be Included in the**  
564 **Administrative Procedures Manual**

565

566 Dr. Phillips indicated that this agenda item will be discussed at a future meeting.

567

568 **Agenda Item #7: Recommendations for Agenda Items for Future Board Meetings**

569

570 Dr. Horn suggested that the Board draft guidelines on the appropriate use of social  
571 media.

572

573 **Agenda Item #8: Closed Session**

574

575 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to  
576 discuss disciplinary matters including the above petitions, petitions for reconsideration,  
577 stipulations, and proposed decisions.

578

579 **RETURN TO OPEN SESSION – FULL BOARD**

580

581 The Board adjourned at 12:51 pm.

582

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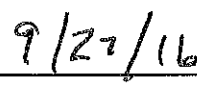
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President Date