

1                   **Policy and Advocacy Committee Meeting Minutes**  
2                   **Department of Consumer Affairs**  
3                   **1625 N. Market Blvd., Trinity Room (Third Floor, Room 307)**  
4                   **Sacramento, CA 95834**  
5                   **(916) 574-7720**

6  
7 **Thursday, April 19, 2018**  
8

9 Nicole Jones, Chairperson, called the meeting to order at 10:07 a.m. A quorum was present and  
10 due notice had been sent to all interested parties.  
11

12 **Members Present**

13 Nicole J. Jones, Chairperson  
14 Sheryll Casuga, PsyD  
15 Michael Erickson, PhD  
16

17 **Others Present**

18 Antonette Sorrick, Executive Officer  
19 Cherise Burns, Central Services Manager  
20 Stephanie Cheung, Licensing Manager  
21 Sandra Monterrubio, Enforcement Program Manager  
22 Norine Marks, DCA Legal Counsel  
23 Liezel McCockran, Continuing Education and Renewals Coordinator  
24

25 **Agenda Item #2: Welcome from the Chair**

26 Ms. Jones welcomed those in attendance and read the mission statement of the  
27 Committee.  
28

29 **Agenda Item #3: Public Comment(s) for Items not on the Agenda**

30 No public comment received.  
31

32 **Agenda Item #4: Approval of Committee Minutes: May 15, 2017**

33 Ms. Jones provided her edits.  
34

35 It was M(Erickson)/S(Casuga)C to approve the minutes as amended.  
36

37 Vote: 3 aye (Casuga, Erickson, Jones), 0 no  
38

39 **Agenda Item #5: Summary of Legislative Visits on Wednesday, February 14,**  
40 **2018**

41 Ms. Burns gave a recap of the Board's process for legislative visits at the beginning of  
42 each legislative session. During this visit, the Board members and staff spoke to the  
43 Legislative members and their staff about the Board's 2018 legislative proposal and  
44 2017 legislative accomplishments. She stated that the packet given to legislators and  
45 their staff contained the information presented by the Board members.

46  
47 Ms. Jones asked Dr. Erickson to share his experience. Dr. Erickson stated it was quite  
48 valuable to talk with the legislators and their aids. He indicated that it was a good use of  
49 time.

50  
51 Discussion ensued regarding future legislative visits. Ms. Jones asked if there were  
52 other ways that we could maximize Board participation. Ms. Sorrick stated that we can  
53 survey the Board to see if they would prefer to come up before a Board Meeting or for a  
54 separate half day in January.

55  
56 **Agenda item #6: Sponsored Legislation for the 2018 Legislative Session: Review**  
57 **and Potential Action, Recommendations to the Full Board**

- 58  
59 a. **AB 2968 (Levine) – Amend Sections 337 and 728 of the Business and Professions**  
60 **Code Regarding the Brochure Addressing Sexual Contact Between a**  
61 **Psychotherapist and a Patient.**

62  
63 Ms. Burns advised that on Tuesday, April 24, 2018, AB 2968 (Levine) will be heard in  
64 the Assembly Committee on Business and Professions.

65  
66 Dr. Erickson asked to discuss the bifurcation of the language as discussed in the Board  
67 meeting. Ms. Burns provided a summary of the language.

68  
69 Ms. Jones expressed her thanks to Dr. Erickson for going to testify at the Capitol on  
70 behalf of the Board.

71  
72 Catherine Campbell, Executive Director, California Protective Parents Association,  
73 noticed that language was changed from patient to client, and asked why the language  
74 was changed. She also asked if the patient is a minor, is the client the parent and  
75 patient the child.

76  
77 Ms. Burns stated that the word “client” was a broader term that includes all  
78 psychological services and that in her example, the patient would still be the child and  
79 not the parent.

80  
81 **Agenda item #7: Review and Consideration of Legislation: Review of Bill**  
82 **Analyses and Potential Action to Recommend Positions to the Full Board,**  
83 **Recommendations to the Full Board**

- 84  
85 a. **Newly Introduced Bills – Review of Bill Analyses and Potential Action to**  
86 **Recommend Positions to the Full Board**

87 **1) Recommendations for Active Positions on Bills**

- 88 **A. AB 282 (Jones-Sawyer) – Aiding, Advising, or Encouraging Suicide: Exemption**  
89 **from Prosecution**

90 Ms. Burns provided an overview of the bill.

91

92 It was M(Erickson)/S(Casuga)/C to recommend a support position to the full Board.

93

94 Vote: 3 aye (Casuga, Erickson, Jones), 0 no

95

96 **B. AB 1779 (Nazarian) – Sexual Orientation: Change Efforts**

97 Ms. Burns provided an overview of the bill.

98

99 Discussion ensued regarding the list of support for the bill.

100

101 Kathleen Russell, Executive Director, Center for Judicial Excellence, asked how this bill  
102 is different from AB 2943.

103

104 Ms. Burns explained how this bill extends the ban on sexual orientation change efforts  
105 to dependent adults as well as children. AB 2943 would make sexual orientation change  
106 efforts an unlawful business practice under the Civil Code.

107

108 It was M(Erickson)/S(Casuga)/C to recommend a support position to the full Board.

109

110 Vote: 3 aye (Casuga, Erickson, Jones), 0 no

111

112 **C. AB 2044 (Stone) – Child Custody: Safety of the Child**

113 Ms. Burns provided an overview of the bill. She advised that staff recommends the  
114 Committee discuss and consider whether or not to take a formal position on the bill. Ms.  
115 Burns spoke about the bill analysis. She stated that staff reached out to one of our  
116 enforcement experts who advised there are positives of the bill regarding training for  
117 judicial council, but that there could be unintended consequences from other provisions  
118 in the bill that are outside of the Board's purview.

119

120 Dr. Erickson stated he has a positive sense about this bill, but has concerns regarding  
121 unintended consequences.

122

123 Discussion ensued regarding unintended consequences of the bill. The Committee also  
124 discussed alternate options the Committee can recommend to the Board including a  
125 letter of support in concept to the author.

126

127 Ms. Sorrick stated that the Committee may want to bring this bill to the full Board with a  
128 watch recommendation.

129

130 Discussion ensued regarding whether watching the bill was appropriate. Ms. Jones  
131 recommended that the Committee watch the bill but also to reach out to the author  
132 regarding the Committee's concerns about unintended consequences with specific  
133 provisions of the bill.

134  
135 Catherine Campbell, stated that her organization supports this bill because it goes  
136 towards child safety. Perpetrators of domestic violence are getting custody of children  
137 and evaluators are missing the abuse and giving perpetrators custody. She stated that  
138 we are living the unintended consequences and that children are still in the custody of  
139 abusive parents. In the past 10 years, we have had over 600 murders of children,  
140 including one that happened in Yolo county where the abusive parent killed the children.

141  
142 Kathleen Russell, expressed appreciation to Dr. Erickson in expressing the importance  
143 of this legislation. She thought she had previously made it clear to the Board that this bill  
144 directly relates to psychologists in California and is in the purview of the Board. She  
145 stated there have been 53 children murdered by a divorcing parent in the last decade in  
146 California, and the reality now is worse than any unintended consequences of the bill.

147  
148 It was M/(Erickson)/S(Casuga)/C to watch the bill and delegate to staff and an available  
149 Committee member to have a phone call with the author's office to relate the  
150 Committee's concerns regarding unintended consequences and report back to the full  
151 Board.

152  
153 Vote: 3 aye (Casuga, Erickson, Jones), 0 no

154  
155 **D. AB 2138 (Chiu) – Licensing Boards: Denial of Application: Criminal Conviction**

156 Ms. Burns provided an overview of the bill. She stated that the bill was amended on  
157 April 2, 2018, and provided the amendments to the Committee.

158  
159 Ms. Monterrubio explained the current process for the denial of licenses and the appeal  
160 process.

161  
162 Ms. Jones asked if we can put some of the enforcement information that was just heard  
163 into the analysis.

164  
165 Ms. Marks stated this bill would prohibit you from denying a license in certain categories  
166 that you might otherwise want to have your eye on.

167  
168 It was M(Casuga)/S(Erickson)/C to recommend the Board to take an Oppose position.

169  
170 Vote: 3 aye (Casuga, Erickson, Jones), 0 no

171  
172 **E. AB 2943 (Low) – Unlawful Business Practices: Sexual Orientation Change**  
173 **Efforts**

174 Ms. Burns provided an overview of the bill. She advised this bill would categorize sexual  
175 orientation change efforts as an unlawful business practice throughout this state. Ms.  
176 Burns also listed the organizations that have taken a support or oppose position on the  
177 bill.

178

179 Ms. Sorrick stated that there was a brief discussion with Assembly Member Low during  
180 the Board's legislative visit so we knew this bill was coming.

181

182 Dr. Jo Linder-Crow, Chief Executive Officer, California Psychological Association (CPA),  
183 stated they are in strong support of this bill.

184

185 It was M/(Erickson)/S(Casuga)/C to recommend the Board take a Support position.

186

187 Vote: 3 aye (Casuga, Erickson, Jones), 0 no

188

189 **F. SB 1125 (Atkins) – Federally Qualified Health Center and Rural Health Clinic**  
190 **Services**

191 Ms. Burns provided an overview of the bill.

192

193 It was M/(Casuga)/S(Erickson)/C to recommend the Board take a Support position.

194

195 Vote: 3 aye (Casuga, Erickson, Jones), 0 no

196

197 **2) Recommendations for Committee to Watch Bills**

198

199 **A. AB 1436 (Berman) – Board of Behavioral Sciences: Licensees: suicide**  
200 **prevention training**

201 Ms. Burns provided an overview of the bill.

202

203 The Committee agreed with staff's recommendation to watch the bill.

204

205 **B. AB 1659 (Low) – Healing Arts Boards: Inactive Licenses**

206 Ms. Burns provided an overview of the bill.

207

208 The Committee agreed with staff's recommendation to watch the bill.

209

210 **C. AB 1893 (Maienschein) – Maternal Mental Health: Federal Funding**

211 Ms. Burns provided an overview of the bill.

212

213 The Committee agreed with staff's recommendation to watch the bill.

214

215 **D. AB 1896 (Cervantes) – Sexual Assault Counselor-Victim Privilege –**

216 Ms. Burns provided an overview of the bill.

217

218 The Committee agreed with staff's recommendation to watch the bill.

219

220 **E. AB 1968 (Low) – Mental Health: Firearms**

221 Ms. Burns provided an overview of the bill.

222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265

The Committee agreed with staff's recommendation to watch the bill.

**F. AB 2018 (Maienschein) – Mental Health Workforce Planning: Loan Forgiveness, Loan Repayment, and Scholarship Programs**

Ms. Burns provided an overview of the bill.

The Committee agreed with staff's recommendation to watch the bill.

**G. AB 2022 (Chu) – Pupil Health: On-Campus Mental Health Professionals**

Ms. Burns provided an overview of the bill.

Amanda Levy, CPA's Director of Government Affairs, stated that she believes the bill has been amended since and encouraged the Committee to look at recent amendments.

The Committee agreed with staff's recommendation to watch the bill.

**H. AB 2117 (Arambula) – Marriage and Family Therapists: Clinical Social Workers: Professional Clinical Counselors**

Ms. Burns provided an overview of the bill.

The Committee agreed with staff's recommendation to watch the bill.

**I. AB 2119 (Gloria) – Foster Care: Gender Affirming Health Care and Behavioral Health Services**

Ms. Burns provided an overview of the bill.

The Committee agreed with staff's recommendation to watch the bill.

**J. AB 2143 (Caballero) – Licensed Mental Health Service Provider Education Program: Providers**

Ms. Burns provided an overview of the bill.

The Committee agreed with staff's recommendation to watch the bill.

**K. AB 2156 (Chen) – Mental Health Services: Gravely Disabled**

Ms. Burns provided an overview of the bill.

Amanda Levy, CPA, advised this bill will not be moving forward but similar language to this bill will be included in AB 1971.

Dr. Casuga stated changes to access will make it even harder for individuals who have an intellectual disability to receive services. She stated that sometimes the current law

266 is applied to individuals who do not have an intellectual disability, such as autism, and  
267 some facilities will not provide services to them.

268  
269 Ms. Sorrick advised that staff can add the bill to the May meeting for the Board to  
270 discuss.

271  
272 The Committee agreed with staff's recommendation to watch the bill.

273  
274 **L. AB 2193 (Maienschein) – Maternal Mental Health**

275 Ms. Burns provided an overview of the bill.

276  
277 The Committee agreed with staff's recommendation to watch the bill.

278  
279 **M. AB 2483 (Voepel) – Department of Consumer Affairs: Office of Supervision of**  
280 **Occupational Boards**

281 Ms. Burns provided an overview of the bill.

282  
283 Dr. Erickson asked if this bill relates to the Supreme Court decision involving the North  
284 Carolina Dental Board. Ms. Burns advised she is not sure but will look into it.

285  
286 Ms. Sorrick asked if CPA took a position on the bill.

287  
288 Ms. Levy was not sure but will look into it.

289  
290 The Committee agreed with staff's recommendation to watch the bill.

291  
292 **N. AB 2539 (Mathis) – California Physician Corps Program: Practice Setting**

293 Ms. Burns provided an overview of the bill.

294  
295 The Committee agreed with staff's recommendation to watch the bill.

296  
297 **O. AB 2619 (Allen) – Severely Mentally Ill Children**

298 Ms. Burns provided an overview of the bill.

299  
300 The Committee agreed with staff's recommendation to watch the bill.

301  
302 **P. AB 2780 (Bloom) – Family Law: Support Orders and Child Custody**

303 Ms. Burns provided an overview of the bill.

304  
305 The Committee agreed with staff's recommendation to watch the bill.

306  
307 **Q. AB 2861 (Salas) – Medi-Cal: Telehealth: Substance Use Disorder Services**

308 Ms. Burns provided an overview of the bill.

309

310 The Committee agreed with staff's recommendation to watch the bill.

311

312 **R. SB 1371 (Morrell) – Occupational Licensing: List**

313 Ms. Burns provided an overview of the bill.

314

315 The Committee agreed with staff's recommendation to watch the bill.

316

317 **3) Recommendations for Committee to Watch Spot Bills**

318

319 **A. AB 2442 (Santiago) – Mental Health**

320 Ms. Burns provided an overview of the bill.

321

322 The Committee agreed with staff's recommendation to watch the bill.

323

324 **B. SB 1134 (Newman) – Mental Health Services Fund**

325 Ms. Burns provided an overview of the bill.

326

327 The Committee agreed with staff's recommendation to watch the bill.

328

329 **b. Review of 2-Year Bills with Watch Position**

330 Ms. Burns asked the Committee if they wanted a review of each bill in this agenda item.

331 Ms. Jones asked if the Committee had any questions regarding the bills in this agenda  
332 item. No questions were received from the Committee or public. The Committee agreed  
333 with staff's recommendation to continue watching these bills.

334

335 **Agenda Item #8: Review and Consideration of Statutory Revisions to Section**  
336 **2960.1 of the Business and Professions Code Regarding Denial, Suspension and**  
337 **Revocation for Acts of Sexual Contact**

338

339 Ms. Burns reminded the Committee of the decision made at the February Board  
340 meeting to bifurcate the legislative proposal which would have modified the Board's  
341 requirement for when to disseminate the Board's "Professional Therapy Never Includes  
342 Sex" brochure, and modify the Board's provisions relating to discipline for acts of sexual  
343 contact with a client or former client. She advised the Board voted to move forward with  
344 modifying the brochure, but asked the Policy and Advocacy Committee to review the  
345 proposal to modify the provisions in 2960.1 of the Business and Professions Code. She  
346 advised the language provided in the memo is for the Committee's discussion.

347

348 Ms. Jones asked Ms. Monterrubio her thoughts on whether this language is sufficient for  
349 enforcements needs.

350

351 Ms. Monterrubio advised she agrees with the language provided. She believes this  
352 language will help the Office of the Attorney General and Administrative Law Judges



353 during the hearings and proposed decisions, but allows the Board to maintain its ability  
354 to modify the proposed decision of an Administrative Law Judge.

355  
356 Discussion ensued regarding the need for the definition for sexual behavior to be broad  
357 enough to be useful to the Enforcement Unit and the prosecution of these types of  
358 cases.

359  
360 Dr. Casuga stated that cultural differences aren't considered in this law, and is  
361 wondering how we can account for cultural variations.

362  
363 Discussion ensued regarding the relevance of certain behaviors that may be considered  
364 culturally appropriate within the therapeutic environment. Some discussion was had  
365 regarding whether holding the hand of a crying patient or a similar act would be  
366 appropriate based on the changes presented in 2960.1 and how these would be  
367 handled in the complaint process.

368  
369 Ms. Monterrubio advised if a complaint were received regarding hand holding, it would  
370 be sent to a Subject Matter Expert for review, but the Enforcement Unit is usually  
371 looking at a complaint with multiple incidents that occurred over a period of time.

372  
373 Dr. Erickson asked how the changes to 2960.1 would change the range of discipline  
374 that an Administrative Law Judge could recommend. Ms. Monterrubio stated that the  
375 Administrative Law Judge could recommend under current law that the license be  
376 subject to revocation or probation, and under the proposed language, the Administrative  
377 Law Judge could only recommend revocation of the license, but reminded the  
378 Committee that the Board retains full authority to modify the decision of the  
379 Administrative Law Judge.

380  
381 Ms. Jones asked if the intent of the language is to say that it is inappropriate contact  
382 because there was a pattern or context to the behaviors, or specifically because it was a  
383 boundary violation. Ms. Burns stated that we are seeing patterns of inappropriate  
384 behaviors and it creates a nexus that usually leads to sexual contact.

385  
386 Ms. Sorrick talked about the pros and cons to having a broad definition and asked if we  
387 can tackle some of the concerns of what we mean by sexual behaviors in intent  
388 language. She specified that we are not talking about a kiss on the cheek but seriously  
389 egregious behaviors.

390  
391 Discussion ensued regarding how and where to incorporate the examples of egregious  
392 behaviors, and in what situations behaviors like hand holding might be appropriate.  
393 Additionally, discussion ensued regarding what types of communications might qualify  
394 as inappropriate and of a sexual nature.

395

396 Ms. Burns asked if using the language for sexual contact might help in clarifying this  
397 issue where it would require that the behavior or communication was for the purpose of  
398 sexual arousal, gratification, exploitation or abuse.

399  
400 Discussion ensued regarding whether this additional language would effectively narrow  
401 the definition of sexual behavior and communication for the Board's purposes.

402  
403 Dr. Elizabeth Winkelman, CPA's Director of Professional Affairs, asked if it was possible  
404 to revoke a license if the psychologist did not have sex with a patient. Ms. Monterrubio  
405 stated that it is possible, and Ms. Marks clarified that a boundary violation does not hold  
406 the same weight with an Administrative Law Judge as if it was sexual contact. Dr.  
407 Winkelman stated it would be good to explain this issue in the stakeholder meeting, and  
408 how this affects enforcement. She also stated that the Board should make sure that the  
409 language regarding abuse and exploitation is consistent with other uses of this  
410 language in the code.

411  
412 It was M/(Erickson)S/(Casuga)/C to present the language as amended to the  
413 stakeholder group meeting.

414  
415 Vote: 3 aye (Casuga, Erickson, Jones), 0 no

416  
417 **Agenda Item #9: Regulatory Update**

- 418  
419 **a. 16 CCR Sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11,**  
420 **1391.12, 1392.1 – Psychological Assistants**  
421 **b. 16 CCR Section 1396.8 – Standards of Practice for Telehealth**  
422 **c. 16 CCR Sections 1381.9, 1381.10, 1392 – Retired License, Renewal of**  
423 **Expired License, Psychologist Fees**  
424 **d. 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing**  
425 **Professional Development**

426 Ms. Burns reviewed the status of the Boards regulatory packages.

427  
428 Ms. Jones asked if staff could create a visual aid to assist with showing the status and  
429 progression of the Board's regulatory packages.

430  
431 Ms. Burns advised this can be created.

432  
433 **Agenda Item #10: Update Regarding the California Child Abuse and Neglect**  
434 **Reporting Act (CANRA) and Mandated Reporting – Penal Code Sections 261.5, 288,**  
435 **and 11165.1.**

436 Ms. Burns advised there has been no change since last reported.

437  
438 **Agenda Item #11: Recommendations for Agenda Items for Future Committee**  
439 **Meetings.**

440 None received

441

442 The Committee adjourned at 2:44 pm.

443

444

445 *Signature on file*

446 Chairperson

---

Date