

1
2 **BOARD MEETING**

3
4 **The Wright Institute**
5 2728 Durant Avenue, Room 109/110
6 Berkeley, CA 94704
7 (510) 841-9230
8

9 **Thursday, August 15, 2019**

10
11 Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order
12 at 9:33 a.m. A quorum was present and due notice had been sent to all interested
13 parties.

14
15 **Members Present**

16 Stephen Phillips, JD, PsyD, President
17 Seyron Foo, Vice-President
18 Alita Bernal
19 Sheryll Casuga, PsyD
20 Marisela Cervantes
21 Mary Harb Sheets, PhD
22 Jacqueline Horn, PhD

23
24 **Members Absent**

25 Lea Tate, PsyD

26
27 **Others Present**

28 Antonette Sorrick, Executive Officer
29 Norine Marks, DCA Legal Counsel
30 Cherise Burns, Central Services Manager
31 Stephanie Cheung, Licensing Program Manager
32 Sandra Monterrubio, Enforcement Program Manager
33 Liezel McCockran, Continuing Education and Renewals Coordinator

34
35 **Agenda Item #2: President's Welcome**

36
37 Dr. Phillips welcomed the attendees to the Board's quarterly meeting and read the
38 Board's mission statement. Dr. Phillips stated that because of the Board's movement
39 towards a PaperLite system, Board members would be viewing the meeting packets via
40 electronic devices rather than paper copies.

41
42 **Agenda Item #3: Public Comment for Items not on the Agenda. The Board May**
43 **Not Discuss or Take Action on Any Matter Raised During this Public Comment**
44 **Section, Except to Decide Whether to Place the Matter on the Agenda of a Future**
45 **Meeting [Government Code sections 11125 and 11125.7(a)]**

47 No public comments were made regarding specific agenda items that were not on the
48 agenda.

49

50 **Agenda Item #4: President's Report**

51

52 Dr. Phillips addressed the meeting calendar.

53

54 a) 2019 Meeting Calendar and Locations – There was no discussion on this item.

55

56 b) 2020 Meeting Calendar Draft – Discussion ensued regarding dates and locations for
57 the 2020 quarterly Board Meetings and the potential pros and cons of having consistent
58 weeks and months for the quarterly Board Meetings in the future.

59

60 It was M(Harb Sheets)/S(Bernal)/C to approve the quarterly Board Meeting Calendar for
61 2020.

62

63 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

64

65 c) Committee Updates

66

67 Dr. Phillips provided updates on the Outreach and Communications Committee,
68 Enforcement Committee, and Sunset Review Committee.

69

70 Outreach and Communications Committee Chair Dr. Lea Tate and Dr. Horn will rejoin
71 the committee.

72

73 Dr. Phillips will temporarily step in as chair of Enforcement Committee to assist with Ms.
74 Cervantes' transition and her possible future role as Chair of that Committee.

75

76 Sunset Review Committee is coming into its review year and there will be much for the
77 President and Vice-President to do as members of this committee.

78

79 d) Roles and Responsibilities of Board President and Vice-President

80

81 Dr. Phillips gave a description of the roles and responsibilities as well as the time
82 commitment of these two offices.

83

84 **Agenda Item #5: Executive Officer's Report**

85

86 Ms. Sorrick provided the Executive Officer's Report which included a staffing update.

87

88 **Agenda Item #6: DCA Executive Office Report**

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90 Dr. Phillips introduced the Board and Bureau Services letter in the materials and
91 explained that Ms. Nelson could not attend. Ms. Sorrick provided a summary of the
92 report.

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Agenda Item #7: Discussion and Possible Approval of the Board Meeting Minutes: April 24-26, 2019

It was M(Foo)/S(Harb Sheets)/C to approve the minutes as amended with any technical, non-substantive changes previously submitted by Board Members.

Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

Agenda Item #8: Budget Report

Dr. Phillips asked Ms. Burns to provide the Board with the Budget update.

Ms. Burns stated that Board finances are healthy and that DCA has no concerns about the Board’s ability to meet costs.

Dr. Harb Sheets asked about an increase in fees charged to the Board and how such an increase might affect the budget.

Ms. Burns replied that the fees charged by the Department of Justice (DOJ) have increased and some costs related to investigations are rising while others are decreasing. But whatever happens with these costs, the Board always has the option of requesting a midyear Budget Augmentation for DOJ related fees.

Mr. Foo asked how the Board can be under-budget when it has often spent more money.

Ms. Burns clarified that DCA is working through the process of aligning the Board’s actual spending with what the Budget Office allocates and that difficulties with Fi\$cal contribute to the delay in doing this realignment.

Agenda Item #9: Licensing Report

Ms. Cheung presented the Licensing report to the Board. She highlighted that there has been an increase in Psychologist licenses and Psychological Assistant registrations and a slight decrease in the number of Registered Psychologists.

Ms. Cheung called attention to the workflow report in the attachments. In Attachment B, she pointed out that the apparent spike in open applications was a result of a BreEZe enhancement to close expired applications which inadvertently closed a number of applications in error. Staff has since corrected the error and this accounted for the spike.

Agenda Item #10: Continuing Education and Renewals Report

138 Ms. McCockran presented the Continuing Education (CE) and Renewals report to the
139 Board.

140
141 Dr. Horn inquired as to when the Board's CE audits would be up-to-date. Ms.
142 McCockran replied that the audits are anticipated to be caught up by June of 2021.

143
144 **Agenda Item #11: Closed Session**

145
146 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to
147 discuss disciplinary matters including the ~~above~~ Petitions, Proposed Decisions,
148 Stipulations, Petitions for Reconsideration, and Remands.

149
150 **Agenda Item #12: Outreach and Education Committee Report – Consideration and**
151 **Possible Approval of Committee Recommendations (Bernal – Chairperson, Tate)**

152
153 Ms. Bernal presented the Outreach and Education Committee report to the Board.

154
155 **a) Review and Consideration of Revisions to the Name and Goal of the Outreach and**
156 **Education Committee**

157
158 Ms. Bernal read the revised name and goal to be considered by the Board for approval.
159 Board discussion ensued regarding possible variations of the words to be used in
160 renaming the Committee and grammatical changes needed in the Committee goal.

161
162 It was M(Bernal)/S(Horn)/C to review and adopt the new name "Outreach and
163 Communications Committee", and with its revised goal, be entered into the Board's
164 Administrative Procedure Manual.

165
166 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

167
168 The revised goal reads as follows:

169
170 The goal of the Outreach and Communications Committee is to engage, inform, and
171 educate consumers, students, applicants, licensees, and other stakeholders, regarding
172 the evolving practice of psychology, the work of the Board, and its relevant laws and
173 regulations.

174
175 **b) Discussion and Possible Action on Requesting the Association of State and**
176 **Provincial Psychology Boards Develop Best Practices for Psychologists When Using**
177 **Social Media.**

178
179 Ms. Sorrick discussed an email communication from her counterpart in Saskatchewan,
180 Canada, who chairs the ASPPB Social Media Task Force. This Task Force is
181 developing guidelines for the use of social media that will be presented to ASPPB at
182 their October 2019 Board meeting, and a future white paper to be drafted by Spring of
183 2020 and would include guidelines on the use of social media.

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Board discussion ensued as to whether there were any emergent trends that concern the Board and whether any such trends should be addressed at present.

Ms. Sorrick recommended waiting to see the white paper and draft guidelines that are presented to ASPPB before taking Board action.

The Board viewed a video created by the National Council of State Boards of Nursing on the topic of using social media in a way that does not violate patient confidentiality.

Dr. Melodie Schaefer, CPA Division II and CAPIC, asked whether the Board would develop structured information regarding patient communication using texts and email as part of a composite plan, in order to address different media separately.

c) Strategic Plan Action Plan Update

Ms. Sorrick provided an update on the Strategic Plan Action Plan. In response to Ms. Bernal's question about whether the new Committee name will be updated in the Strategic Plan, Ms. Sorrick explained that the Committee's name will be updated, but that goals will not be updated because they are general topic areas, not committee names.

d) Review and Potential Action on User-Friendliness Website Focus Group Notes – Recommendations to the Board

Ms. Burns provided a summary of the Board's efforts to enhance its website's user-friendliness saying that after the anticipated restructuring of its website in 2020, the Board will focus on moving to a mobile friendly platform.

Ms. Cervantes asked whether the Board has a strategy for consolidating its social media and website architecture.

Ms. Burns explained that due to limited resources, the Board is not currently developing a strategy to consolidate social media and website architecture.

e) Board's Social Media Update

Ms. Bernal provided the Board with the social media update.

Ms. Cervantes suggested that rather than reporting website hits, the Board could tie that data to its strategic goals to give that data a useful interpretation.

f) Website Update

Ms. Bernal provided the Board with the website update.

230 g) Update on Newsletter

231

232 Ms. Sorrick provided the Board with an update on the newsletter. She noted that the
233 Fall Journal was with Publications.

234

235 h) DCA Brochure "Therapy Never Includes Sexual Behavior" – Update

236

237 Ms. Bernal provided the Board with an update on the brochure.

238

239 Ms. Sorrick informed the Board that a Spanish translation is in the works and that the
240 Board is cost-sharing with the other participating boards. Staff has already received 300
241 requests for copies of the English version and is ordering additional copies.

242

243 Ms. Burns commented that non-certified translations into languages beyond English and
244 Spanish may be obtained by using the Google translation service on DCA's website
245 since the electronic version of the brochure is ADA-compliant and therefore can be
246 translated on the website into many different languages.

247

248 Dr. Phillips acknowledged Ms. Bernal's efforts and leadership on this Committee and
249 noted that Dr. Tate was unable to attend this meeting, but would be assuming the
250 chairpersonship of the Committee in the future.

251

252 **Agenda Item #13: Legislative and Regulatory Affairs Committee Report –**
253 **Consideration and Possible Approval of Committee Recommendations (Foo –**
254 **Chairperson, Casuga, Phillips)**

255

256 a) Board Sponsored Legislation for the 2019 Legislative Session: Review and Possible
257 Action

258

259 1) SB 275 (Pan) – Amendments to Section 2960.1 of the Business and Professions
260 Code Regarding Denial, Suspension and Revocation for Acts of Sexual Contact

261

262 Mr. Foo provided the Board with an update on the bill and how under the bill "Sexual
263 Behavior" would be added to the violations that would result in a proposed decision,
264 including an order of revocation.

265

266 Dr. Phillips stated that this is now a 2-year bill and that technical amendments would be
267 discussed at the October Board Meeting.

268

269 2) SB 786 (Committee on Business, Professions and Economic Development) Healing
270 Arts – Update on Amendments to Sections 2940-2944 of the Business and Professions
271 Code Regarding Examinations

272

273 Mr. Foo provided the Board with an update on the omnibus bill and recommended the
274 Board adopt a Support position.

275

276 It was M(Harb Sheets)S(Horn)/C to take a Support position on SB 786.
277
278 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes
279
280 b) Review and Consideration of Proposed Legislation: Potential Action to Take
281 Positions on Bills
282
283 1) Review and Consideration of Proposed Legislation Not Previously Reviewed
284
285 A) Potential Action on Recommendations to Take Active Positions
286
287 i) AB 1076 (Ting) Criminal Records: automatic relief.
288
289 Mr. Foo provided the Board with an update on this bill and recommended the Board
290 adopt an oppose position.
291
292 Ms. Cervantes asked whether the Board could still access information through a court
293 filing if AB 1076 passes and records are sealed.
294
295 Ms. Burns explained that courts would not be able to turn records over to us if AB 1076
296 passes and records are sealed.
297
298 It was M(Harb Sheets)/S(Casuga)/C to adopt an oppose position on AB 1076.
299
300 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes
301
302 B) Potential Action on Recommendation to Watch Bills
303
304 ii) AB 798 (Cervantes) Maternal Mental Health.
305
306 Mr. Foo provided an update on this bill.
307
308 Ms. Burns addressed Dr. Horn's question about whether the Board should still take a
309 position on this bill since it now appears to be dead, saying that there is a good chance
310 that this bill might come back next year.
311
312 iii) SB 660 (Pan) Postsecondary education: mental health counselors.
313
314 Mr. Foo provided the Board with an update on this bill.
315
316 2) Review of Bills with Active Positions Taken by the Board
317
318 A) AB 1145 (Garcia) Child abuse: reportable conduct.
319
320 Ms. Burns provided an update on this bill.
321

322 B) SB 53 (Wilk) Open meetings.

323

324 Ms. Burns provided the Board with an update on this bill. This bill is currently on
325 suspense in the Assembly Appropriations Committee. Both the Board and DCA
326 continue to oppose this bill.

327

328 Dr. Jo Linder-Crow, Executive Director of CPA, asked whether the Board's committees
329 are considered "advisory committees" and would therefore be subject to this legislation.
330 Ms. Marks confirmed that this was the case.

331

332 C) SB 66 (Atkins) Medi-Cal: federally qualified health center and rural health clinic
333 services.

334

335 Ms. Burns provided the Board with an update on this bill.

336

337 D) SB 425 (Hill) Health care practitioners: licensee's file: probationary physician's and
338 surgeon's certificate: unprofessional conduct.

339

340 Ms. Burns provided the Board with an update on this bill.

341

342 3) Review of Bills with Watch Status

343

344 (3)(A) – (3)(V) Review of Bills with Watch Status:

345

346 Mr. Foo opened these bills up for Board discussion since these bills have already been
347 reviewed.

348

349 B) AB 5 (Gonzalez)

350

351 Dr. Harb Sheets asks why the Board hadn't adopted an active position on this bill. Dr.
352 Phillips explained that this topic is not so much a question of access to care and has
353 more to do with the tax implications for psychologists and their relationship with the IRS.

354

355 Dr. Jo Linder-Crow, CPA, commented that CPA does see AB 5 as an access to care
356 issue, because if sites have to hire employees rather than independent contractors, this
357 would force sites to cut down on staff size, which would reduce availability to
358 consumers.

359

360 4) Review of Two-Year Bills with Watch Status

361

362 (4)(A) – (4)(P) Review of Two-Year Bills with Watch Status:

363

364 Mr. Foo opened these bills up for Board discussion since these bills have already been
365 reviewed. There was no discussion of these bills.

366

367 c) Update on California Psychological Association Legislative Proposal Regarding New
368 Registration Category for Psychological Testing Technicians

369
370 Mr. Foo introduced Dr. Elizabeth Winkelman, CPA to provide an update.

371
372 Dr. Winkelman explained that CPA is developing a bill to authorize psychological testing
373 technicians to work under psychologists and neuropsychologists to administer tests.
374 The rationale is that there is a lack of access and long wait times for neuropsychological
375 testing. She stated that many states and associations already acknowledge the use of
376 testing technicians in this capacity. She also informed the Board that legislative
377 language was currently being developed and within a few months a sponsor would be
378 sought before bringing this bill back before the Board.

379
380 **Agenda Item #14: Legislative Items for Future Meeting. The Board May Discuss**
381 **Other Items of Legislation in Sufficient Detail to Determine Whether Such Items**
382 **Should be on a Future Board Meeting Agenda and/or Whether to Hold a Special**
383 **Meeting of the Board to Discuss Such Items Pursuant to Government Code**
384 **Section 11125.4**

385
386 Mr. Foo provided an update to the Board on this item and explained that the Maternal
387 Health Bill (AB 577 (Eggman)) will likely be on a future agenda.

388
389 **Agenda Item #15: Regulatory Update, Review, and Consideration of Additional**
390 **Changes (Foo)**

391
392 Mr. Foo introduced this item and explained that only 15(e) required Board action, and
393 that the rest of the items were open for discussion if there were questions or comments.

394
395 e) 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing
396 Professional Development

397
398 Mr. Foo stated that staff is requesting that the Board adopt amended language for item
399 15(e). Ms. Burns explained that some language was inadvertently removed regarding
400 the requirement to retain CEs for regular renewals. Ms. Burns requested that this
401 language be adopted, because it includes the language that was previously left out in
402 the new language.

403
404 It was M(Horn)/S(Casuga)/C to approve the amended Continuing Professional
405 Development language as proposed for notice.

406
407 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

408
409 Add subsection (k)(1) and renumber (k) to (k)(2) in 16 CCR § 1397.61. Continuing
410 Professional Development Requirements. [Effective January 1, 2021.]

411

412 (k)(1) Each person who applies to renew his or her license shall certify under penalty of
413 perjury that he or she has complied with all the requirements of this section within the
414 licensure period they are currently in and shall maintain proof of compliance for four (4)
415 years from the effective date of the renewal, and shall submit such proof to the Board
416 upon request.

417
418 (k)(2) Each person who applies to reactivate or reinstate his or her license shall certify
419 under penalty of perjury that he or she has complied with all the requirements of this
420 section within the 24 month period prior to the request to reactive or reinstate and shall
421 maintain proof of compliance for four (4) years from the date of the reactivation or
422 reinstatement, and shall submit such proof to the Board upon request.

423
424 Meeting adjourned at 4:10 pm.

425
426 **Friday, August 16, 2019**

427
428 **Agenda Item #16: Call to Order/Roll Call/Establishment of a Quorum**

429
430 Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order
431 at 9:00 a.m. A quorum was present and due notice had been sent to all interested
432 parties.

433
434 **Members Present**

435 Stephen Phillips, JD, PsyD, President
436 Seyron Foo, Vice-President
437 Alita Bernal
438 Sheryll Casuga, PsyD
439 Marisela Cervantes
440 Mary Harb Sheets, PhD
441 Jacqueline Horn, PhD

442
443 **Members Absent**

444 Lea Tate, PsyD

445
446 **Others Present**

447 Antonette Sorrick, Executive Officer
448 Norine Marks, DCA Legal Counsel
449 Cherise Burns, Central Services Manager
450 Stephanie Cheung, Licensing Program Manager
451 Sandra Monterrubio, Enforcement Program Manager
452 Liezel McCockran, Continuing Education and Renewals Coordinator

453
454 **CLOSED SESSION**

455

456 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to
457 discuss disciplinary matters including Petitions, Proposed Decisions, Stipulations,
458 Petitions for Reconsideration, and Remands.

459
460 **OPEN SESSION**

461
462 The Board returned to open session at 10:06 a.m.

463
464 **Agenda Item #17: Public Comment for Items not on the Agenda. The Board May**
465 **Not Discuss or Take Action on Any Matter Raised During this Public Comment**
466 **Section, Except to Decide Whether to Place the Matter on the Agenda of a Future**
467 **Meeting [Government Code sections 11125 and 11125.7(a)]**

468
469 Catherine Campbell, California Protective Parents Association, commented that the
470 Board did not mention AB 1179 (Rubio) in its review of other recent legislation. Ms.
471 Campbell advised the Board that this bill is a very important step for improving
472 accountability of child custody evaluators and that the Board should adopt a Support
473 position, because psychologists in the court system are dismissing allegations of sexual
474 abuse.

475
476 Dr. Horn asked Ms. Campbell which code section AB 1179 was based on. Ms.
477 Campbell responded that it is based on Family Code Section 3118.

478
479 Kathleen Russell, Center for Judicial Excellence, commented that the Board adopted
480 changes recommended by the Enforcement Committee but that there was no reference
481 to these changes on the August 2019 Board Meeting agenda. Dr. Phillips explained that
482 the Enforcement Committee update would be provided as part of agenda item #18 in
483 the Enforcement Report.

484
485 **Agenda Item #18: Enforcement Report (S. Monterrubio)**

486
487 Ms. Monterrubio provided the Enforcement Report to the Board and gave an update on
488 the investigative process.

489
490 Dr. Phillips inquired about the outcome of the Child Custody Stakeholders Meeting. Ms.
491 Monterrubio replied that the Child Custody Stakeholders Meeting was discussed at the
492 last Enforcement Committee, and that staff was directed to develop Frequently Asked
493 Questions (FAQs) about the complaint process and additional training for experts.
494 There has not been another Enforcement Committee Meeting since that date due to a
495 change in leadership, so these topics will be taken up at the Enforcement Committee in
496 September 2019.

497
498 Dr. Elizabeth Winkelman, CPA, spoke of an Accusation posted on the Board's website
499 that pointed to gross negligence in the manner a psychologist communicated
500 electronically with a minor. Dr. Winkelman expressed that this topic is of great concern

501 to her constituents and asked whether the Board would provide guidance in the use of
502 electronic communication in such situations.

503
504 Dr. Phillips explained that the allegation of gross negligence arose only in the context of
505 this particular case and that this case should not be interpreted as establishing
506 precedent.

507
508 Dr. Winkelman suggested that psychologists look at disciplinary actions posted on the
509 Board's website for educational purposes and asked whether this was not the intended
510 purpose of posting these actions online.

511
512 Dr. Phillips cautioned that public disciplinary actions do not provide comprehensive
513 summaries of investigations and may be limited in their practical educational
514 applicability. Dr. Phillips went on to say that the Enforcement Committee could discuss
515 this matter further, as to whether the informational summaries the Board provides in its
516 email blasts and Journal are resulting in misinformation based on how readers are
517 interpreting the information.

518
519 Dr. Melodie Schaefer, CPA Division II and CAPIC, commented that she would prefer
520 that the Board send out educational materials distinguishing between appropriate and
521 inappropriate communications with patients rather than sending out email alerts of
522 disciplinary actions.

523
524 Dr. Horn replied to Dr. Schaefer that on the previous day of this meeting, the Board had
525 discussed the impacts of social media and the proper way to use it.

526
527 Dr. Schaefer responded that in this profession, social media and electronic
528 communication were not the same thing.

529
530 Dr. Phillips responded to Dr. Schaefer that the Board's role is to enforce the standard of
531 care, but not to dictate what that standard is, since the standard arises from practice of
532 the profession. He admonished that the Board could inadvertently paralyze the
533 development of such standards by taking a position at one moment in time.

534
535 Kathleen Russell, Center for Judicial Excellence, questioned why there is nothing on
536 this meeting's agenda regarding the outcome and implementation of the Child Custody
537 Stakeholder Meeting and requested that the Enforcement Committee develop an
538 implementation timeline.

539
540 Dr. Phillips advised that due to a change in Enforcement Committee leadership,
541 implementation has been delayed, but will continue with the September 2019
542 Enforcement Committee meeting. Dr. Phillips further emphasized that while the
543 Enforcement Committee is conducted in a non-public setting, all of the legislative and
544 regulatory discussion that comes out of that Committee is brought to the full Board for
545 the public to hear and discuss.

546

547 Catherine Campbell, California Protective Parents Association, voiced concerns
548 regarding the current practice in the child custody evaluation system of dismissing
549 abuse and questioned why licensees are not suspended instead of given probation in
550 light of these allegations.

551
552 Dr. Phillips explained that due process allows the Board to suspend a license under
553 some limited circumstances, but the Board must provide due process and look at all the
554 evidence involved when determining discipline.

555
556 **Agenda Item #19: Discussion and Consideration of the Board's Policy for Holding**
557 **Cases for Closed Session (S. Monterrubio)**

558
559 Ms. Monterrubio provided the Board with an update on this item and explained what it
560 meant to hold a vote for closed session discussion.

561
562 Discussion ensued among Board members regarding their preferences for either a one
563 vote or two votes policy to hold.

564
565 Ms. Sorrick emphasized that while a vote is held, the licensee is able to continue
566 practicing with an unfettered license until discipline is imposed following the closed
567 session discussion.

568
569 Dr. Horn questioned whether a hold could be utilized to bring up larger themes and
570 trends for discussion by the whole Board.

571
572 Dr. Phillips suggested it might be more reasonable to bring such questions to staff or to
573 the Board President to be agendaized and discussed at the Enforcement Committee
574 without holding up a vote.

575
576 Mr. Foo asked why it is optional for Board members to disclose why they voted to hold a
577 case. Discussion ensued regarding whether Board members should disclose the reason
578 they vote to hold.

579
580 Dr. Phillips expressed his concern with disclosing the reason for holding a case due to
581 the nature of the Board's adjudicatory role in the process, but that he appreciates that
582 Ms. Monterrubio notifies him of who voted and their reason, if specified, to hold a case
583 for discussion.

584
585 Ms. Marks advised that for clarity purposes, it would be best for Board members with
586 questions to contact Board staff before voting to hold. This way, staff is not confused
587 about how to record the vote.

588
589 Dr. Jo Linder-Crow, CPA, asked about Dr. Phillips' referring to Board staff as
590 "prosecutors". Dr. Phillips explained the distinction between Board staff, who file the
591 Accusation, and Board Members, who are triers-of-fact.

592

593 Dr. Linder-Crow further asked whether the Board reviews every single Decision, to
594 which Ms. Marks replied that this is generally the case, except in cases of stipulated
595 surrenders or stipulated revocations, which fall under the delegated authority of the
596 Executive Officer. Dr. Harb Sheets added that the Board does vote on Stipulations,
597 which they review along with the Accusation and any other supporting materials.
598

599 Dr. Elizabeth Winkelman, CPA, inquired about matters that involve lesser degrees of
600 discipline.
601

602 Ms. Monterrubio explained that all discipline comes through the Office of the Attorney
603 General, and that Citation and Fines are not discipline and usually do not rise to the
604 attention of the full Board.
605

606 **Agenda Item #20: Health Professions Education Foundation Presentation on**
607 **Licensed Mental Health Services Provider Education Program (LMHSPEP) and**
608 **Mental Health Loan Assumption Program (MHLAP) (N. Asprec)**
609

610 This item was presented by Norlyn Asprec, Executive Director at Health Professions
611 Education Foundation.
612

613 Discussion ensued regarding specific program components, the number of awards
614 granted, and the funding sources for these grants. There was also discussion regarding
615 the program's outreach efforts to school and rural settings, special funding for former
616 foster youth, and the large differences in educational costs for psychologists vs. Board
617 of Behavioral Sciences licensees.
618

619 Dr. Jo Linder-Crow, CPA, asked whether as a 501(3)(c) the program is under California
620 regulation and Ms. Asprec replied that it was. Dr. Linder-Crow inquired further about the
621 composition of the board and how awardees were selected. Ms. Asprec explained that
622 the Board of Trustees was comprised of thirteen members, with some appointed by the
623 Governor's Office, some by the Senate Pro-Tem, and some by the Assembly Rules
624 Committee Speaker. Ms. Asprec continued by saying that awardees are chosen by a
625 selection committee made up of members of the board as well as experts in the field
626 from educational settings.
627

628 Dr. Linder-Crow asked why psychologists were not included in the \$1M allocation for
629 former foster home applicants, which only included BBS. Ms. Asprec, with additional
630 supporting comments made by Mr. Foo and Dr. Phillips, clarified that this was a result of
631 legislation and that Ms. Asprec did not have the background information Dr. Linder-
632 Crow sought on this subject. Dr. Linder-Crow concluded by stating that she would do
633 her own research into the matter.
634

635 **Agenda Item #21: Licensing Committee Report – Consideration and Possible**
636 **Approval of Committee Recommendations (Horn – Chair, Foo, Harb Sheets)**
637

638 a) Licensed Educational Psychologist (LEP): Report on Presentation by Board of
639 Behavioral Sciences Regarding LEP Functions for Discussion

640 Dr. Horn provided the Board with an update on this item.
641

642
643 Board discussion ensued regarding confusion in the distinction between an LEP and a
644 school psychologist and where there might be overlap between the two professions.
645 Concerns were raised that since an LEP's scope of practice is limited to scholastic
646 performance and would not include psychotherapy, an LEP might inadvertently fail to
647 refer an autistic pupil to critical services with a licensed psychologist for issues beyond
648 scholastic performance. There was also discussion regarding the confusion between
649 each profession's scope of practice and how, if there was confusion at the Board level,
650 there must be even more confusion on the part of consumers. Board members also
651 expressed concerns regarding consumer harm that could occur if children were only
652 provided services related to their scholastic performance and not appropriately referred
653 to the Board's or Board of Behavioral Sciences' licensees for appropriate mental health
654 services.

655
656 The Board was informed that this issue is an update and the matter will be further
657 discussed at the September 2019 Licensure Committee meeting before being brought
658 back to the full Board for possible action.

659
660 Dr. Winkelman, CPA, commented that consumers are confused about this topic and
661 inquired whether the Board could help guide policy development regarding when an
662 LEP should refer a pupil out for psychotherapeutic services.

663
664 Dr. Melodie Schaefer, CPA Division II and CAPIC, commented that the Board should
665 contemplate whether any license or certificate containing the word "psychologist" should
666 be brought under the purview of this Board.

667
668 b) Foreign Degree Evaluation Services: Review and Consideration of Amendments to
669 Business and Professions Code Section 2914(c)

670
671 Dr. Horn provided a summary of the Licensing Committee's amended language and
672 criteria for evaluating credentials of foreign graduates and recommended the Board
673 approve the language.

674
675 Discussion ensued regarding the amount of legislative workload the Board has taken on
676 for 2020 and how the Board may want to pursue some of these legislative priorities as
677 part of the Sunset Review process.

678
679 It was M(Horn)/S(Foo)/C to adopt the language and criteria for evaluating credentials of
680 foreign graduates as amended.

681
682 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes
683

684 The amended language for Business and Professions Code Section 2914(c)(4) is as
685 follows:

686
687 (4) An applicant for licensure trained in an educational institution outside the United
688 States or Canada shall demonstrate to the satisfaction of the board that he or she
689 possesses a doctorate degree in psychology that is equivalent to a degree earned from
690 a regionally accredited university in the United States or Canada. ~~These applicants shall~~
691 ~~provide the board with a comprehensive evaluation of~~ The degree performed shall be
692 evaluated by a foreign credential evaluation service that is a member of the National
693 Association of Credential Evaluation Services (NACES), or by the National Register of
694 Health Services Psychologists (NRHSP). The evaluation shall:

- 695 i) Provide a transcript in English, or translated into English by the credential evaluation
696 service, of the degree used to qualify for licensure in English
697 ii) Indicate that the degree used to qualify for licensure is verified using primary sources;
698 iii) Determine that the degree is equivalent to a degree that qualifies for licensure
699 pursuant to subsections (b) and (c)(1) through (3); and
700 iv) Be submitted directly to the board by a member of the NACES or NRHSP.
701 The applicant shall provide any other documentation the board deems necessary.

702
703 c) Informational Video for Supervisors: Discussion and Recommendations for Content
704 to be Included in the Video

705
706 Dr. Elizabeth Winkelman from CPA thanked the Board for developing these supervisor
707 materials and inquired whether the Licensure Committee would consider doing an
708 online FAQ in addition to the video FAQ. Dr. Horn confirmed that there would be a
709 written FAQ as well.

710
711 d) Discussion and Consideration for Grievance Process: How to Resolve a Discrepancy
712 between Weekly Log and Verification of Experience

713
714 Dr. Horn introduced Ms. Cheung to provide the Board with an update on this item. Ms.
715 Cheung provided a summary of the issue and informed the Board that staff will bring
716 recommendations regarding a grievance process to the September 2019 Licensure
717 Committee to address when there are discrepancies between weekly logs and
718 Verifications of Experience.

719
720 Dr. Winkelman from CPA commented that there were additional issues beyond
721 discrepancies between the weekly logs and Verifications of Experience dealing more
722 with issues of harassment of supervisees by their supervisors. Ms. Cheung clarified that
723 this item will be carried to a future Licensure Committee meeting agenda. Dr. Phillips
724 commented that the issue of harassment of psychological assistants by their
725 supervisors should not be discussed at the Licensure Committee but instead left to the
726 Enforcement Committee.

727

728 Dr. Schaefer, CPA Division II and CAPIC, commented that while she meets weekly with
729 her supervisees, she is not sure whether it is better left up to the supervisor or
730 supervisee to stay on top of the logged hours.

731
732 e) Review and Consideration of Revisions to the Goal and Name of the Licensing
733 Committee

734
735 Dr. Horn recommended that the Board approve revisions to this Committee's name to
736 "Licensure Committee" and to the goal of the Licensing Committee.

737
738 It was M(Foo)/S(Casuga)/C to adopt the goal and name change for the Licensing
739 Committee.

740
741 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

742
743 The revised goal reads as follows.

744
745 "The goal of this Committee is to create and maintain a clear and efficient framework for
746 licensure examination processes and continuing professional development through the
747 Board's statutes and regulations to ensure licensees meet the qualifications necessary
748 to practice safely and ethically. The Committee communicates relevant information to its
749 affected stakeholders."

750
751 f) Consideration of Licensing Committee Recommendations Regarding Requests for an
752 Extension of the 72-Month Registration Period Limitation for Registered Psychological
753 Assistant Pursuant to 16 CCR Section 1391.1(b)

754
755 Dr. Horn provided a summary of PSB #1's extension request and the Licensing
756 Committee's recommendation regarding this request.

757
758 It was M(Horn)/S(Harb Sheets)/C to grant an extension to the 72-month period for PSB
759 #1.

760
761 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

762
763 Dr. Horn provided a summary of PSB #2's extension request and the Licensing
764 Committee's recommendation regarding this request.

765
766 It was M(Horn)/S(Harb Sheets)/C to deny the licensee's request for an extension to the
767 72-month period for PSB #2.

768
769 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

770
771 g) Consideration of Licensing Committee's Recommendations Regarding Request for
772 Continuing Education (CE) Exception Pursuant to 16 CCR Section 1397.62(b)

773

774 Dr. Horn provided a summary of PSY #1's CE exemption request and the Licensing
775 Committee's recommendation regarding this request.

776
777 Discussion ensued regarding PSY #1's ability to meet the requirement after denial of
778 the exemption and if there were any negative impacts on the ability to renew. Staff
779 confirmed that PSY #1 had not yet taken the course and had adequate time to accrue
780 the hours through an approved course before their next renewal.

781
782 It was M(Horn)/S(Harb Sheets)/C to accept the Licensing Committee's recommendation
783 to deny the licensee's request for a CE exception.

784
785 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes
786

787 22) Consideration of Renaming Registered Psychological Assistant for Purposes of
788 Changes to Pathways to Licensure

789
790 Dr. Horn provided a summary of the Pathways to Licensure changes relating to
791 renaming "psychological assistant" to "psychological associate." Board discussion
792 ensued regarding the use of the registration titles "assistant" vs. "associate" and
793 whether varying use of these terms in other jurisdictions led to consumer confusion
794 when some jurisdictions allow independent practice under the title "associate". There
795 was also discussion as to why the change was made and whether the term "associate"
796 is misleading to the public.

797
798 It was M(Foo)/S(Casuga)/W to authorize staff to make appropriate global changes in the
799 statutory and regulatory language of Pathways to Licensure to change "psychological
800 associate" back to "psychological assistant."

801
802 Dr. Jo Linder-Crow, CPA, commented that the Board should honor stakeholders' wishes
803 and stay with "Associate" instead of reverting to the use of "Assistant." She also noted
804 that the Board of Behavioral Sciences now uses associate for their training categories.
805 Dr. Linder-Crow stated that other states' naming conventions should not sway this
806 Board's naming conventions.

807
808 Discussion ensued regarding the potential ramifications of having a title that could
809 signify independent practice in other jurisdictions and whether this confusion could
810 really be detrimental or whether it was better to stay keep the "associate" title.

811
812 Dr. Horn suggested the Licensure Committee revisit this subject at its September 2019
813 meeting and bring it back to the Board in October.

814
815 Dr. Elizabeth Winkelman, CPA, asked whether other states that use the title "associate"
816 for independent practice categories require these individuals to be supervised for a
817 number of years before applying for independent status. Dr. Phillips asked if staff could
818 look into other jurisdiction's use of the titles for the Licensure Committee.

819

820 Dr. Melodie Schaefer, from CPA Division II and CAPIC, commented that the National
821 Register might be a good resource regarding the portability of licenses.

822
823 Dr. Phillips stated that he would prefer to find a term that respects stakeholder wishes
824 and also engenders the true nature of the supervised experience.

825
826 Mr. Foo withdrew his motion.

827
828 Dr. Horn reiterated that this item will go to the September 2019 Licensure Committee
829 and be brought back to the October Board Meeting.

830
831 23) Opportunity for Board Members to Express an Interest in Being President or Vice-
832 President of the Board in 2020

833
834 Ms. Marks explained the process for electing officers.

835
836 Board discussion ensued and interest in serving in these elected offices was expressed
837 by Mr. Foo, Dr. Horn, Dr. Phillips, and Dr. Casuga.

838
839 24) Recommendations for Agenda Items for Future Board Meetings. Note: The Board
840 May Not Discuss or Take Action on Any Matter Raised During the Public Comment
841 Section, Except to Decide Whether to Place the Matter on the Agenda of a Future
842 Meeting [Government Code Sections 11125 and 11125.7(a)]

843
844 No Board or Public comment was made.

845
846 Meeting adjourned at 3:39 p.m.

847
848 Original signed by Stephen Phillips, JD, PsyD

849 _____
850 President Date