

**LEGISLATIVE AND REGULATORY AFFAIRS COMMITTEE
TELECONFERENCE MEETING**

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29- 4 20, dated March 17, 2020, neither Committee member locations nor a public meeting location were provided.

Friday, June 20, 2020

Members Present

Seyron Foo, Chair
Sheryll Casuga, PsyD
Stephen Phillips, JD, PsyD

Legal Counsel

Norine Marks

Others Present

Antonette Sorrick, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Stephanie Cheung, Licensing Manager
Jason Glasspiegel, Central Services Manager
Sandra Monterrubio, Enforcement Program Manager

Friday, June 20, 2020

Agenda Item #1: Call to Order/Roll Call/Establishment of a Quorum

Seyron Foo, Chair, called the meeting to order at 10:07 am.

Agenda Item #2: Chairperson's Welcome

Mr. Foo read opening remarks and called for public comment on any items not on the agenda.

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

Mr. Foo stated that public comments had been received via email and were included in the meeting materials.

No further public comment was given.

Agenda Item #4: COVID-19 Update

Ms. Sorrick explained how the waiver process worked. She commented that roughly 1,100 psychologists applied for the Governor's Health Corps program.

Ms. Sorrick advised that staff received a denial from the Department in response to the staff's request for a waiver of the Board's temporary practice provision under section 2912 of the Business and Professions Code (BPC) requesting 30 days of temporary practice be modified to six months during the declaration of emergency. This denial was because the Emergency Medical Services Authority (EMSA) already had a process in place for out-of-state psychologists allowing practice in California.

Mr. Foo called for public comment.

No public comment was offered.

Ms. Sorrick advised that the public can submit their own waiver requests. She advised that an outside entity had submitted a request to waive the Board's exam and fingerprint requirements and that the request was denied. The department noted that the waiver did not meet the Department's consumer protection mandate.

Agenda Item #5: Discussion and Possible Approval of the Committee Meeting Minutes: July 8, 2019

It was (M)Phillips/(S)Casuga/C to approve the minutes pending minor corrections.

Vote: 3 ayes (Casuga/Foo/Phillips), 0 noes

Agenda Item #4: COVID-19 Update

Mr. Foo returned to agenda item 4 and called for additional public comment.

Dr. Victor Pacheco commented that many psychologists employed by California Department of Corrections and Rehabilitation (CDCR) are unlicensed and need to take the EPPP/CPLEE during a limited amount of time. Testing centers are closed due to COVID-19. He requested a pause or delay for potential test-takers, so they do not lose their job for not having taken the test in time.

Mr. Foo asked Ms. Sorrick to confirm that waivers apply to the entire licensed population and not just to an exempt setting like the prison system which Dr. Pacheco was requesting.

Ms. Sorrick asked Ms. Marks to clarify whether the Licensure Committee could grant additional time for individuals to take the exams, barring an overall waiver.

Ms. Marks asked Dr. Pacheco for the code section that spoke to catastrophic circumstances allowing an extension of time for individuals to take the exam(s). Dr. Pacheco provided Penal Code section 5068.5 and AB 2253 (Low).

Additional public comment called for an overall waiver rather than just for CDCR licenses.

Dr. Phillips responded to the public comment calling for an exam waiver for all applicants by reminding everyone about the waiver requested by the public and subsequently denied by the Department.

Ms. Marks commented that California Code of Regulations (CCR) Section 1381.4 requires taking the exam within a 12-month period of applying to take it.

No further Committee comments and no further public comments offered.

Agenda Item #6: Board-Sponsored Legislation for the 2020 Legislative Session: Review and Possible Action

a) Pathways to Licensure Statutory Revisions – Amendments to Sections 27, 2909, 2909.5, 2910, 2911, 2913, 2914, 2915, 2915.5, 2915.7, 2940, 2942, 2943, 2946, and 2960 of the Business and Professions Code, and Section 1010 of the Evidence Code.

Mr. Foo asked Mr. Glasspiegel to provide this update.

Mr. Glasspiegel commented that the Legislature had recessed in response to COVID-19, which decreased the amount of time available to pass legislation; however, the Board of Psychology's Sunset Review would be extended into the next year.

b) SB 275 (Pan) Board of Psychology: disciplinary action: sexual contact or sexual behavior with a client or former client

Mr. Glasspiegel commented that this bill would not be pursued due to the Legislature's reduced bill load, but staff would pursue legislation next year.

Mr. Foo called for public comment.

No public comment was offered.

Agenda Item #7: Review and Consideration of Proposed Legislation

a) Review of Bills with Active Positions Taken by the Board

1. AB 1145 (Garcia) Child abuse: reportable conduct.

Mr. Glasspiegel commented that the Board had taken a support position of AB 1145, but that it had not moved forward since January 2020 due to the pandemic.

Mr. Foo called for public comment.

No public comment was offered.

2. SB 53 (Wilk) Open meetings.

Mr. Glasspiegel commented that the Board had taken an oppose position to SB 53. As of August 30, 2019, the bill was still held under submission and did not appear to be moving.

Mr. Foo called for public comment.

No public comment was offered.

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

Mr. Glasspiegel commented that SB 66 had moved to the inactive file and has not moved.

Mr. Foo called for public comment.

No public comment offered.

b) Review of Bills for a Position

1. AB 2112 (Ramos) Suicide prevention.

Mr. Glasspiegel commented that AB 2112 was in Senate Rules Committee and that the staff recommendation to the Legislative and Regulatory Affairs Committee was to recommend the Board to take a support position on this bill.

It was M(Phillips)/S(Casuga)/C that the Board should take a support position on AB 2112.

Mr. Foo called for public comment.

There was no public comment or further Committee discussion.

Vote: 3 Ayes (Casuga, Foo, Phillips), 0 Noes

2. AB 2185 (Patterson) Professions and vocations: applicants licensed in other states: reciprocity.

Mr. Glasspiegel commented that the author of AB 2185 was not pursuing this bill and that staff would continue to watch for progress.

Mr. Foo called for public comment.

No public comment offered.

3. AB 2549 (Salas) Department of Consumer Affairs: temporary licenses.

Mr. Glasspiegel commented that AB 2549 was in the Senate Rules Committee as of June 11, 2020 and that staff would continue to watch this bill.

Dr. Phillips questioned why Board of Behavioral Sciences (BBS) was not included in the current language of this bill and Mr. Glasspiegel replied that BBS is currently working on similar legislation from the previous year.

Mr. Foo called for public comment.

No public comment was offered.

4. AB 2630 (Flora) Criminal history information: subsequent arrest notification.

Mr. Glasspiegel commented that as of March 2020, AB 2630 was awaiting a hearing and that staff recommended a support position.

Dr. Casuga asked whether collecting fingerprint information could lead to a risk that Dreamers could have their information used for immigration enforcement purposes. Ms. Sorrick commented that out-of-state arrests would still be reported to the Board and that currently staff does not learn about out-of-state subsequent arrests until the licensee divulges them.

Mr. Glasspiegel commented that AB 2138 applies to applicants only and does not prevent staff from asking licensees about arrests or discipline since their last renewal.

Ms. Marks commented that the benefit of AB 2630 would be that Board staff would be able to receive subsequent arrest information from the FBI which would capture out-of-state arrests which are currently only identified by self-disclosure.

It was M(Phillips)/S(Casuga)/C to recommend that the Board take a support position on AB 2630.

Mr. Foo called for public comment.

There was no public comment or further Committee discussion. Vote: 3 Ayes (Casuga, Foo, Phillips), 0 Noes

5. AB 2856 (Committee on Business and Professions) Board of Psychology.

Mr. Glasspiegel commented that AB 2856, the Sunset Extension Bill, granted all Boards an extension to their Sunset Review due to COVID-19. Staff will continue to watch, but no action was requested.

Mr. Foo called for public comment.

No public comment offered.

6. AB 3045 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses.

Mr. Glasspiegel commented that AB 3045 was in the Senate Rules Committee and that staff recommended an oppose position for this bill.

It was M(Casuga)/S(Phillips)/C that the Board take an oppose position on AB 3045.

Mr. Foo called for public comment.

No public comment offered.

Vote: 3 Ayes (Casuga, Foo, Phillips), 0 Noes

7. SB 1474 (Committee on Business, Professions and Economic Development) Professions and Vocations

Mr. Glasspiegel commented that SB 1474 was in the suspense file and would have its hearing on June 18, 2020 and that staff recommended a support position.

It was M(Phillips)/S(Casuga)C to recommend that the Board adopt a support position for SB 1474.

Mr. Foo called for public comment.

No public comment was offered.

Vote: 3 Ayes (Casuga, Foo, Phillips), 0 Noes

c) Review of Watch Bills

1. AB 499 (Mayes) Personal information: social security numbers: state agencies.

There was no discussion on this item.

2. AB 613 (Low) Professions and vocations: regulatory fees.

There was no discussion on this item.

3. AB 798 (Cervantes) Maternal mental health.

There was no discussion on this item.

4. AB 1263 (Low) Contracts: consumer services: consumer complaints.

Dr. Phillips questioned why staff recommended that this be a watch bill. Ms. Sorrick commented that, outside of informed consent, the Board does not see many cases related to contracts and that AB 1263 did not apply to the Board.

It was M(Phillips)/S(Casuga)/C to recommend that the Board adopt a support position for AB 1263.

Mr. Foo called for public comment.

No public comment was offered.

Ms. Marks commented that the provision of psychological services could be a contract service in terms of informed consent.

No further Committee discussion.

Vote: 3 Ayes (Casuga, Foo, Phillips), 0 Noes

5. AB 1616 (Low) Department of Consumer Affairs: boards: expunged convictions.

There was no discussion on this item.

7. AB 1911 (Maienschein) State agencies: veterans.

There was no discussion on this item.

8. AB 2028 (Aguiar-Curry) State agencies: meetings.

Mr. Glasspiegel commented that AB 2028 had been amended to specify meeting materials were required to be provided to the public 48-hours prior to the meeting, or the same day materials were provided to the body holding the meeting. This bill was with the Senate Rules Committee.

Committee discussion ensued as to whether having 48-hours of time would hinder the Board's mission of consumer protection, especially where the Board had little control over when materials might be made available for posting from other offices or how soon materials could be posted online.

Dr. Phillips commented that sometimes materials are not made available to staff until the actual meeting and that maybe a support-if-amended position would be better than an oppose position, if additional exemptions could be added into the language; as written, late-arriving materials might need to be excluded from meetings.

Ms. Marks commented that such a situation might arise if an emergency meeting is called with less than 48-hours' notice.

Mr. Foo called for public comment.

There was no public comment or further Committee discussion. Mr. Glasspiegel stated that he would reach out to the author's office for clarification.

No motion was made on this item.

9. AB 2093 (Gloria) Public records: writing transmitted by electronic mail: retention.

There was no discussion on this item.

10. AB 2113 (Low) Refugees, asylees, and immigrants: professional licensing.

There was no discussion on this item.

11. AB 2138 (Chau) California Public Records Act.

There was no public comment or further Committee discussion.

12. AB 2164 (Rivas, Robert) Telehealth.

Mr. Glasspiegel commented that AB 2164 was in the Senate Rules Committee and that staff would continue to watch this bill.

Committee discussion ensued.

Dr. Phillips questioned why AB 2164 was a watch bill and Ms. Sorrick commented that on June 4, 2020, this bill was amended to include substantive revisions.

Mr. Foo called for public comment.

Dr. Elizabeth Winkelman of California Psychological Association (CPA) expressed CPA's support for AB 2164 and encouraged the Committee to do the same.

Mr. Glasspiegel commented that further staff analysis could be completed before the July 2020 Board meeting to clarify the scope of this bill beyond medical doctors.

Staff will move AB 2164 from watch status to discussion status pending further staff analysis for the July 2020 Board meeting.

No motion was made on this item.

13. AB 2253 (Low) Professional licensure.

Mr. Glasspiegel commented that AB 2253 was in the Senate Rules Committee.

Mr. Foo called for public comment.

Dr. Victor Pacheco of CDCR asked the Committee to support this bill.

Dr. Winkelman of CPA asked the Committee to support this bill.

Committee discussion ensued.

Ms. Sorrick commented that AB 2253 clarified what type of exempt-setting experience would count towards licensure.

Mr. Glasspiegel commented that AB 2253 was on the watch list because it had more impact on other agencies than it had on the Board.

Mr. Foo called for further public comment.

Dr. Winkelman commented that AB 2253 was not intended to extend the time allowed to accrue professional experience, but instead would clarify what experience would be counted towards the four-year requirement.

No further public comment was made.

Further Committee discussion ensued as to whether the Board should advocate for the bill as dealt more with employment issues, like AB 5 which the Board did not advocate for.

Mr. Foo recommended that this bill should remain on the watch list but be included in the July meeting for further discussion.

14. AB 2360 (Maienschein) Telehealth: mental health.

Mr. Glasspiegel commented that AB 2360 only applied to Psychiatrists.

Committee discussion ensued and as the bill did not apply to psychologists, it should be left on the watch list.

Mr. Foo called for public comment.

There was no public comment or further Committee discussion. No motion was made on this item.

15. AB 2438 (Chau) California Public Records Act: conforming revisions.

There was no discussion on this item.

16. AB 2476 (Diep) Healing arts licensees.

There was no discussion on this item.

17. AB 2631 (Cunningham) License fees: military partners and spouses.

There was no discussion on this item.

18. AB 2704 (Ting) Healing arts: licensees: data collection.

Mr. Foo requested that staff provide an analysis on AB 2704 so that it could be discussed at the July 2020 Board meeting.

Mr. Glasspiegel commented that it appeared that AB 2704 would not be moving past its current location.

Mr. Foo requested that this item be raised nonetheless at the July 2020 Board meeting and called for public comment on this and any remaining items under 7(c).

No further public comment was offered.

19. SB 806 (Grove) Worker status: employees: independent contractors.

There was no discussion on this item.

20. SB 878 (Jones) Department of Consumer Affairs Licensing: applications: wait times.

There was no discussion on this item.

Agenda Item #8: Legislative Items for Future Meeting. The Committee May Discuss Other Items of Legislation in Sufficient Detail to Determine Whether Such Items Should be on a Future Committee or Board Meeting Agenda and/or Whether

to Hold a Special Meeting of the Committee or Board to discuss Such Items Pursuant to Government Code Section 11125.4

Mr. Foo called for public comment.

There was no public comment or further Committee discussion.

Agenda Item #9: Regulatory Update, Review, and Consideration of Additional Changes

a) 16 CCR Section 1396.8 – Standards of Practice for Telehealth

This package was reported as under review at Agency.

b) 16 CCR Sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, 1392.1 – Psychological Assistants

There was no discussion on this item.

c) 16 CCR Sections 1381.9, 1381.10, 1392 – Retired License, Renewal of Expired License, Psychologist Fees

There was no discussion on this item.

d) 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing Professional Development

There was no discussion on this item.

e) 16 CCR Sections 1391.13, and 1391.14 – Inactive Psychological Assistant Registration and Reactivating a Psychological Assistant Registration

There was no discussion on this item.

Agenda Item #10: Recommendations for Agenda Items for Future Board Meetings. Note: The Committee May Not Discuss or Take Action on Any Matter Raised During This Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code Sections 11125 and 11125.7(a)].

There was no public comment or further Committee discussion. The meeting adjourned.