

BOARD MEETING TELECONFERENCE

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

Thursday, July 9, 2020

Members Present

- Seyron Foo, President
- Mary Harb Sheets, PhD, Vice-President
- Sheryll Casuga, PsyD
- Marisela Cervantes
- Stephen Phillips, JD, PsyD
- Lea Tate, PsyD

Members Absent

- Alita Bernal
- Shacunda Rodgers, PhD

Legal Counsel

- Norine Marks

Others Present

- Antonette Sorrick, Executive Officer
- Jeffrey Thomas, Assistant Executive Officer
- Stephanie Cheung, Licensing Program Manager
- Sandra Monterrubio, Enforcement Program Manager
- Evan Gage, Special Projects Analyst

Thursday, July 9, 2020

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

Seyron Foo, Board President, called the open session meeting to order at 10:03 a.m. A quorum was present and due notice had been sent to all interested parties.

Agenda Item #2: President’s Welcome

Mr. Foo acknowledged the reappointments of Drs. Phillips and Harb Sheets to the Board in June 2020. Dr. Phillips commented on Mr. Foo’s reappointment as well.

No public comment offered.

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

48

49 Mr. Foo called for public comment.

50

51 Public comment included requests that the Board discuss PSYPACT at a future
52 meeting, as well as rules regarding training hours obtained outside the country.
53 No further public or Board comment offered.

54

55 **Agenda Item #4: Coronavirus (COVID-19) Update Including but not Limited to**
56 **Updates on Waivers**

57

58 Ms. Sorrick provided this update.

59

60 At the April meeting, the Board approved two waivers to extend the time for PSBs who
61 were running out of time to accrue SPE in certain training areas. The face-to-face
62 requirement waiver has been extended to September 3, 2020 to allow for
63 telesupervision. There have been no changes to the examination requirement due to
64 the pandemic.

65

66 Mr. Foo called for Board comment.

67

68 Ms. Sorrick explained the waiver process in response to a Board question.

69

70 Mr. Foo called for public comment.

71

72 Public comments questioned the authority of the Board and of DCA to authorize
73 waivers. Ms. Marks replied that the Board could act on its own authority where allowed
74 by regulation.

75

76 Board discussion ensued regarding how to address specific situations such as
77 extension requests, that may arise that would have to wait until Licensure Committee
78 convened again.

79

80 Ms. Sorrick confirmed that Licensure Committee could convene sooner if there were
81 significant numbers of people needing special consideration, but Ms. Cheung
82 commented that the actual number of people that do not fall under the discussed waiver
83 was very limited.

84

85 Mr. Foo invited further public comment.

86

87 Public comment referred to the potential lack of testing availability during the pandemic
88 and whether there were enough slots available to accommodate all candidates.

89
90 Ms. Cheung commented that a few exam candidates were having trouble accessing
91 testing and that these instances were dealt with as they arose.

92
93 Mr. Foo requested that Ms. Sorrick research whether vendors were already at capacity.

94
95 No further Board or public comment.

96
97 **Agenda Item #5: President's Report**

98
99 Mr. Foo commented that in-person meeting dates are hopeful at this point, but that
100 WebEx may be the norm for the near future as the pandemic continues. Mr. Foo
101 indicated that there have been no Committee changes.

102
103 Dr. Harb Sheets commented that the ASPPB convention will be virtual.

104
105 Staff was directed to update these dates and details on the website.

106
107 No public comment offered and no further Board discussion.

108
109 **Agenda Item #6: Discussion and Possible Approval of the Board Meeting**
110 **Minutes: April 17, 2020**

111
112 It was M(Tate)/S(Casuga)/C to approve the minutes as presented.

113
114 No public or Board comment were given.

115
116 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

117
118 **Agenda Item #7: Budget Report**

119
120 Ms. Sorrick introduced this report and deferred to Paul McDermott of the Budget Office
121 to go into greater detail.

122
123 The fiscal year that ended June 30, 2020 saw the Board coming in just under budget.
124 Mr. McDermott commented that augmentations for expenditures toward Office of
125 Administrative Hearings (OAH) and Office of the Attorney General (OAG) were
126 approved, although Board expenditures to these two entities and to Subject Matter
127 Experts did not slow down.

128
129 No public comment offered.

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Agenda Item #8: Public Comment Request: ASPPB’s Guidelines for the Use of Social Media by Legislative and Regulatory Affairs Committee in Practice and by Psychology Regulatory Bodies

Mr. Thomas provided the update on this item.

In April 2020, ASPPB released their draft guidelines. The Board was asked to provide feedback to these guidelines.

Discussion ensued.

It was (M)Phillips/(S)Casuga/C to delegate staff to work with Dr. Casuga on a letter to ASPPB expressing the Board’s gratitude for creating the guidelines and requesting an acknowledgement to discuss the disparity of equitable access to technology and social media.

Mr. Foo called for public comment.

No further public comment offered and no further Board discussion.

Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

Agenda Item #9: Licensure Committee Report and Consideration of Committee Recommendations

Dr. Harb Sheets provided this report.

a)

PSB# 1

No public comment offered

It was (M)Phillips/(S)Tate/C to approve the Licensure Committee’s recommendation to deny the request for an extension of the 72-month limitation for the psychological assistant registration.

Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

PSB #2

172 It was (M)Foo/(S)Casuga/C to approve the Licensure Committee’s recommendation to
173 grant the 6-month extension request of the 72-month limitation for the psychological
174 assistant registration.

175

176 No public comment offered.

177

178 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

179

180 **PSB #3**

181

182 It was (M)Foo/(S)Casuga/C to approve the Licensure Committee’s recommendation to
183 grant the 18-month extension request of the 72-month limitation for the psychological
184 assistant registration.

185

186 No public comment offered.

187

188 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

189

190 **PSB #4**

191

192 It was (M)Cervantes/(S)Foo/C to approve the Licensure Committee’s recommendation
193 to grant a 6-month, instead of 6-year, extension request of the 72-month limitation for
194 the psychological assistant registration.

195

196 No public comment offered.

197

198 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

199

200 **PSB #5**

201

202 It was (M)Tate/(S)Phillips/C to approve the Licensure Committee’s recommendation to
203 deny the 2-year extension request of the 72-month limitation for the psychological
204 assistant registration.

205

206 No public comment offered.

207

208 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

209

210 **PSB #6**

211

212 It was (M)Phillips/(S)Casuga/C to approve the Licensure Committee’s recommendation
213 to deny the 12-month extension request of the 72-month limitation for the psychological
214 assistant registration.

215

216 No public comment offered.

217

218 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

219

220 **PSB #7**

221

222 It was (M)Tate/(S)Phillips/C to approve the Licensure Committee's recommendation to
223 grant the 18-month extension request of the 72-month limitation for the psychological
224 assistant registration.

225

226 No public comment offered.

227

228 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

229

230 **b)**

231

232 **PSY #1**

233

234 It was (M)Tate/(S)Casuga/C to approve the Licensure Committee's recommendation to
235 grant the 10-month extension request to the 30-consecutive month limitation to accrue
236 post-doctoral SPE.

237

238 No public comment offered.

239

240 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

241

242 **PSY #2**

243

244 It was (M)Cervantes/(S)Phillips/C to approve the Licensure Committee's
245 recommendation to grant the 7-week extension request to the 30-consecutive month
246 limitation to accrue post-doctoral SPE.

247

248 Board discussion ensued about situations where an extension might be requested for a
249 medical reason, whether supporting documentation should be submitted to the full
250 Board.

251

252 Dr. Harb Sheets said that Licensure Committee will develop guidelines to determine
253 what documentation should be shared with the full Board.

254

255 No public comment offered.

256

257 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

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PSY #3

It was (M)Tate/(S)Foo/C to approve the Licensure Committee’s recommendation to grant the 17-month extension request to the 30-consecutive month limitation to accrue post-doctoral SPE.

No public comment offered.

Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

c)

PSY #1

It was (M)Foo/(S)Tate/C to approve the Licensure Committee’s recommendation to grant the alternate plan for supervised professional experience in non-mental health area.

Dr. Phillips commented that PSY #1 would be doing mostly academic emphasis. Does the Board consider this applicant’s alternate plan to be unrelated to mental health?

Discussion ensued.

It was (M)Foo/(S)Tate/C to amend the motion and approve the non-mental health portion of the supervision plan provided.

No public comment offered.

Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

d)

It was (M)Cervantes/(S)Phillips/C to approve the Licensure Committee’s recommendation to deny the CE exception request.

No public comment offered.

Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

Agenda Item #10: Review and Consideration of Changes to the Board’s Administrative Procedure Manual

301 This item was tabled and will be reintroduced at a future Board meeting.

302

303 **Agenda Item #11: Legislative and Regulatory Affairs Report and Consideration of**
304 **Committee Recommendations**

305

306 **11(a)(1): Pathways to Licensure Statutory Revisions – Amendments to Sections**
307 **27, 2909, 2909.5, 2910, 2911, 2913, 2914, 2915, 2915.5, 2915.7, 2940, 2942, 2943,**
308 **2946, and 2960 of the Business and Professions Code, and Section 1010 of the**
309 **Evidence Code.**

310

311 Pathways is moved to next year.

312

313 **11(a)(2): SB 275 (Pan) Board of Psychology: disciplinary action: sexual contact or**
314 **sexual behavior with a client or former client**

315

316 SB 275 will be pursued next year.

317

318 Mr. Foo suggested it be pulled from future agendas as it is a gut and amend and called
319 for public comment.

320

321 No public comment was offered.

322

323 **11(b)(1)(A): AB 1145 (Garcia) Child abuse: reportable conduct.**

324

325 The Board took a support position. The bill is currently in Senate Public Safety
326 Committee, but the hearing date is postponed.

327

328 **11(b)(1)(B): SB 53 (Wilk) Open meetings.**

329

330 The Board opposes this bill and it is not expected to advance.

331

332 **11(b)(1)(C): SB 66 (Atkins) Medi-Cal: federally qualified health center and rural**
333 **health clinic services.**

334

335 The Board supports this bill; however, the author is not moving forward currently.

336

337 Mr. Foo called for public comment.

338

339 No public comment offered.

340

341 **11(b)(2)(A): AB 1263 (Low) Contracts: consumer services: consumer complaints.**

342

343 Legislative and Regulatory Affairs Committee recommends a support position.
344
345 It was (M)Phillips/(S)Harb Sheets/C to approve the Legislative and Regulatory Affairs
346 Committee's recommendation to adopt a support position on AB 1263.
347
348 No public comment offered.
349
350 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes
351
352 **11(b)(2)(B): AB 2112 (Ramos) Suicide prevention.**
353
354 Legislative and Regulatory Affairs Committee recommends a support position.
355
356 It was (M)Harb Sheets/(S)Tate/C to approve the Legislative and Regulatory Affairs
357 Committee's recommendation to adopt a support position on AB 2112.
358
359 Mr. Foo asked Dr. Winkelman to comment, and she replied that California Psychological
360 Association (CPA) supports the bill as it is currently written. CPA asked for Board
361 support of the bill.
362
363 No further public comments.
364
365 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes
366
367 **11(b)(2)(C): AB 2164 (Rivas, Robert) Telehealth.**
368
369 Legislative and Regulatory Affairs Committee recommends a support position.
370
371 Ms. Sorrick provided this update and asked Dr. Winkelman to comment.
372
373 CPA supports this bill and requests the Board do the same in order to improve access
374 to care.
375
376 It was (M)Casuga/(S)Harb Sheets/C to approve the Legislative and Regulatory Affairs
377 Committee's recommendation to adopt a support position on AB 2164.
378
379 Mr. Foo called for public comment.
380
381 No public comment offered.
382
383 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes
384

385 **11(b)(2)(D): AB 2185 (Patterson) Professions and vocations: applicants licensed**
386 **in other states: reciprocity.**

387
388 Informational item only.

389
390 **11(b)(2)(E): AB 2549 (Salas) Department of Consumer Affairs: temporary licenses.**

391
392 Informational item only.

393
394 **11(b)(2)(F): AB 2630 (Flora) Criminal history information: subsequent arrest**
395 **notification.**

396
397 Legislative and Regulatory Affairs Committee recommends a support position.

398
399 It was (M)Phillips/(S)Harb Sheets/C to approve Legislative and Regulatory Affairs
400 Committee's recommendation to adopt a support position of AB 2630.

401
402 Mr. Foo called for public comment.

403
404 No public comment offered.

405
406 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

407
408 **11(b)(2)(G): AB 2856 (Committee on Business and Professions) Board of**
409 **Psychology.**

410
411 Informational item only.

412
413 **11(b)(2)(H): AB 3045 (Gray) Department of Consumer Affairs: boards: veterans:**
414 **military spouses: licenses.**

415
416 Legislative and Regulatory Affairs Committee recommends an oppose position.

417
418 It was (M)Harb Sheets/(S)Casuga/C to approve Legislative and Regulatory Affairs
419 Committee's recommendation to adopt an oppose position on AB 3045.

420
421 Mr. Foo called for public comment.

422
423 No public comment offered.

424
425 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

426

427 **11(b)(2)(I): SB 1474 (Committee on Business, Professions and Economic**
428 **Development) Professions and Vocations**

429
430 Legislative and Regulatory Affairs Committee recommends a support position.

431
432 It was (M)Phillips/(S)/Casuga/C to approve Legislative and Regulatory Affairs
433 Committee's recommendation to adopt a support position on SB 1474.

434
435 Mr. Foo called for public comment on items 11(b)(2)(D), (E), and (G)

436
437 No public comment offered.

438
439 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

440
441 **11(b)(3): Review of Watch Bills**

442
443 **11(b)(3)(F): AB 2028 (Aguiar-Curry) State agencies: meetings.**

444
445 Ms. Sorrick provided an update on this bill.

446
447 This bill would, except for closed sessions, require that this notice include all writings or
448 materials provided for the noticed meeting to a member of the state body by staff of a
449 state agency, board, or commission, or another member of the state body, that are in
450 connection with a matter subject to discussion or consideration at the meeting. The bill
451 would require these writings and materials to be made available on the internet website,
452 and to people who so request in writing, on the same day as they are provided to
453 members of the state body or at least 48 hours in advance of the meeting, whichever is
454 earlier.

455
456 Previously, materials were required to be made available to the public no later than ten
457 days before a noticed meeting.

458
459 Staff had concerns that this will challenge transparency if they are unable to present
460 last-minute changes and materials. ADA requirements further challenge staff's ability to
461 post materials timely since they don't have control over the website.

462
463 Dr. Phillips agreed that the Board should share our concerns with the author,
464 commenting that materials are sometimes provided at the last minute by a petitioner.

465
466 It was (M)Phillips/(S)Tate to adopt an oppose position on AB 2028.

467
468 No public comment offered.

469

470 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

471

472 **11(b)(3)(J): AB 2253 (Low) Professional licensure.**

473

474 Ms. Sorrick provided the update on this item.

475

476 No Board comment offered.

477

478 Dr. Pacheco spoke to the high number of unlicensed California Department of
479 Corrections and Rehabilitation (CDCR) staff who are terminated because they are
480 unable to accrue hours towards licensure in time to take the examinations.

481

482 Public commenters requested that the Board adopt a support position of this bill to
483 improve continuity of care for patients within CDCR.

484

485 It was (M)Harb Sheets/(S)Cervantes/C to adopt a support position on AB 2253.

486

487 Dr. Phillips asked Ms. Sorrick to comment on the matter.

488

489 Ms. Sorrick replied that the bill had more to do with employment issues in exempt
490 settings and as such was not a Board issue per se. Further, the bill did not provide a
491 clear connection to the Board's vision and mission.

492

493 Board discussion ensued.

494

495 Vote: 4 ayes (Casuga, Cervantes, Foo, Harb Sheets), 2 noes (Phillips, Tate)

496

497 **11(b)(3)(K): AB 2360 (Maienschein) Telehealth: mental health.**

498

499 Ms. Sorrick provided this update.

500

501 Dr. Casuga asked whether staff reached out to the authors to gauge interest in including
502 psychologists. Ms. Sorrick replied that the bill does not include psychologists, but the
503 Board could decide to support if amended to add psychologists into the language.

504

505 Dr. Winkelman asked that staff request that psychologists be added by the authors to
506 this bill.

507

508 Dr. Casuga commented that she would move to support this bill if amended to include
509 psychologists in the bill's language.

510

511 It was (M)Casuga/(S)Harb Sheets/C to adopt a support position on AB 2360.

512

513 Mr. Foo called for public comment.
514
515 No further public comment offered.
516
517 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes
518

519 **11(b)(3)(O): AB 2704 (Ting) Healing arts: licensees: data collection.**

520
521 Mr. Foo provided the update on this bill.
522
523 Board discussion ensued that the bill is a move in the right direction but is limited.
524
525 It was (M)Cervantes/(S)Harb Sheets/C to adopt a support position on this bill.
526

527 Mr. Foo called for public comment.
528
529 No public comment offered.
530

531 Dr. Phillips commented that while providing race information was optional, gender and
532 gender identity would be hard to ask for and might cause discomfort in impacted
533 communities.
534

535 Ms. Sorricks asked for clarification from Ms. Marks regarding concerns about collecting
536 demographic information prior to application for a license, such that demographic
537 information could have the appearance of influencing the Board's licensing decision.
538

539 This motion is held over to Day 2.
540

Friday, July 10, 2020

541

542 **Members Present**

543 Seyron Foo, President
544 Mary Harb Sheets, PhD, Vice-President
545 Sheryll Casuga, PsyD
546 Marisela Cervantes
547 Stephen Phillips, JD, PsyD
548 Lea Tate, PsyD
549

550 **Members Absent**

551 Alita Bernal
552 Shacunda Rodgers, PhD
553

554 **Legal Counsel**

555 Norine Marks

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Others Present

Antonette Sorrick, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Stephanie Cheung, Licensing Program Manager
Sandra Monterrubio, Enforcement Program Manager
Evan Gage, Special Projects Analyst

Agenda Item #17: Call to Order/Roll Call/Establishment of a Quorum

Seyron Foo, Board President, called the open session meeting to order at 10:05 a.m. A quorum was present and due notice had been sent to all interested parties.

Agenda Item #18: Public Comment for Items Not on the Agenda. Note: The Board 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)].

No public comment offered.

Agenda Item #11(b)(3)(O): AB 2704 (Ting) Healing Arts: licensees: data collection

This item was carried over from Day 1.

Mr. Foo called for Board comment.

Board discussion ensued regarding the safety of licensees who identify themselves in non-binary terms, since compilation of such information could lead to them being subjected to abuse, although such identifying markers are separated from the individual.

Ms. Cervantes commented that the intent of the bill is to report demographic data in the aggregate to anticipate workforce needs.

Dr. Phillips commented that he suggests requesting additional data be collected to make the information more comprehensive and useful to that purpose.

Mr. Foo suggested not changing the Board's position to support if amended, but instead could support while expressing concerns in the support letter.

Dr. Phillips would like 'disability' or 'different' ability added, also age. He suggested the author could include a variety of aspects of data, a list of 'including, but not limited to.'

Ms. Marks commented that the bill says the data may be collected at the time of application but may be collected at the time of licensure to facilitate removing identifying

600 markers at the time of collection. As to other data points, regulations could be
601 promulgated to collect additional data points, since the bill points to a minimum amount
602 of data collection.

603

604 Dr. Phillips commented that if the bill allowed including more data points than is
605 provided for in the list, then a simple support position would be enough.

606

607 Mr. Foo called for public comment.

608

609 No public comment offered.

610

611 Mr. Foo called for staff comment.

612

613 Ms. Sorrick commented that she and Ms. Cervantes had a discussion with Office of
614 Statewide Health Planning and Development (OSHPD). OSHPD currently collects
615 certain data points, but the Board was not on the list that provides the volunteer data to
616 the workforce study. This bill would give the Board the ability to participate in that
617 program so that OSHPD could then, if they do share that data, even in the aggregate,
618 be able to share that data with the Board if this bill passes.

619

620 It was (M)Cervantes/(S)Harb Sheets/C to adopt a support position on this bill, conveying
621 to the author several other different information pieces that should be included.

622

623 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

624

625 **11(b)(3)(P): SB 806 (Grove) Worker status: employees: independent contractors.**

626

627 Ms. Sorrick provided the update on this bill, which removes several exemptions from
628 current law.

629

630 Dr. Harb Sheets commented that this bill would provide a more liberal test to see who
631 was and independent contractor instead of employee. Those categories exempted
632 under AB 5 would no longer be relevant, having been superseded by SB 806.

633

634 Ms. Sorrick replied that staff has been watching this bill. This is a direct employment
635 issue and staff wanted to watch where this bill went.

636

637 Mr. Foo called for public comment.

638

639 Dr. Winkelman commented that psychologists are already exempt from the current
640 version of the law, and that this bill would not change that. CPA does not have a
641 position on the bill.

642

643 Dr. Harb Sheets commented that any previous exemptions could disappear in favor of a
644 more liberal list of exemptions, and that this could hurt access to care for consumers.

645
646 Dr. Winkelman commented that CPA has been watching this bill and echoes Dr. Harb
647 Sheets' concerns.

648
649 Mr. Foo stated that this bill will remain a Watch item until November.

650
651 Mr. Foo called for public comment.

652
653 No public comment offered.

654
655 **Agenda Item #12: Legislative Items for Future Meeting. The Board May Discuss**
656 **Other Items of Legislation in Sufficient Detail to Determine Whether Such Items**
657 **Should be on a Future Board Meeting Agenda and/or Whether to Hold a Special**
658 **Meeting of the Board to Discuss Such Items Pursuant to Government Code**
659 **Section 11125.4.**

660
661 Dr. Casuga suggested tracking SB 855 (Wiener) and possibly supporting it.

662
663 No further Board suggestions.

664
665 Mr. Foo suggested adding it to the Watch list and that staff can advise whether it should
666 go on the agenda for Legislative and Regulatory Affairs Committee before year end.

667
668 Mr. Foo called for public comment.

669
670 No public comment offered.

671
672 **Agenda Item #13: Enforcement Report**

673
674 Ms. Monterrubio provided the report on this item.

675
676 Dr. Casuga asked whether the complaints received were unique or pertaining in some
677 instances to a single Subject more than once.

678
679 Ms. Monterrubio replied that there were multiple complaints against the same Subject(s)
680 by multiple Complainants.

681
682 Dr. Harb Sheets asked whether it would be possible to sort out the multiple complaints
683 against the same licensee.

684

685 Ms. Monterrubio replied that she could have those statistics available for the November
686 2020 Board meeting.

687
688 Mr. Foo called for public comment.

689
690 Public comment ensued regarding what the average time for complaints to go through
691 and whether the Board was behind in this regard.

692
693 Ms. Monterrubio replied that timeframes have not improved, and that cases can take a
694 significant amount of time. She reminded the public that staff open all complaints within
695 ten days, and work with OAH, OAG, and Division of Investigation.

696
697 Mr. Foo invited Deputy Attorney General Josh Templet to comment on Ms.
698 Monterrubio's remarks.

699
700 Mr. Templet confirmed that OAG has emergency tools, such as interim license
701 suspension, which can be used within tight timelines.

702
703 No further public offered and no further Board questions.

704
705 **Agenda Item #14: Licensing Report**

706
707 Ms. Cheung provided this update.

708
709 Mr. Foo asked for Board questions.

710
711 No Board questions offered.

712
713 Mr. Foo called for public comment.

714
715 No public comment offered.

716
717 **Agenda Item #15: Continuing Education and Renewals Report**

718
719 Mr. Thomas provided this report.

720
721 Mr. Foo asked for Board questions.

722
723 No Board questions offered.

724
725 Mr. Foo called for public comment.

726
727 No public comment offered.

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Agenda Item #16: Regulatory Update, Review, and Consideration of Additional Changes

Ms. Sorrick provided this update.

Mr. Foo called for Board comments.

No Board comments.

Mr. Foo called for public comment.

No public comment offered.

CLOSED SESSION

Agenda Item #22: The Board will Meet in Closed Session Pursuant to Government Code Section 11126(c)(3) to Discuss Disciplinary Matters Including Proposed Decisions, Stipulations, Petitions for Reconsideration, and Remands.

OPEN SESSION

Agenda Item #19: Enforcement Committee Report

a) Child Custody Stakeholder Meeting-Implementation Plan Update

Dr. Phillips provided this update and called for public comment.

No public comment offered.

b) Proposed Amendments to 16 CCR Sections 1394 – Substantial Relationship Criteria; 1395 – Rehabilitation Criteria for Denials and Reinstatements; 1395.1 – Rehabilitation Criteria for Suspensions or Revocations; 1395.2 – Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees

Ms. Monterrubio provided the update on this item and asked for approval of highlighted areas:

II. DISCIPLINARY GUIDELINES

A. GENERAL CONSIDERATIONS

Lines 211-298:

771
772 ~~Factors to be considered~~— In determining whether revocation, suspension, or probation
773 is to be imposed in a given case, ~~factors such as the following should be considered~~the
774 Board must consider the following:

775
776 **Substantial Relationship Criteria** set forth in 16 CCR section 1394:

- 777
778 1. ~~Nature and severity of the act(s), offense(s), or crime(s) under consideration.~~
779 2. ~~Actual or potential harm to any consumer, client, or the public.~~
780 3. ~~Prior record of discipline or citations.~~
781 4. ~~Number and/or variety of current violations.~~
782 5. ~~Mitigation and aggravation evidence.~~
783 6. ~~Rehabilitation evidence.~~
784 7. ~~In the case of a criminal conviction, compliance with terms of sentence and/or~~
785 ~~court-ordered probation.~~
786 8. ~~Overall criminal record.~~
787 9. ~~Time passed since the act(s) or offense(s) occurred.~~
788 10. ~~Whether or not the respondent cooperated with the Board's investigation, other~~
789 ~~law enforcement or regulatory agencies, and/or the injured parties.~~
790 11. ~~Recognition by respondent of his or her wrongdoing and demonstration of~~
791 ~~corrective action to prevent recurrence.~~

792
793 (a) For the purposes of denial, suspension, or revocation of a license or registration
794 pursuant to section 141, or Division 1.5 (commencing with section 475) of the Code, or
795 sections 2960 or 2960.6 of the Code, a crime, professional misconduct, or act shall be
796 considered to be substantially related to the qualifications, functions or duties of a
797 person holding a license or registration under the Psychology Licensing Law (Chapter
798 6.6 of Division 2 of the Code), if to a substantial degree it evidences present or potential
799 unfitness of a person holding a license or registration to perform the functions
800 authorized by the license or registration, or in a manner consistent with the public
801 health, safety, or welfare.

802
803 (b) In making the substantial relationship determination required under subdivision (a)
804 for a crime, the board shall consider the following criteria:

- 805 (1) The nature and gravity of the offense;
806 (2) The number of years elapsed since the date of the offense; and
807 (3) The nature and duties of the profession in which the applicant seeks licensure or in
808 which the licensee is licensed.

809
810 (c) For purposes of subdivision (a), substantially related crimes, professional
811 misconduct, or acts shall include, but are not limited to, the following:

- 812 (1) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
813 violation of or conspiring to violate any provision or term of the Psychology Licensing
814 Law.
815 (2) Conviction or act involving fiscal dishonesty.
816 (3) Conviction or act involving child abuse.

817 (4) A conviction requiring a person to register as a sex offender pursuant to section 290
818 of the Penal Code.

819 (5) Conviction or act involving lewd conduct or sexual impropriety.

820 (6) Conviction or act involving assault, battery, or other violence.

821 (7) Conviction or act involving the use of drugs or alcohol to an extent or in a manner
822 dangerous to the individual or the public.

823 (8) Conviction or act involving harassment, trespass, or stalking.

824

825 **Rehabilitation Criteria for Suspensions or Revocations** as set forth in 16 CCR
826 section 1395.1:

827

828 When considering the suspension or revocation of a license or registration of a person
829 holding a license or registration under the Psychology Licensing Law (chapter 6.6 of
830 division 2 of the Code), the Board will evaluate whether the licensee or registrant has
831 made a showing of rehabilitation and is presently fit for a license or registration.

832 (a) Where the basis for discipline is the conviction of a crime, the Board shall consider
833 whether the licensee or registrant has made a showing of rehabilitation if the person
834 completed the criminal sentence without a violation of parole or probation. In making
835 this determination, the Board shall use the following criteria in (1) through (5), as
836 available. If there is a violation of parole or probation or no showing of rehabilitation
837 based on these criteria, the Board shall evaluate rehabilitation under subdivision (b).

838 (1) Nature and gravity of the crime(s).

839 (2) The reason for granting and the length(s) of the applicable parole or probation
840 period(s).

841 (3) The extent to which the applicable parole or probation period was shortened or
842 lengthened, and the reason(s) the period was modified.

843 (4) The terms or conditions of parole or probation and the extent to which they bear on
844 the licensee's or registrant's rehabilitation.

845 (5) The extent to which the terms or conditions of parole or probation were modified,
846 and the reason(s) for modification.

847

848 (b) Where the basis for discipline is not based on a conviction, or was based upon
849 professional misconduct, or unprofessional conduct under 2960 or 2960.6, or the Board
850 determines that the licensee or registrant did not make a showing of rehabilitation based
851 on subdivision (a), the Board shall apply the following criteria in evaluating the
852 licensee's or registrant's rehabilitation:

853 (1) Total criminal record and/or record of discipline or other enforcement action,
854 including the nature and gravity of the acts underlying the discipline or enforcement
855 action.

856 (2) The time that has elapsed since commission of the act(s) or crime(s).

857 (3) Whether the licensee or registrant has complied with any terms of parole, probation,
858 restitution or any other sanctions lawfully imposed against such person.

859 (4) If applicable, evidence of dismissal proceedings pursuant to section 1203.4 of the
860 Penal Code.

861 (5) The criteria in subdivision (a)(1)-(5), as applicable.

862 (6) Evidence, if any, of rehabilitation submitted by the licensee or registrant
863 demonstrating that he or she has a mature, measured appreciation of the gravity of the
864 misconduct, and remorse for the harm caused, and showing a demonstrated course of
865 conduct by the licensee or registrant that convinces and assures the Board that the
866 public will be safe if the person is permitted to remain licensed or registered to practice
867 psychology.

868

869 Term 11, Lines 1115-1119:

870

871 • **LICENSED SUPERVISION DURING PRACTICE**

872

873 A board may reduce testing frequency to a minimum of 24 times per year
874 for any person who is a practicing licensee if the licensee receives a
875 minimum of 50% supervision per day by a supervisor licensed by the
876 board.

877

878 **V. REHABILITATION CRITERIA FOR REINSTATEMENT/PENALTYDISCIPLINE**
879 **RELIEF HEARINGS**

880

881 **Lines 1610-1659:**

882

883 The Board will consider, pursuant to 16 CCR §section 1395, the following criteria of
884 rehabilitation for Denials and Reinstatements:

885

886 (1) ~~The nature and severity of the act(s) or crime(s) under consideration as grounds
887 for denial.~~

888 (2) ~~Evidence of any act(s) committed subsequent to the act(s) or crime(s) under
889 consideration as grounds for denial which also could be considered as grounds
890 for denial under section 480 of the Code.~~

891 (3) ~~The time that has elapsed since commission of the act(s) of crime(s) referred to
892 in subdivision (1) or (2).~~

893 (4) ~~The extent to which the applicant has complied with any terms of parole,
894 probation, restitution, or any other sanctions lawfully imposed against the
895 applicant.~~

896 (5) ~~Evidence, if any, of rehabilitation submitted by the applicant.~~

897

898 When considering the denial of a license or registration under sections 141, 480, 2960,
899 or 2960.6 of the Code, or a petition for reinstatement or modification of penalty under
900 section 2962 of the Code, the Board will evaluate whether the applicant or petitioner has
901 made a showing of rehabilitation and has established present fitness for a license or
902 registration.

903 (a) Where the denial is, or the surrender or revocation was, in part on the ground(s) that
904 the applicant or petitioner has been convicted of a crime, the Board shall consider
905 whether the applicant or petitioner made a showing of rehabilitation if the person
906 completed the criminal sentence without a violation of parole or probation. In making
907 this determination, the Board shall use the following criteria in (1) through (5), as

908 available. If there is a violation of parole or probation, or no showing of rehabilitation
909 based on these criteria, the Board shall evaluate rehabilitation under subdivision (b).
910 (1) The nature and gravity of the crime(s).
911 (2) The reason for granting and the length(s) of the applicable parole or probation
912 period(s).
913 (3) The extent to which the applicable parole or probation period was shortened or
914 lengthened, and the reason(s) the period was modified.
915 (4) The terms or conditions of parole or probation and the extent to which they bear on
916 the applicant's or petitioner's rehabilitation.
917 (5) The extent to which the terms or conditions of parole or probation were modified,
918 and the reason(s) for modification.
919
920 (b) Where the denial is not or the surrender or revocation was not based on a
921 conviction, or was based upon professional misconduct, or unprofessional conduct
922 under 2960 or 2960.6, or the Board determines that the applicant or petitioner did not
923 make a showing of rehabilitation based on subdivision (a), the Board shall apply the
924 following criteria in evaluating an applicant's or petitioner's rehabilitation:
925 (1) Evidence of any act(s) committed subsequent to the act(s) or crime(s) that are
926 grounds for denial, or that were grounds for surrender or revocation, which also could
927 be considered as grounds for denial under sections 141, 480, 2960, or 2960.6 of the
928 Code, and the time that has elapsed between them.
929 (2) The extent to which the applicant or petitioner has complied with any terms of
930 parole, probation, restitution, or any other sanctions lawfully imposed against the
931 applicant or petitioner.
932 (3) The criteria in subdivision (a)(1)-(5), as applicable.
933 (4) Evidence, if any, of rehabilitation submitted by the applicant or petitioner
934 demonstrating that he or she has a mature, measured appreciation of the gravity of the
935 misconduct, and remorse for the harm caused, and showing a course of conduct that
936 convinces and assures the Board that the public will be safe if the person is permitted to
937 be licensed or registered to practice psychology.

938
939 **DRUG TESTING STANDARDS [Uniform Standard # 9]:**

940
941 Lines 1974-1975:

942
943 6. Prior to vacation or absence, any alternative to the licensee's alcohol or drug
944 testing location(s) requirements (including frequency) must be approved by the
945 Board.
946

947 It was (M)Foo/(S)Tate/C to amend the CCR sections and Uniform Standards language
948 as highlighted in the Enforcement Committee Report materials.

949 Dr. Phillips called for public comment.

950
951
952 No public comment offered and no further Board discussion.
953

954 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

955

956 **c) Review and Consideration of the Goal and Name of the Enforcement**
957 **Committee**

958

959 Dr. Phillips provided the update on this item and drew attention to new underscored
960 language in materials.

961

962 It was (M)Harb Sheets/(S)Casuga/C to adopt the change requested by Enforcement
963 Committee to add new language to their Goal to read as follows:

964

965 “The goal of this Committee is to protect the health and safety of consumers of
966 psychological services through the active enforcement of the statutes and regulations
967 governing the safe practice of psychology in California. The Committee reviews the
968 Board’s Disciplinary Guidelines and enforcement statutes and regulations and submits
969 recommended amendments to the full Board for consideration. This Committee also
970 provides feedback for the Expert Reviewer Program.”

971

972 Dr. Phillips called for Board discussion.

973

974 No further Board discussion.

975

976 Dr. Phillips called for public comment.

977

978 No public comment offered.

979

980 Vote: 6 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Tate), 0 noes

981

982 **d) Statutory and Regulatory Update, Review, and Consideration of Additional**
983 **Changes**

984

985 Dr. Phillips provided the update on this item and called for Board discussion.

986

987 No Board discussion offered.

988

989 Dr. Phillips called for public comment.

990

991 Public commenters shared concerns that several of the metrics included in this report
992 show a lack of transparency and a failure to act, and that the actions of the Enforcement
993 Stakeholder Meeting are not reflected in the Board’s disciplinary actions.

994

995 No further public comment offered.

996

997 **Agenda Item #20: Update on Telehealth Guidance**

998

999 Ms. Sorrick provided this update.

1000

1001 This item is informational only and follows up on the April meeting.

1002

1003 Mr. Foo asked Ms. Sorrick to send Dr. Rodgers all this information and maybe carry this
1004 item over to the November meeting.

1005

1006 Mr. Foo called for Board discussion.

1007

1008 No Board discussion.

1009

1010 Mr. Foo called for public comment.

1011

1012 No public comment offered.

1013

1014 **Agenda Item #19(a)(1): Enforcement Committee Report: Child Custody**
1015 **Stakeholder – Implementation Plan Update: Statutory Discussion Regarding**
1016 **Proposed Exception to Psychotherapist-Patient Privilege for Board Investigations**

1017

1018 Mr. Foo asked Ms. Monterrubio to recap 19(a)(1) for the benefit of those members of
1019 the public who missed it.

1020

1021 Ms. Monterrubio state that Items 1-4 were implemented. Item 5 will be discussed at the
1022 September Enforcement Committee. No action is required.

1023

1024 Mr. Foo called for public comment on 19(a)(1).

1025

1026 Public comment ensued regarding the distinction being made between parental
1027 alienation and parental alienation syndrome and that a future Stakeholder Meeting
1028 might be the proper forum for continuing that discussion.

1029

1030 No further public comment offered.

1031

1032 Dr. Phillips commented that the primary focus of the Enforcement Committee is
1033 parental alienation 'syndrome.' The intent in adding this word was to provide clarity and
1034 the answer open-ended for the Board to be better able to solicit more information
1035 regarding potential experts' attitudes. Nothing binding is decided in Enforcement
1036 Committee – it all comes back to the full Board in an open meeting for action.

1037

1038 **Agenda Item #21: Recommendations for Agenda Items for Future Board**
1039 **Meetings. Note: The Board May Not Discuss or Take Action on Any Matter Raised**

1040 **During This Public Comment Section, Except to Decide Whether to Place the**
1041 **Matter on the Agenda of a Future Meeting [Government Code Sections 11125 and**
1042 **11125.7(a)].**

1043

1044 No Board recommendations made for future agenda items.

1045

1046 **ADJOURNMENT**

1047

1048 The meeting adjourned at 2:32 p.m.