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2
3 **BOARD MEETING TELECONFERENCE**
4
5

6 NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-
7 3 20, dated March 17, 2020, neither Board member locations nor a public meeting 4
8 location were provided.
9

10 Thursday, February 18, 2021

11
12 **Members Present**

13 Seyron Foo, President
14 Lea Tate, PsyD, Vice President
15 Sheryll Casuga, PsyD
16 Marisela Cervantes
17 Mary Harb Sheets, PhD
18 Julie Nystrom
19 Stephen Phillips, JD, PsyD
20 Ana Rescate
21 Shacunda Rodgers, PhD

22
23 **Members Absent**

24 None
25

26 **Legal Counsel**

27 Will Maguire
28 Clay Jackson
29

30 **Board Staff**

31 Antonette Sorrick, Executive Officer
32 Jon Burke, Assistant Executive Officer
33 Stephanie Cheung, Licensing Manager
34 Jason Glasspiegel, Central Services Manager
35 Sandra Monterrubio, Enforcement Program Manager
36 Liezel McCockran, CE/Renewals Coordinator
37 Mai Xiong, Licensing/BreEZe Coordinator
38 Cristina Rivera, Legislative and Regulatory Analyst
39 Sarah Proteau, Central Services Office Technician
40

41
42 **AGENDA**
43
44

45 **Agenda Item 1: Call to Order/Roll Call/Establishment of a Quorum**
46
47

48 Seyron Foo, Board President, called the open session meeting to order at 9:00 a.m. A
49 quorum was present and due notice had been sent to all interested parties.
50

51 **Agenda Item 2: President's Welcome**

52
53 Mr. Foo read the Board's Mission Statement and acknowledged the newly appointed
54 Board members, new staff, and opened for public comment.
55

56 **Agenda Item 3: Public Comment for Items Not on the Agenda:**

57
58 Sheera Harrell Ph.D., member of the public, made comment on the exploitative nature
59 of licensing requirements, EPPP testing, and internship requirements and the racial
60 biases related to the above.
61

62 Camille Deleonardis, member of the public, made a comment regarding the limited
63 availability of exam appointments due to testing facilities capacity requirements. In
64 addition, candidates have had their tests cancelled due to COVID-19 and therefore,
65 have lost income. She asked the Board if it planned to address this issue.
66

67 Mr. Foo stated this topic will be discussed under agenda item 8(e) when the Licensure
68 Committee Report is given.
69

70 **Agenda Item 4: President's Report:**

71
72 a) Dates and Locations of 2021 Board and Committee Meetings – Meeting information
73 has been provided in the agenda packet.
74

75 b) Committee Membership Updates – Mr. Foo announced the creation of the EPPP Ad
76 Hoc Committee to monitor national developments regarding the use of EPPP2 Skills
77 Exam, which has been launched in other jurisdictions. California has not been an early
78 adopter of the EPPP2 Skills Exam, the Board does not plan to be an early adopter, nor
79 is the EPPP2 currently required for licensure. The Committee will work to ensure that
80 the Board's requests to ASPPB are met which include a request to ASPPB to make
81 available to the Board and the California DCA Office of Professional Examination
82 Services available data from beta testing from participating jurisdictions to evaluate the
83 validity of EPPP2. The Committee will meet publicly, provide agenda items, and provide
84 opportunity for Stakeholders to attend virtually or in person, dependent on the
85 conditions of the pandemic. The EPPP Ad-Hoc Committee will be chaired by Dr.
86 Casuga with Dr. Harb Sheets and Mr. Foo as Committee members.
87

88 Dr. Harb Sheets and Dr. Casuga expressed appreciation to be a part of this Committee.
89

90 Mr. Foo stated committee dates will be posted and available to the public once dates
91 are finalized.
92

93 Mr. Foo welcomed Dr. Tate as Vice President of the Board.
94

95 Dr. Tate expressed appreciation to be part of the Board.

96

No public comment was offered.

98

99 **Agenda Item 5: Executive Officer's Report**

100

101 Ms. Sorrick provided the Executive Officer's Report. Ms. Sorrick reported three newly
102 filled staff positions, Jonathan Burke as Assistant Executive Officer, Cristina Rivera as
103 Legislative and Regulatory Analyst in Central Services, and Carmen Harp as Renewals
104 Office Technician in Central Services. She mentioned one open Office Technician
105 position in Enforcement that was still vacant.

106

107 Ms. Sorrick provided an update on the Annual Report to the Legislature, which she
108 stated follows Business & Professions Code section 129. This yearly report including
109 data and narrative on accomplishments of the Board was provided to DCA. She stated
110 DCA should be completed compiling the report by the May Board Meeting, and a copy
111 will be provided to the Board if available.

112

No public comment was offered.

114

115 **Agenda Item 6: Discussion and Possible Approval of the Board Meeting Minutes:**
116 **November 19-20, 2020:**

117

118 Dr. Casuga stated that the number of individuals with developmental disabilities that
119 require psychological services includes many consumers that would potentially be
120 excluded by the term "mental health" in the language. She advocated for the use of the
121 term "psychological services" to replace the term "mental health services" in the text and
122 stated she would email the exact language to staff for update. A motion was made to
123 adopt the meeting minutes as amended.

124

No public comment was offered.

126

127 M(Casuga)/S(Cervantes)/C to adopt the meeting minutes as amended

128

129 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
130 Rodgers, Tate), 0 Noes

131

132 **Agenda Item 7: Budget Report**

133

134 Mr. Glasspiegel introduced this agenda item. His report specifically discussed the Board's
135 structural imbalance and necessity of a fee increase. He stated that due to the increase
136 to the cost of doing business, and the Board's lack of a fee increase in 20 years other
137 than a change to the delinquency fee, the Board would need to complete a fee increase
138 by fiscal year 2023/2024. Staff recommended a modification to renewal and initial
139 licensure fee, currently both \$400, which would take place in two phases.

140

141 Phase 1. Change the renewal fee to \$500, which would fully utilize the Board's statutory
142 authority.

143 Phase 2. Seek legislation for the appropriate fees for the Board to continue to operate
144 without a structural imbalance. This change will be presented to the Board at the May
145 2021 Board Meeting.

146
147 Mr. Glasspiegel then introduced Paul McDermott, Robert De Los Reyes, and Matthew
148 Nishimine from the DCA Budget Office to discuss the fee increase further.

149
150 Mr. McDermott provided the Board's expenditure report and fund condition statement. Mr.
151 McDermott confirmed the Board has requested a current year augmentation for its
152 Attorney General expenditure authorization. He stated that final numbers will be
153 determined later in the fiscal year but is anticipating that the Board will revert roughly
154 \$120,000, which equals around two percent of the Board's budget.

155
156 Mr. Foo opened comments from Board members for questions regarding the proposed
157 2021-2022 budget.

158
159 Ms. Nystrom asked for clarification on regulation versus legislation options for the Board
160 regarding fees.

161
162 Mr. Nishimine, Regulation Specialist, stated the options to fix the structural imbalance
163 include a regulatory change, which would raise the Board's fees currently in regulation to
164 match the cap set in statute. He stated this option takes roughly 16 months. He provided
165 the additional option of a statutory increase. As this option would need legislative action,
166 the Board would need approximately two years and would require an independent and
167 unbiased third-party fee study to determine the appropriate amount of each of the Board's
168 fees. Mr. Nishimine stated that an independent analysis by a third party typically takes six
169 to eight weeks.

170
171 Ms. Sorrick stated that the Board has not looked at a fee increase since 1992 when the
172 fee was set at \$400 with a statutory cap of \$500. Ms. Sorrick confirmed the Board has
173 been charging \$400 for initial license and renewal fees since 1992.

174
175 A discussion ensued between Ms. Nystrom, Ms. Cervantes, Dr. Phillips, and Mr.
176 Nishimine regarding how contracts, fee levels, and program efficiency improvements are
177 looked at and the type of data collected in third party analysis.

178
179 Dr. Phillips stated that the Board recently had completed a yearlong project with a third-
180 party consulting group to have processes and costs analyzed and to increase efficiencies
181 of which new Board members may not have been aware.

182
183 Dr. Phillips stated that the general fund loans of which two large loans went out of the
184 Board fund in the last year were a sore point with licensees and asked when loans would
185 be paid back.

186
187 Mr. Nishimine clarified that with increased spending and higher structural imbalance,
188 funds will have to be paid back before any statutory increase.

189

190 Mr. Nishimine stated that the DCA Budget Office will work with Department of Finance
191 and discuss payback as the funds are needed by the Board.

192
193 Dr. Phillips asked for clarification on the general fund loans and if they had not been taken,
194 would a fee increase be necessary.

195
196 Mr. Nishimine responded in the affirmative.

197
198 Dr. Phillips expressed concern about the previous Budget Change Proposal advisement
199 and the staff positions which had not had funds allocated. He asked for clarification on
200 whether the previously unallocated staff positions would correct the structural imbalance.

201
202 Mr. Nishimine confirmed the historical positions had been absorbed into the budget within
203 the existing appropriation.

204
205 Dr. Phillips expressed concern that a Budget Change Proposal should have been
206 proposed sooner.

207
208 Mr. De Los Reyes commended the Board for appropriate fund management for the
209 previous 20 plus years. He noted that there were no fee increases within that time and
210 Board had absorbed the increased costs within its own spending authority. Mr. De Los
211 Reyes stated that the Board is no longer at the point of being able to manage the
212 increased rates and costs of business as are other DCA programs that are looking at
213 fee increases due to the increase of cost of business. He stated that the Budget Office
214 will have documentation that demonstrates all contributing factors to the imbalance for
215 the Board to review prior to the May Board meeting.

216
217 Dr. Harb Sheets noted item 8(e)3 in agenda and suggested to move the item up to
218 discuss with the Budget office while they were available. Mr. Foo and Ms. Sorrick
219 expressed support to move the related item up in the agenda.

220
221 Ms. Cervantes asked when the Board would know if there would be another general
222 fund loan within the fiscal year.

223
224 Mr. De Los Reyes stated that there are no current plans for more loans to the general
225 fund and that the existing loans will be paid back by 2023-2024, and possibly may be
226 paid back sooner as the funds are needed by the Board.

227
228 Mr. Foo clarified that the Board makes policy decisions with the DCA Budget Office's
229 guidance which needs to be done well in advance. He stated that the Board sets policy
230 based on reliable and timely information provided by the Budget Office. He stated that
231 the budgetary problems had not been brought up to be wrapped into Sunset which had
232 been postponed due to the pandemic.

233
234 Mr. Nishimine provided clarification that the timing would not have been appropriate to
235 increase fees with 20 months in reserve, but that it was time to start having these
236 conversations with the goal of a statutory change in two years.

237

238 Mr. De Los Reyes expressed agreement with Board comments of the importance of
239 timely information and stated the fluidity of the numbers on the statements.
240

241 A discussion ensued regarding the last fee change which was done in statute to \$400
242 with a statutory cap of \$500 for initial license and renewal in 1992. Mr. Foo asked that
243 staff provide a summary sheet of the fees paid by licensees and applicants for historical
244 context and transparency to include dates when fees were last changed or set. He also
245 asked the Board and DCA staff to identify historical rate changes by the Attorney
246 General.
247

248 Dr. Tate and Dr. Phillips echoed previous comments related to the importance of
249 receiving timely information from the Budget Office for the Board to be able to make
250 good decisions for stakeholders.
251

252 Ms. Nystrom asked for enforcement recovery data to be supplied which was noted and
253 agreed to by Mr. Nishimine.
254

255 Public Comment
256

257 Catherine Campbell, California Protective Parents Association expressed appreciation
258 for budget information and referred to concerns of childhood abuse and the overall cost
259 impact of that trauma on various systems.
260

261 Dr. Sheera Harrell, asked if the costs of initial licensing and renewal are compared with
262 licenses of other boards including exam costs. She stated concern for applicants and
263 licensee that were new to the field and noted the opportunity for exploitation in exams.
264 She requested the Board consider increasing fees for Cites/Fines instead of for initial
265 license, renewal, and exam fees.
266

267 Dr. Melodie Schaefer, expressed concern that general fund loans would not be paid
268 back as well as concern for the impact of a fee increase on colleagues that are new to
269 the field and struggling due to COVID pandemic, low pay, and high student loans.
270

271 Dr. Elizabeth Winkelman, California Psychological Association, expressed concern
272 related to any increased fees for Psychologists and echoed previous comments. She
273 asked that the Board consider other options beyond what had previously been
274 discussed.
275

276 There was no further public comment.
277

278 Mr. Foo provided clarification on the loans that had been made to the General Fund and
279 noted that some loans have been repaid. He reported that two fiscal years previously,
280 \$3.7M was paid back in total which was comprised of amounts loaned for the 2002 and
281 2008 Budget Acts. Mr. Foo reported that the amount that was loaned to the General
282 Fund as part of the 2020 Budget Act made a total of \$1.23M which was still outstanding.
283 He referenced the previous comments from the Budget Office that the Board would
284 receive payment within the next couple of years.
285

286 Mr. Nishimine cautioned the Board about making comparisons with other programs
287 regarding fees as Boards may have similarities but different variables including budget,
288 licensee population, composition of staffing, enforcement activities and licensing
289 procedure. He emphasized the many variables and uniqueness of the Board of
290 Psychology and suggested there be a focus on input and output of in-house operations
291 rather than a comparison to other programs.
292

293 Mr. Nishimine addressed the question of Cite/Fines and stated the difficulty to budget
294 based on Cite/Fines and stated an increase in Cite/Fine amounts would not right-side
295 the Board's budget. He stated Cite/Fines were a punitive measure or deterrent against
296 non-compliance versus a budgetary fix.
297

298 Mr. Foo provided clarification that licensing, and renewal fees were related to cost
299 recovery and administration and were independent from the salaries of licensees.
300

301 Ms. Sorrick made a point of clarification related to discipline and cost recovery. She
302 stated that the Board asks for cost recovery with investigative and attorney's fees and
303 that violators will pay for enforcement of law versus the enforcement cost as a part of
304 the renewal fee.
305

306 A discussion ensued between Mr. Foo, Ms. Sorrick, Ms. Monterrubio, Dr. Phillips and
307 Mr. Templet regarding enforcement cost recovery and the Board's budget. It was stated
308 that not all investigations were brought to a settlement hearing or trial and may not meet
309 the threshold for cost recovery.
310

311 Dr. Phillips stated that there was a very small proportion of recovery cost in relation to
312 complaints received by the Board. Dr. Phillips stated that licensing, renewal, and exam
313 fees provide the income that the Board uses for operation.
314

315 He emphasized that the Board had been running at deficit regarding exam cost and
316 stated the necessity to look at all areas and consider options for revenue as consumer
317 protection is the primary charge of the Board.
318

319 **Agenda Item 8(e)(3): Review, Consider and Possible Action on Proposed**
320 **Amendments to 16 California Code of Regulations (CCR) section 1392,**
321 **subdivision (b)-- Increase the California Psychology Law and Ethics Exam**
322 **(CPLÉE) Fee**
323

324 Dr. Harb Sheets referred to the increased cost of the Laws and Ethics Exam since the
325 Board increased the number of exam date options from two to four times per year. She
326 stated the increase in exam date options was done in the interest of increased public
327 service and the cost increase had been subsidized over the previous six years.
328

329 A discussion ensued between Mr. Nishimine, Mr. Foo, Dr. Harb Sheets, Ms. Cervantes,
330 Dr. Casuga, Dr. Phillips and Ms. Snyder regarding possible options to address the cost
331 increase. These options included: the negotiation of the existing contract, securement of
332 a different vendor to administer the CPLÉE, a fee increase for the CPLÉE, or to scale
333 back to two exam dates per year.

334
335 Mr. Nishimine suggested that the Board no longer subsidize the deficiency and begin to
336 charge the full amount of the fee to applicants but noted this change would only have a
337 small impact on the structural imbalance.

338
339 Ms. Cervantes expressed concern that the exam cost would increase again.

340
341 Ms. Snyder referred to page 48 of the meeting materials and explained that a cost
342 increase had been considered in the analysis of the potential fee increase. She stated
343 the cost of exams were \$273,500.56 with fees paid of \$152,177.00 and that the Board
344 had subsidized the difference. Ms. Snyder emphasized the positive relationships the
345 Board has had with PSI and OPES and expressed concern that the Board may pay
346 more for fewer services if the vendors were changed. She stated that all existing
347 candidates that had already been scheduled would have to reschedule and delays
348 would be expected.

349
350 Ms. Cervantes opined that a deeper analysis could be done and that she felt the
351 information provided was speculative.

352
353 Dr. Casuga expressed support for Ms. Cervantes and that she felt more time and
354 analysis would have been beneficial and stated her hesitancy toward
355 scaling back exams. She expressed concern that more stakeholders could be surveyed
356 for opinions.

357
358 Dr. Phillips stated that the history of only having two exams created a difficult obstacle
359 for exam candidates if they were to fail first time. He stated his support of keeping four
360 exam dates per year and expressed concern for applicants who had been affected by
361 delays due to COVID,

362
363 Mr. Foo asked to highlight for historical context that Ms. Burns had raised concern about
364 the Board having subsidized the exam cost in past. He questioned whether the existing
365 \$40 application fee was reflective of actual administrative cost to the Board and if there
366 was a reason that exam fees would not be tied to consumer price index of inflation.

367
368 Mr. Glasspiegel stated that without full analysis a definitive answer could not be
369 provided but based on operational knowledge, the \$40 application fee does not cover
370 the cost of staff processing. He stated that the existing \$400 licensing fee is meant to
371 recoup some of that cost but does not likely cover the cost to the Board.

372
373 Tracy Montez was introduced as the Division Chief of Programs and Policy Review with
374 DCA. She offered background on computer-based testing and fees. She clarified that
375 the Board was part of a master service contract that included many programs within
376 DCA. She stated that the master service contract was intended to help with overall cost
377 regardless of size of the program versus a direct procurement with vendor. Dr. Montez
378 emphasized a high level of service was received with very low costs for those services.
379 She stated that the fees charged are very competitive and offered to provide detail in
380 the form of a memo regarding services provided to the Board.

381

382 Dr. Harb Sheets asked for clarification if the Board receives the benefits of the larger
383 boards, regardless of size, through the master service contract. This was confirmed by
384 Dr. Montez.

385
386 A discussion ensued between Dr. Montez and Ms. Cervantes regarding concerns for
387 the Board's budget as well as concern for the community of licensees in relation to
388 costs involved.

389
390 Ms. Cervantes asked if cost increases have been anticipated for the coming years.

391
392 Dr. Montez stated that the anticipated cost increase had been built into the budget. She
393 shared that they always look for ways to ways to reduce cost for programs regarding
394 exam development. Dr. Montez emphasized that much was learned through COVID,
395 they are always looking for ways to streamline and reduce and will continue to work
396 closely with the Board on costs.

397
398 Clarification was made that the existing contract is to expire in December 2021 and
399 negotiations were being made with the goal of a three-year contract.

400
401 Ms. Monterrubio commented that if exam was limited to twice a year, this could
402 negatively impact enforcement, specifically probation cases. She referred to the Board
403 Disciplinary Guidelines that state that the respondent is required to take and pass the
404 CPLEE exam within 90 days of the date of the decision.

405
406 Dr. Harb Sheets summarized the following options: To increase CPLEE fee to \$235.20,
407 to reduce the frequency of the exam from four times per year to two times per year, or
408 to negotiate a lower cost with a different vendor. She asked for a motion.

409
410 It was M(Casuga)/S(Tate)/C to increase the CPLEE fee to \$235.20 and to keep offering
411 the exam four times per year.

412
413 There was no further Board comment.

414
415 Public Comments were made by Dr. Elizabeth Winkelman, California Psychological
416 Association, Dr. Sheera Harrell, Dr. Marilyn Immoos, CDCR, and Dr. Alexandra Scott.
417 Concern regarding any fee increase was expressed and the Board was asked not to
418 reduce exam options to twice per year. It was stated that an incremental increase in the
419 CPLEE fee would be more reasonable than all at once.

420
421 There was no further public comment.

422
423 Mr. Clay Jackson, Esq., made a recommendation regarding modified language for the
424 motion with the suggested change to be, "I move that the Board approve the proposed
425 text and authorizes the Executive Officer to take the next necessary steps to finalize the
426 text and other documents including delegating to the Executive Officer the authority to
427 make a technical, grammatical or non-substantive changes that may be required in
428 completing the rulemaking file, and then taking all steps necessary to file the regulation

429 package with the Department of Consumer Affairs Executive Office, Agency, and the
430 Office of Administrative Law to complete the rulemaking process.”

431
432 Dr. Harb Sheets asked Dr. Casuga if she would like to modify motion to include the
433 wording of Mr. Jackson and Dr. Casuga replied in the affirmative. Dr. Tate amended her
434 second.

435
436 A discussion ensued regarding the possibility of wrapping the exam cost into a larger
437 conversation about fee structure and approve language at the May Meeting to allow a
438 more expansive regulatory package prior to Agency, Executive Office, and OAL
439 submission.

440
441 Dr. Casuga suggested there be a strategic increase of cost to maintain current cost but
442 only increase fee to repeat test takers and modest fee increase for first time takers.

443
444 Mr. Foo stated that the option could be added to the May Board meeting agenda

445
446 Ms. Sorrick stated the possibility to move forward with a larger discussion in May to
447 make one larger regulatory package. She addressed Dr. Winkelman’s suggestion to
448 make sure people have advance notice and noted further opportunity for stakeholder
449 input during the regulatory process.

450
451 Dr. Harb Sheets restated the options related to the motion on the floor; vote on the
452 motion or the motion could be withdrawn, and another motion made to continue the
453 discussion at the May Board Meeting

454
455 Dr. Phillips suggested the Board proceed with a vote to approve the language and
456 referenced the opportunity for further discussion through the course of the regulatory
457 process.

458
459 Mr. Foo restated the motion on table.

460
461 Mr. Maguire suggested public comment be opened since the language of the motion
462 had been amended.

463
464 Public Comment

465
466 Dr. Sheera Harrell, requested that the language of the motion be repeated.

467
468 Mr. Foo re-read the language of the motion and re-stated the suggestion of Ms. Sorrick
469 that the motion would be held until the Board’s May discussion where it will be
470 agendized to allow for the possibility of a combined regulatory package. He clarified that
471 the motion on the table was to be able to develop language for consideration.

472
473 Dr. Sheera Harrell, opined that the potential CPLEE fee amount be changed to a
474 rounded number of \$240 to cover exam costs and budgetary assistance. Dr. Harrell
475 asked the Board to consider the potential negative fiscal consequences to marginalized
476 applicants and candidates within the community.

477
478 Dr. Sarah Belgrad opined that the amended language in the motion sounded rushed
479 and suggested the vote was moved to May.

480
481 There was no further public comment.

482
483 Dr. Harb Sheets called for a vote on the motion.
484 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
485 Rodgers, Tate), 0 Noes

486
487 The language was approved as follows:

488
489 **ARTICLE 6. Fees**

490 **§ 1392. Psychologist Fees.**

491 (a) The application fee for a psychologist is \$40.00.

492 (b) The fee for the California Psychology Laws and Ethics Examination (CPLEE) is
493 ~~\$129~~235.20.

494 (c) An applicant taking or repeating the licensing examination shall pay
495 the full fee for that examination.

496 (d) The initial license fee and the biennial renewal fee for a psychologist are \$400.00,
497 except that if an initial license will expire less than one year after its issuance, then the
498 initial license fee is an amount equal to 50 percent of the
499 renewal fee in effect on the last regular renewal date before the date on which the license
500 is issued.

501 (e) The biennial renewal fee for an inactive license is \$40.00.

502
503
504 Mr. Foo thanked all participants for comments and discussion and noted item 20 on the
505 following day's agenda where the cost of education would be discussed. He confirmed
506 that closed session would be attempted after Item 8 on agenda.

507
508 **Agenda Item 8: Licensure Committee Report and Consideration of and Possible**
509 **Action on Committee Recommendations**

510
511 a. Projects on hold due to Limited Staffing Resources
512 1. Informational Resources for Supervisors
513 2. Co-host a Stakeholder Meeting on Informing Consumers Regarding the
514 Respective Roles of a Licensed Psychologist, Licensed Educational Psychologist,
515 and Individuals Holding a Credential with a Specialization in School Psychology

516
517 b. Update on Waivers

518
519 Ms. Cheung provided an update to Agenda Item 8(a)(1) and (2) and 8(b) for
520 informational purposes only

521
522 There was no Board or public comment offered.

523
524 c. Licensing Report

525

526 Ms. Xiong provided a summary of the report.

527

528 Public comments were received regarding the difficulty reaching Analysts during the
529 Licensing process. There were additional comments stating frustration with waiting for
530 DCA to issue extensions of COVID waivers and a comment about the CPLEE passing
531 rate and what criteria would meet a rate adjustment.

532

533 Ms. Sorrick clarified that if there was an anomaly within CPLEE or extreme change, it
534 would be brought to the attention of Board staff for research and addressed
535 appropriately.

536

537 Ms. Cheung clarified that the Licensing unit was short staffed and revised timeframes
538 were posted on www.psychology.ca.gov, which is updated monthly. She stated there
539 were plans to improve Breeze to be able to check on application status and
540 deficiencies. She also stated if/when an extension was made to any waiver, the public
541 would be notified.

542

543 d. Continuing Education and Renewals Report

544

545 Ms. McCockran provided the report

546

547 A Board discussion ensued over the CE auditing process.

548

549 No public comment was offered.

550

551 e. Examination Report

552 1. Subject Matter Expert – Demographic Data

553

554 Ms. Snyder provided data regarding workshop cancellations due to COVID and what
555 data was collected in FY 2019 and 2020.

556

557 There was no public comment.

558

559 2. Examination Candidate Statistics

560

561 Ms. Snyder provided summary of data regarding exam locations that were closed due to
562 COVID, continued application and approval for exams which caused a backlog.

563

564

565 f. Update on California Psychology Law and Ethics Exam (CPLEE) Online
566 Administrations

567

568 Dr. Harb Sheets provided an update to this item.

569

570 There was no Board or public comment.

571

572 g. Consideration and Possible action on Guidelines for Board Meeting Materials
573 relating to Extension Requests

574
575 Dr. Harb Sheets provided background summary to this item.

576
577 It was (M)Foo/(S)Phillips/C that personal information on any requests and letters of
578 support for petitioners be appropriately redacted.

579
580 There was no Board or public comment.

581
582 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
583 Rodgers, Tate), 0 Noes

584
585 h. Consideration of Licensure Committee Recommendations Regarding Requests
586 for an Extension of the 72-Month Registration Period Limitation for Registered
587 Psychological Assistant Pursuant to 16 CCR section 1391.1, subdivision (b)

588
589 Dr. Harb Sheets introduced this agenda item and presented each petition.

590
591 Dr. Harb Sheets introduced PSB #1 and stated the recommendation of the Licensure
592 Committee to approve an additional six months.

593
594 It was M(Foo)/S(Harb Sheets)/C to accept the Committee's recommendation.

595
596 There was no Board or public comment.

597
598 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
599 Rodgers, Tate), 0 Noes

600
601 Dr. Harb Sheets introduced PSB #2 and stated the recommendation of the Licensure
602 Committee that the Board deny the 18-month extension petition.

603
604 It was M(Phillips)/S(Harb Sheets)/C to accept the Committee's recommendation.

605
606 There was no Board or public comment.

607
608 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
609 Rodgers, Tate), 0 Noes

610
611 Dr. Harb Sheets introduced PSB #3 and stated the recommendation of the Licensure
612 Committee to approve an additional two months.

613
614 It was M(Harb Sheets)/S(Tate)/C to adopt the Committee's recommendation.

615
616 There was no Board or public comment.

617
618 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
619 Rodgers, Tate), 0 Noes

620
621 Dr. Harb Sheets introduced PSB #4 and stated the recommendation of the Licensure
622 Committee to deny an additional six months.
623
624 It was M(Nystrom)/S(Casuga)/C to adopt the Committee's recommendation.
625
626 Board discussion ensued regarding the possibility of unlicensed practice and how that
627 would be addressed by the Licensing staff.
628
629 There was no public comment.
630
631 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
632 Rodgers, Tate), 0 Noes
633
634 Dr. Harb Sheets introduced PSB #5 and stated the recommendation of the Licensure
635 Committee to approve an additional two months.
636
637 There was no Board or public comment.
638
639 It was M(Tate)/S(Harb Sheets)/C to adopt the Committee's recommendation.
640
641 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
642 Rodgers, Tate), 0 Noes
643
644 Dr. Harb Sheets introduced PSB #6 and stated the committee recommended the Board
645 deny the three-six-month extension petition.
646
647 It was M(Phillips)/S(Harb Sheets)/C to accept the committee's recommendation.
648
649 There was no Board or public comment
650
651 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
652 Rodgers, Tate), 0 Noes
653
654 Dr. Harb Sheets introduced PSB #7 and stated the committee recommended the Board
655 approved the six-month extension petition.
656
657 It was M(Foo)/S(Phillips)/C to adopt the committee's recommendation.
658
659 Board discussion ensued regarding number of hours accrued by petitioner.
660
661 There was no public comment.
662
663 Vote: 8 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Rescate, Rodgers,
664 Tate), 1 Abstention (Phillips), 0 Noes
665
666 Dr. Harb Sheets introduced PSB #8 and stated the committee recommended the Board
667 approve an addition three-month extension.

668
669 It was M(Nystrom)/S(Foo)/C to adopt the committee's recommendation.
670
671 There was no Board or public comment.
672
673 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
674 Rodgers, Tate), 0 Noes
675
676 Dr. Harb Sheets introduced PSB #9 and stated the Licensure Committee
677 recommendation that the Board approve an additional six-month extension.
678
679 It was M(Foo)/S(Nystrom)/C to adopt the Committee's recommendation.
680
681 There was no Board or public comment.
682
683 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
684 Rodgers, Tate), 0 Noes
685
686 i. Consideration of Licensure Committee Recommendations Regarding
687 Requests for an Extension of the 30-Consecutive Month Limitation to Accrue
688 1500 Hours of Post-Doctoral Supervised Professional Experience Pursuant to
689 16 CCR section 1387, subdivision (a)
690
691
692 Dr. Harb Sheets introduced PSY #1 and stated the Licensure Committee's
693 recommendation that the Board approve an additional ten-month extension.
694
695 It was M(Phillips)/S(Foo)/C to adopt the Committee's recommendation.
696
697 There was no Board or public comment.
698
699 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
700 Rodgers, Tate), 0 Noes
701
702 Dr. Harb Sheets introduced PSY #2 and stated the Licensure Committee's
703 recommendation that the Board approve an additional six-month extension.
704
705 It was M(Nystrom)/S(Foo)/C to adopt the Committee's recommendation.
706
707 There was no Board or public comment.
708
709 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
710 Rodgers, Tate), 0 Noes
711
712 Dr. Harb Sheets introduced PSY #3 and stated the Licensure Committee's
713 recommendation that the Board approve an additional 18-month extension.
714
715 It was M(Casuga)/S(Rodgers)/C to adopt the Committee's recommendation.

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There was no Board comment.

A public comment was made by Dr. Melodie Schaefer regarding process of CAPIC internship and suggested the Board request supporting documentation from the applicant.

Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate), 0 Noes

9. Legislative and Regulatory Affairs Updates (Cervantes – Chairperson, Casuga, Phillips)

a) Board Sponsored Legislation for the 2020 Legislative Session: Review and Possible Action

1. Amendments to section 2960.1 of the Business and Professions Code Regarding Denial, Suspension and Revocation for Acts of Sexual Contact

Ms. Cervantes summarized item 9(a)(1), provided historical background and clarified the amendments made to inappropriate sexual behavior definition.

Public Comment

Dr. Elizabeth Winkelman, CPA, asked for clarification on language within the bill. She stated that CPA had no official position on the bill, but concerns had been raised regarding its potential redundancy. Dr. Winkelman stated that automatic revocation is harsh in some circumstances that may be qualified for rehabilitation.

Mr. Maguire clarified that a change was necessary to the language of the bill to ensure the Board maintained the ability to enforce appropriate discipline.

A discussion ensued between the Board and Mr. Maguire wherein clarification was given on the language chosen. The Board determined that without a change in language the Board would not have explicit statutory authority to seek revocation in some cases where revocation was determined to be the appropriate discipline to protect consumers. It was stated that this decision was based on past disciplinary case experience and was not a hypothetical scenario. It was agreed in discussion that technical adjustments could be made going forward.

It was M(Foo)/S(Casuga)/C to adopt the concept in the language presented before the Board and to delegate to Dr. Phillips and the Executive Office to iron out the language and work with Ms. Sorrick and Dr. Pan's office to go forward on the language of the bill.

There was no Board comment offered.

Public Comment

764 Dr. Winkelman, CPA, commented regarding the importance of the language specificity
765 related to the position that would be taken by CPA and suggested that language be very
766 clear regarding what would trigger a revocation.

767
768 Dr. Belgrad, CDCR, commented that sexting should be defined in the code so it is clear
769 as grounds for revocation.

770
771 There was no further public comment.

772
773 Ms. Nystrom recused herself from voting.

774
775 Vote: 8 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate),
776 0 Noes

777
778 Ms. Sorrick asked for clarification of the last date to submit changes to Senator Pan,
779 which was confirmed as March 10.

780
781 **Agenda Item 10: Enforcement Report**

782
783 Ms. Sorrick provided summary of the Enforcement Report on behalf of Ms. Monterrubio.

784
785 A discussion ensued between Dr. Rodgers and Ms. Sorrick upon which two corrections
786 were made in the totals on the attachment.

787
788 There was no Board or public comment offered.

789
790 **AGENDA ITEM 14: The Board Will Meet in Closed Session Pursuant to**
791 **Government Code Section 11126, subdivision (c)(3) to Discuss Disciplinary**
792 **Matters Including Proposed Decisions, Stipulations, Petitions for Reinstatement**
793 **or Modification of Penalty, Petitions for Reconsideration, and Remands.**

794
795
796 **ADJOURNMENT:** The Board meeting adjourned at 5:02pm

797
798
799 **Friday, February 19, 2021**

800
801 **Members Present 9**
802 Seyron Foo, President
803 Lea Tate, PsyD, Vice President
804 Sheryll Casuga, PsyD
805 Marisela Cervantes
806 Mary Harb Sheets, PhD
807 Julie Nystrom
808 Stephen Phillips, JD, PsyD
809 Ana Rescate
810 Shacunda Rodgers, PhD

811

812 **Members Absent**

813 None

814

815 **Legal Counsel**

816 Will Maguire

817 Clay Jackson

818

819 **Board Staff**

820 Antonette Sorrick, Executive Officer

821 Jon Burke, Assistant Executive Officer

822 Stephanie Cheung, Licensing Manager

823 Jason Glasspiegel, Central Services Manager

824 Sandra Monterrubio, Enforcement Program Manager

825 Liezel McCockran, CE/Renewals Coordinator

826 Mai Xiong, Licensing/BreEZe Coordinator

827 Cristina Rivera, Legislative and Regulatory Analyst

828 Sarah Proteau, Central Services Office Technician

829

830 **Agenda Item 15: Call to Order/Roll Call/Establishment of a Quorum**

831

832 Seyron Foo, Board President, called the open session meeting to order at 9:01 a.m. and
833 read the Board's mission statement. A quorum was present and due notice had been
834 sent to all interested parties.

835

836 **Agenda Item 16: Closed Session Pursuant to Government Code Section 11126,**
837 **subdivision (c)(3) to Discuss Disciplinary Matters Including Proposed Decisions,**
838 **Stipulations, Petitions for Reinstatement and Modification of Penalty, Petitions for**
839 **Reconsideration, and Remands.**

840

841 Mr. Foo announced the Board would go to closed session at 9:05 a.m. and resumed at
842 10:40a.m.

843

844 **Agenda Item 17: Public Comment for Items Not on the Agenda**

845

846 There was no public comment offered.

847

848 **Agenda Item 9(a)(2): Pathways to Licensure Statutory Revisions/Agenda Item**
849 **9(a)(3): Sunset Provisions**

850

851 Ms. Cervantes provided summary of this agenda item.

852

853 There was no Board or public comment offered.

854

855 **Agenda Item 9(b): Update on California Psychological Association Legislative**
856 **Proposal Regarding New Registration Category for Psychological Testing**
857 **Technicians.**

858

859 Ms. Cervantes provided a summary of this agenda item and asked if CPA had an update
860 to provide.

861
862 Dr. Elizabeth Winkelman, CPA, stated that CPA had no update on the item, and it will not
863 be introduced this year.

864
865 There was no Board or public comment offered.

866
867 **Agenda Item 9(c): Legislative Items for Future Meeting.**

868
869 Ms. Cervantes introduced this agenda item,

870
871 There was no Board or public comment offered.

872
873 **Agenda Item 11: Consideration of Adopting Amendments to 16 CCR sections**
874 **1381.9, 1397.60, 1397.61, 1397.62, and 1397.67, and adding sections 1397.60,**
875 **1397.61, 1397.62, and 1397.67– Continuing Education/Professional Development**

876
877 Mr. Foo introduced this agenda item. Mr. Foo referenced page 106 in the Meeting
878 materials for the detail of the text. The comments were located on page 108 onward.

879
880 It was M(Harb Sheets)/S(Casuga)/C to reject the comments received during the 15-day
881 comment periods which were outside of scope of the modified text and thus not germane
882 to the amendments

883
884 There was no Board discussion.

885
886 Public Comment

887
888 A discussion ensued between the Board, Public and Counsel as to how comments are
889 received within the 15-day comment period, how licensees would be able to seek clarity
890 on questions, and whether the option of technical corrections was possible.

891
892 Mr. Glasspiegel assured the Board and public that staff would work with stakeholders
893 including CPA on any messaging or FAQ that would be put out and that once the
894 Regulatory package is finalized and approved a broad implementation plan will be
895 developed by staff.

896
897 Ms. Sorrick commented on the regulatory approval process and stated the Board would
898 create an advisory as to how licensees would be impacted and work with stakeholders on
899 communication tools.

900
901 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
902 Rodgers, Tate), 0 Noes

903
904 It was M(Tate)/S(Nystrom)/C to authorize the Executive Officer to take the necessary
905 steps to finalize the text and other documents including delegating to the Executive
906 Officer the authority to make and technical, grammatical, or non-substantive changes that

907 may be required in completing the rule making file and then taking all step necessary to
908 file the regulatory package with Executive Office, Agency and Office of Administrative
909 Law to complete the rule making process.

910
911 Public Comment

912
913 Dr. Jo Linder-Crow asked for clarification of on the place in the document with changes to
914 language in from “may” to “shall” in 1397.61 in F3 referring to area around professional
915 activities. She asked if this was the area where Ms. Sorrick could change.

916
917 Dr. Winkelman, CPA, stated the language could be considered a technical correction that
918 could be taken care of. She expressed concern to the language in 3a and stated “may”
919 should replace “shall” She asked that language be added to clarify that it would not be
920 mandatory to have 4.5 hours of professional activities.

921
922 A discussion ensued regarding the language within the mentioned point and whether it
923 could be considered non-substantive and therefore allowable to be changed by staff, if
924 needed.

925
926 Ms. Sorrick stated if it was the will of the Board to change the language for clarification
927 from “shall” to “may”, a 15-day notice would be required for comment. If the Board opted
928 not to do that, staff would be able to address the requirement in the implementation
929 materials.

930
931 It was determined that the change could be avoided if there was an option but no
932 requirement to do professional service which could be provided through an FAQ.

933
934 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
935 Rodgers, Tate), 0 Noes

936
937 **Agenda Item 12: Consideration of Adding 16 CCR section 1396.8– Standards of**
938 **Practice for Telehealth**

939
940 Mr. Foo provided introduced this agenda item.

941
942 Mr. Glasspiegel stated the staff recommendation to the Board was to reject the additional
943 comments made within the 15-day comment period as the amendments are outside the
944 scope of modified text and thus not germane to the amendments.

945
946 It was M(Phillips)/S(Rodgers)/C

947
948 There was no further Board or public comment.

949
950 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
951 Rodgers, Tate), 0 Noes

952
953 It was M(Tate)/S(Casuga)/C to authorize the Executive Officer to take the necessary
954 steps to finalize the text and other documents including delegating to the Executive

955 Officer the authority to make and technical, grammatical, or non-substantive changes that
956 may be required in completing the rule making file and then taking all step necessary to
957 file the regulatory package with Executive Office, Agency and Office of Administrative
958 Law to complete the rule making process.

959
960 There was no Board or public comment

961
962 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
963 Rodgers, Tate), 0 Noes

964
965 Mr. Foo expressed appreciation as did Dr. Phillips to the Telepsychology Committee

966
967 **Agenda Item 13: Regulatory Update, Review, and Consideration of Additional**
968 **Changes**

- 969
- 970 a) 16 CCR sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11,
971 1391.12, 1392.1 – Psychological Assistants
 - 972 b) 16 CCR sections 1381.9, 1381.10, 1392 – Retired License, Renewal of
973 Expired License, Psychologist Fees
 - 974 c) 16 CCR sections 1391.13, and 1391.14 – Inactive Psychological Assistant
975 Registration and Reactivating a Psychological Assistant Registration
 - 976 d) 16 CCR section 1394 – Substantial Relationship Criteria;
977 Section 1395 – Rehabilitation Criteria for Denials and Reinstatements;
978 Section 1395.1 – Rehabilitation Criteria for Denials Suspensions or
979 Revocations

980
981 Ms. Rivera and Mr. Glasspiegel provided this update.

982
983 There was no Board or public comment offered.

984
985 **Agenda Item 18: Scope of Office of Professional Examination Services to the**
986 **Board of Psychology**

987
988 Dr. Montez provided a presentation on OPES including client base,
989 Regulations/Standards and Guidelines followed, constructing Licensure Examinations,
990 Cycles of Exam development, Occupational Analysis, Review of National Examination,
991 Oversight of DCA master contract for computer-based testing.

992
993 Mr. Foo expressed appreciation and opened the floor to Board comments.

994
995 A discussion ensued between the Board and Dr. Montez including how the EPPP
996 compared to the CPLEE exam, how fairness was interpreted and evaluated, the scope
997 of the exam, diversity within the field and population and if necessary related
998 multicultural competency was tested in licensees.

999
1000 A discussion ensued regarding accommodations for test candidates with a variety of
1001 needs. The Board staff confirmed that there was an existing vehicle for accommodation
1002 requests and where it could be found on the Board website.

1003
1004 Dr. Rodgers asked for clarification as to what criteria determined the selection of
1005 responses included in final sample size.
1006
1007 Dr. Montez clarified that the respondent would need to be actively practicing and the
1008 survey needed to be complete to be included in the final sample size.
1009
1010 A discussion ensued between Board members and Dr. Montez regarding EPPP2, PSI
1011 and remote testing as a possibility of the CPLEE.
1012
1013 Dr. Montez clarified that OPES is looking into the EPPP2 and would be able to provide
1014 the data when it was available and gave examples of different boards that are doing
1015 remote testing. She stated she does not see evidence that remote exams are secure.
1016
1017 Dr. Casuga expressed appreciation to Dr. Montez for the presentation and extended an
1018 invitation to attend the EPPP Ad Hoc Committee meeting which was accepted.
1019
1020 There was no public comment.

1021
1022 **Agenda Item 19: Enforcement Committee Report and Consideration of and**
1023 **Possible Action on Committee Recommendations**
1024

1025 Dr. Phillips provided the Enforcement Committee Report

- 1026
1027 a) Child Custody Stakeholder Meeting-Implementation Plan Update
1028 1. Statutory Discussion Regarding Proposed Exception to Psychotherapist-
1029 Patient Privilege for Board Investigations

1030
1031 Dr. Phillips summarized this item.

1032
1033 Ms. Monterrubio stated a full update on this item would be provided at the May Board
1034 Meeting.

1035
1036 There was no Board or public comment offered.

- 1037
1038 b) Regulatory Update, Review, and Consideration of Additional Changes
1039

1040 Dr. Phillips provided an update that the Committee continuously monitors all Board
1041 Statutes and Regulations to make recommendations to the Board regarding potential
1042 changes to be made and stated the ongoing nature of this process. This refers to
1043 Agenda Item 19(b)(1)- 19(b)(22) and Agenda Item 19(c)

- 1044
1045 1. 16 CCR section 1380.6 – Display of License Number
1046 2. 16 CCR section 1393 – Requirements for Psychologists on Probation
1047 3. 16 CCR section 1396 – Competence
1048 4. 16 CCR section 1396.1 – Interpersonal Relations
1049 5. 16 CCR section 1396.2 – Misrepresentation
1050 6. 16 CCR section 1396.3 – Test Security

- 1051 7. 16 CCR section 1396.4 – Professional Identification
1052 8. 16 CCR section 1396.5 – Consumer Information
1053 9. 16 CCR section 1397 – Advertising
1054 10. 16 CCR section 1397.1 – Child Abuse Reporting requirements
1055 11. 16 CCR section 1397.2 – Other Actions Constituting Unprofessional
1056 Conduct
1057 12. 16 CCR section 1397.30 – Citation
1058 13. 16 CCR section 1397.36 – Requirements for Professional Corporations
1059 14. 16 CCR section 1397.37 – Shares: Ownership and Transfer
1060 15. 16 CCR section 1397.39 – Corporate Activities
1061 16. 16 CCR section 1397.40 – Trusts
1062 17. 16 CCR Sections 1397.50 – Citations and Fines
1063 18. 16 CCR section 1397.51 – Amount of Fines
1064 19. 16 CCR section .52 – Compliance with Orders of Abatement
1065 20. 16 CCR section 1397.53 – Citations for Unlicensed Practice
1066 21. 16 CCR section 1397.54 – Contest of Citations
1067 22. 16 CCR section 1397.55 – Disconnection of Telephone Service
1068
1069 c) Statutory and Regulatory Update, Review, and Consideration of Additional
1070 Changes
1071
1072 1. Business and Professions Code (BPC) section 2902 – Definitions
1073 2. BPC section 2903 – Licensure requirement; Practice of psychology;
1074 Psychotherapy
1075 3. BPC section 2903.1 – Biofeedback instruments
1076 4. BPC section 2908 – Exemption of other professions
1077 5. BPC section 2912 – Temporary practice by licensees of other state or
1078 foreign country
1079 6. BPC section 2934.1 – Posting of license status on Web site
1080 7. BPC section 2936 – Consumer and professional education in matters
1081 relevant to ethical practice; Standards of ethical conduct; Notice
1082 8. BPC section 2960 – Grounds for action(a)-(r) (o)
1083 9. BPC section 2960.05 – Limitations period for filing accusation against
1084 licensee
1085 10. BPC section 2960.1 – Sexual contact with patient; Revocation
1086 11. BPC section 2960.2 – Licensee’s physical, emotional and mental
1087 condition evaluated
1088 12. BPC section 2960.5 – Mental illness or chemical dependency
1089 13. BPC section 2960.6 – Actions by other states
1090 14. BPC section 2961 – Scope of action
1091 15. BPC section 2962 – Petition for reinstatement or modification of
1092 penalty
1093 16. BPC section 2963 – Matters deemed conviction
1094 17. BPC section 2964 – Report of license revocation or restoration
1095 18. BPC section 2964.3 – Persons required to register as sex offender
1096 19. BPC section 2964.5 – Conditions of probation or suspension
1097 20. BPC section 2964.6 – Payment of probationary costs
1098 21. BPC section 2965 – Conduct of proceedings

- 1099 22. BPC section 2966 – Suspension during incarceration for felony
1100 conviction; Determination of substantial relationship of felony to functions
1101 of psychologist; Discipline or denial of license
1102 23. BPC section 2969 – Penalties for failure to provide medical records;
1103 Failure to comply with court order; Multiple acts
1104 24. BPC section 2970 – Violation of chapter as misdemeanor
1105 25. BPC section 2971 – Injunctions
1106 26. BPC section 2985 – Renewal of suspended licenses; Reinstatement of
1107 revoked licenses
1108 27. BPC section 2986 – Effect of failure to renew within prescribed time
1109 28. BPC section 2995 – Psychological corporation
1110 29. BPC section 2996 – Violation of unprofessional conduct
1111 30. BPC section 2996.1 – Conduct of practice
1112 31. BPC section 2996.2 – Accrual of income to shareholder while
1113 disqualified prohibited
1114 32. BPC section 2997 – Shareholders, directors and officers to be
1115 licensees
1116 33. BPC section 2998 – Name, 2999 – Regulation by committee
1117

1118 d. Failed Continuing Education Audits referred to Enforcement Unit for Discipline
1119

1120 Dr. Phillips provided summary on this item and referred to Ms. Monterrubio who
1121 provided the Enforcement Committee’s recommendation that the Board continue to
1122 issue a Public Letter of Reproval (PLR) as formal discipline to a licensee who failed their
1123 first CE audit, by not submitting any of the required 36 hours of CE and for staff to seek
1124 probation for licensees who have already been issued a PLR and fail another audit.
1125

1126 A discussion ensued regarding the difficulty to enforce discipline beyond a PLR for first
1127 time violators. Concern was expressed of the serious nature of a licensee committing
1128 perjury on a renewal application.
1129

1130 Discussion continued regarding whether there was a difference between a licensee
1131 completing zero versus being short on hours. Only a failed audit of zero CE would be
1132 referred to Enforcement and there is a different process for Cite/Fine through the CE
1133 Coordinator for other failed audits.
1134

1135 Ms. McCockran provided clarity on the nature of the audit process and confirmed that
1136 two letters are sent to the official Address of Record on file in addition to the email
1137 address provided to the Board.
1138

1139 It was M(Foo)/S(Harb Sheets)/C that the Board support the Committee’s
1140 recommendation to continue to issue a PLR to those licensees who have not completed
1141 or failed to document any of the 36 hours of Continuing Education required for license
1142 renewal and for staff to seek probation for licensees who have already been issued a
1143 PLR and fail another audit by providing zero CE.
1144

1145 There was no public comment offered.
1146

1147 Vote: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
1148 Rodgers, Tate), 0 Noes

1149

1150 d) Consideration of Mail Ballot/Hold for Discussion Policy

1151

1152 Ms. Monterrubio provided a summary of historical mail ballot/hold policy. Ms.
1153 Monterrubio stated the Enforcement Committee's recommendation that the Board
1154 change the whole policy to be a two-vote hold with the full complement of appointed
1155 Board Members and if the Board returns to a group of six or less members, the
1156 recommendation is to return to the one-vote hold policy.

1157

1158 A discussion ensued on clarity of language in recommendation and it was determined
1159 that if the motion passed it would be added to the Enforcement Committee meeting
1160 agenda.

1161

1162 Ms. Cervantes recommend the Board not change the current one-vote hold and finds
1163 discussion helpful.

1164

1165 A discussion ensued on the merits of different options.

1166

1167 It was M(Foo)/S(Tate)/C that the Board support the Committee's recommendation to
1168 change the policy to a two-vote hold as there is now a full complement of appointed
1169 Board Members and if the Board does fall in its membership to a group of six or less,
1170 that the Board return to a one-vote policy.

1171

1172 There was no Board or public comment.

1173

1174 Vote: 8 Ayes (Casuga, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate), 1
1175 No (Cervantes)

1176

1177 **Agenda Item 20: Recommendations for Agenda Items for Future Board Meetings**

1178

1179 Mr. Foo summarized the public comments from the previous day from the public and
1180 asked staff to add future agenda items to meetings in relation to the summarized
1181 questions and comments that had been raised.

1182

1183 There was no Board or public comment.

1184

1185 Mr. Foo expressed appreciation to staff, public, SOLID, Board members and made
1186 consideration to the pressures of care providers during the pandemic.

1187

1188 **ADJOURNMENT**

1189

1190 It was M(Tate)/S(Casuga)/C that the meeting be adjourned.

1191

1192 The meeting adjourned at 2:19 p.m.

1193