

1 **NOTICE OF LEGISLATIVE AND REGULATORY AFFAIRS COMMITTEE**
2 **TELECONFERENCE MEETING**

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

7
8 **Committee Members**

9 Marisela Cervantes, Chair
10 Sheryll Casuga, PsyD
11 Stephen Phillips, JD, PsyD

12
13 **Legal Counsel**

14 William Maguire
15 Clay Jackson

16
17 **Board Staff**

18 Antonette Sorrick, Executive Officer
19 Jonathan Burke, Assistant Executive Officer
20 Stephanie Cheung, Licensing Manager
21 Jason Glasspiegel, Central Services Manager
22 Sandra Monterrubio, Enforcement Program Manager
23 Cristina Rivera, Legislative and Regulatory Analyst
24 Liezel McCockran, Continuing Education/Renewals Coordinator

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Friday, March 19, 2021

26
27 **Agenda Item #1: Call to Order/Roll Call/Establishment of a Quorum**

28
29 Marisela Cervantes, Chair, called the meeting to order at 10:00 a.m.

30
31 **Agenda Item #2: Chairperson’s Welcome and Opening Remarks**

32
33 Ms. Cervantes read opening remarks and welcomed new Board staff, Jonathan
34 Burke and Cristina Rivera, as well as new Board Counsel, Will Maguire.

35
36 **Agenda Item #3: Public Comment for Items Not on the Agenda. Note: The**
37 **Committee May Not Discuss or Take Action on Any Matter Raised During this**
38 **Public Comment Section, Except to Decide Whether to Place the Matter on the**
39 **Agenda of a Future Meeting [Government Code sections 11125 and**
40 **11125.7(a)].**

41
42 No Committee question or public comment was given.

43
44 **Agenda Item #4: COVID-19 Waiver Update**

45
46 Ms. Sorrick provided the COVID-19 update. Ms. Sorrick explained the waiver updates
47 on the extension of meeting Continuing Education requirements for renewals and the
48 face to face supervision for licensure.

49
50 Dr. Elizabeth Winkelman, California Psychological Association (CPA), asked if the
51 public can get information earlier on the waiver extensions. Dr. Winkelman provided an
52 example of how the face-to-face requirement was only extended three days before it
53 was due to expire.

54
55 Ms. Sorrick stated that the Board has communicated to the Department of Consumer
56 Affairs (DCA) about establishing longer waiver periods and extending the waivers with
57 more time before they are due to expire.

58
59 **Agenda Item #5: Discussion and Possible Approval of the Committee Meeting**
60 **Minutes: June 12, 2020**

61
62 Dr. Phillips provided Board staff with edits/comments regarding the language.

63
64 It was M(Phillips)/S(Casuga)/C to adopt the June 12, 2020 Legislative and Regulatory
65 Affairs Committee minutes as amended.

66
67 No Committee or public comment was given.

68
69 Vote: 3 ayes (Cervantes, Casuga, Phillips), 0 noes

70
71 **Agenda Item #6: Board Sponsored Legislation for the 2021 Legislative Session:**
72 **Review and Possible Action**

73
74 **a) SB 401 (Pan) Healing arts: psychology - Amendments to sections 2960 and**
75 **2960.1 of the Business and Professions Code Regarding Denial, Suspension and**
76 **Revocation for Acts of Sexual Contact**

77
78 Ms. Rivera provided a summary of this bill proposal.

79
80 Dr. Phillips stated that when Board staff and Board Members met with joint committees
81 for the Sunset Review, they seemed highly receptive to this bill.

82
83 It was M(Casuga)/S(Phillips)/C to recommend to the Board support SB 401 (Pan).

84
85 Dr. Winkelman stated that CPA took a neutral position on SB 401. She also thanked the
86 Board for working with CPA's initial concerns and clarifying the language.

87
88 Ms. Sorrick extended gratitude to Dr. Phillips for the flexibility of his schedule and his
89 willingness to represent the Board at the upcoming hearing.

90
91 Vote: 3 ayes (Cervantes, Casuga, Phillips), 0 noes
92

93 **b) Pathways to Licensure Statutory Revisions – Amendments to sections 27,**
94 **2909, 2909.5, 2910, 2911, 2913, 2914, 2915, 2915.5, 2915.7, 2942, 2944, 2946, and**
95 **2960 of the Business and Professions Code, and section 1010 of the Evidence**
96 **Code**

97
98 Ms. Rivera provided the update on this item. She stated that the item is informational,
99 and no action is requested of the Committee.

100
101 Ms. Cervantes is anticipating that the full language will be provided at the April Board
102 Meeting.

103
104 No Committee or public comment was given.
105

106 **c) Sunset Provisions – Amendments to section 2912 of the Business and**
107 **Professions Code, and Addition of Sections Related to Reinstatement to Active**
108 **after Voluntary Surrender, Licensure Committee Delegated Authority, and**
109 **Authority to Issue Waivers**

110
111 Ms. Rivera provided the update on this item. She stated that the item is informational,
112 and no action is requested of the Committee.

113
114 Ms. Cervantes is anticipating that the full language will be provided at the April Board
115 Meeting.

116
117 No Committee or public comment was given.
118

119 **Agenda Item #7: Review and Consideration of Proposed Legislation**

120 **a) Review of Bills for Active Position Recommendations to the Board**

121
122 **1. AB 54 (Kiley) COVID-19 emergency order violation: license revocation**

123
124 Ms. Rivera provided the background of this bill. She stated that staff recommends the
125 Legislative and Regulatory Affairs Committee Watch AB 54 (Kiley) as compliance with
126 COVID-19 emergency orders is enforced at the local level.

127
128 Ms. Cervantes stated that the committee does not need to vote on watch bills. Mr. Maguire
129 stated that if it looks like a bill is moving further in the process, the Committee may want
130 to consider an oppose unless amended position.

131
132 No Committee or public comment was given.
133

134 **2. AB 1236 (Ting) Healing arts: licensees: data collection**

135
136 Ms. Rivera stated that the bill is currently in the Assembly Business and Professions
137 Committee. Ms. Rivera stated due to the anticipated cost to implement this bill, and the
138 Board's need for a fee increase, staff is recommending the Legislative and Regulatory
139 Affairs Committee watch AB 1236 (Ting).

140
141 Ms. Cervantes stated that she does not agree with the staff recommendation. She stated
142 that it is important for staff to collect demographic data but has concerns that the data
143 points identified in the bill will not be beneficial to licensees or the public. Ms. Cervantes
144 provided the following example: for job satisfaction rating, many licensees renewal fees
145 are paid by their employer and asking psychologists that question is not going to help in
146 meeting overall workforce needs of the state. Ms. Cervantes provided more examples of
147 how the items listed in the bill were not helpful. Ms. Cervantes suggested that a survey
148 question about retirement would be helpful. She suggested that a position other than
149 Watch should be taken on this bill, so that the Board is engaged in how the bill develops
150 and can raise operational concerns.

151
152 Committee discussion ensued regarding survey questions presented in this bill. Board
153 staff informed the Committee that the board currently has a voluntary questionnaire in the
154 initial application and renewal but there is no statutory requirement to report.

155
156 It was M(Casuga)/S(Phillips)/C to direct the Chair and board staff to meet with the authors
157 staff on AB 1236 (Ting) to gather additional information about the bill.

158
159 Colin Sueyres, Director of Government Affairs at CPA, stated that CPA took an oppose
160 position on AB 1236 (Ting). Mr. Sueyres stated the CPA Board received several
161 comments regarding concerns of information provided for the survey being leaked. Mr.
162 Sueyres stated CPA will be submitting the oppose position letter within the next week.

163
164 Vote: 3 ayes (Cervantes, Casuga, Phillips), 0 noes

165
166 **3. SB 772 (Ochoa Bogh) Professions and vocations: citations: minor violations**

167
168 Ms. Rivera provided the background of the bill and the staff recommendation for the
169 Legislative and Regulatory Affairs Committee to take an Oppose Unless Amended
170 position on SB 772 (Ochoa Bogh), requesting the removal of the Board of Psychology,
171 as this bill would prohibit the assessment of an administrative fine for a minor violation.
172 While violations may be deemed minor, violations speak to the character of the licensee
173 and thus all violations should be addressed as part of a larger context.

174
175 It was M(Phillips)/S(Casuga)/C to approve the staff recommendation to recommend to
176 the Board take an oppose unless amended position on SB 772 (Ochoa Bogh).

177
178 No Committee or public comment was given.

179

180 Vote: 3 ayes (Cervantes, Casuga, Phillips), 0 noes

181

182 **b) Review of Watch Bills**

183

184 Dr. Casuga stated she would like to discuss the following bills: AB 32 (Aguiar-Curry)
185 and SB 224 (Portantino).

186

187 Dr. Phillips stated he would like to discuss the following bills: AB 107 (Salas), AB 657
188 (Bonta), and AB 810 (Flora).

189

190 **1. AB 32 (Aguiar-Curry) Telehealth**

191

192 Ms. Rivera provided the background of this bill.

193

194 Dr. Casuga stated that telehealth has been very helpful providing access to mental health
195 services. She stated she hopes the committee will recommend supporting this bill.

196

197 It was M(Casuga)/S(Phillips)/C to recommend to the full Board to support AB 32 (Aguiar-
198 Curry).

199

200 Dr. Phillips asked for staff input. Ms. Sorrick stated that if this bill intends to accomplish
201 what it says it does then it would be in line with strategic plan items related to access to
202 care.

203

204 Mr. Sueyres stated the CPA took a position of strong support.

205

206 Committee discussion ensued regarding taking a position of support.

207

208 Vote: 3 ayes (Cervantes, Casuga, Phillips), 0 noes

209

210 **2. AB 107 (Salas) Department of Consumer Affairs: boards: temporary licenses:
211 military spouses**

212

213 Ms. Rivera provided the background of this bill.

214

215 It was M(Phillips)/S(Casuga)/C to recommend to the Board to support if amended AB
216 107 (Salas).

217

218 No Committee or public comment was given.

219

220 Vote: 3 ayes (Cervantes, Casuga, Phillips), 0 noes

221

222 **3. AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military
223 spouses: licenses**

224

225 Ms. Rivera provided the background of this bill.

226

227 Dr. Phillips asked if applicants only have to attest that they qualify. Ms. Rivera answered
228 by stating that documentation will have to be provided along with the attestation.

229

230 No Committee or public comment was given.

231

232 **4. AB 339 (Lee) State and local government: open meetings**

233

234 Ms. Rivera provided the background of this bill and provided an update. Ms. Rivera
235 stated the staff recommendation is to Watch this bill.

236

237 No Committee or public comment was given.

238

239 **5. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions**

240

241 Ms. Rivera provided the background of this bill.

242

243 Mr. Sueyres stated CPA has taken a position of support on AB 646 (Low).

244

245 No Committee or public comment was given.

246

247 **6. AB 657 (Bonta) State civil service system: personal services contracts:
248 professionals**

249

250 Ms. Rivera provided the background of this bill.

251

252 It was M(Phillips)/S(Casuga)/C to recommend to the Board to take an Oppose Unless
253 Amended position on AB 657 (Bonta).

254

255 Dr. Phillips suggested the term 'clinical' be removed as the Board does not issue
256 specialty licenses for psychologists.

257

258 No Committee or public comment was given.

259

260 Vote: 3 ayes (Cervantes, Casuga, Phillips), 0 noes

261

262 **7. AB 810 (Flora) Healing arts: reports: claims against licensees**

263

264 Ms. Rivera provided the background of this bill. Ms. Rivera stated that the staff
265 recommends the Committee to Watch AB 810 (Flora).

266

267 No Committee or public comment was given.

268

269 **8. AB 830 (Flora) Department of Consumer Affairs: director: powers and duties**

270
271 Ms. Rivera provided the background of this bill. Ms. Rivera stated that staff
272 recommends the Committee to Watch AB 830 (Flora).

273
274 **9. AB 1026 (Smith) Business licenses: veterans.**

275
276 Ms. Rivera provided the background of this bill.

277
278 Ms. Cervantes had a question regarding the following statement, “This bill would
279 authorize a board to adopt regulations necessary to administer these provisions.” Ms.
280 Cervantes asked if the Board could raise its licensing fees to accommodate the
281 additional cost.

282
283 Mr. Glasspiegel responded that if the Board cannot implement the legislation as written,
284 the Board can promulgate regulations to specify how the Board will meet the legislative
285 requirement of the bill.

286
287 Ms. Sorricks stated that if there are enough individuals taking advantage of the authority
288 presented in this bill, it would add financial strain on the Board budget.

289
290 Ms. Cheung stated there is a relatively small number of military applicants; one year can
291 be 30 applicants and the next may be ten applicants.

292
293 No Committee or public comment was given.

294
295 **10. AB 1386 (Cunningham) License fees: military partners and spouses**

296
297 Ms. Rivera provided background of the bill.

298
299 Dr. Phillips stated that he appreciates this bills’ desire to help people. He stated that the
300 people benefiting from this bill is a relatively small number and that in the long run other
301 licensees may be picking up the cost.

302
303 No Committee or public comment was given.

304
305 **11. SB 102 (Melendez) COVID-19 emergency order violation: license revocation**

306
307 Ms. Rivera provided the background of this bill. Ms. Rivera stated that staff
308 recommends the Committee to Watch SB 102 (Melendez).

309
310 No Committee or public comment was given.

311
312 **12. SB 224 (Portantino) Pupil instruction: mental health education**

313
314 Ms. Rivera provided the background of this bill.

315
316 Ms. Cervantes stated that as an educator she appreciates the intent of this legislation,
317 but it would be difficult for school districts to implement without additional funding.
318
319 Dr. Phillips stated that conceptually this bill is a good idea. Dr. Phillips stated that part of
320 the problem with psychological healthcare delivery is access. For there to be access to
321 care, people must be cognizant of the situations in which they would need to access
322 care. Dr. Phillips stated there are pockets of resistance to the use of mental health care.
323 Dr. Phillips stated it would be most cost efficient and more compassionate if people
324 were readily willing to consider that option. Dr. Phillips shares the Chair's concern as it
325 relates to imposing yet more obligations on overtaxed school systems without providing
326 appropriate additional revenue sources.
327
328 Dr. Casuga wanted to discuss this bill because some of the provisions would increase
329 education and outreach for mental health, especially to younger students. Dr. Casuga
330 stated she appreciates the bill's provisions that provide information on how to seek and
331 find assistance from mental health professionals. Dr. Casuga supports the outreach
332 aspect proposed in this bill.
333
334 Ms. Sorrick stated that this bill is not directly tied to access to care or the provision of
335 care but instead about education. Ms. Sorrick stated that, historically, the Board has
336 seen several bills about curriculum or programs within the educational system and has
337 not been involved in advocating for those. Advocacy for this bill would be inconsistent
338 with what the Board has done in the past.
339
340 Dr. Winkelman stated that CPA is supporting this bill. She stated the CPA Board
341 discussed this bill and thought it would be very useful to have education on mental
342 health issues and could lead to a decrease in stigma and provide more access. Dr.
343 Winkelman stated that there have been two middle school suicides in her county. She
344 stated that the CPA Board also discussed the financing issue, but that the
345 recommendation for a one-time medically accurate, age-appropriate mental health
346 education in elementary, middle, and high school seemed like a relatively inexpensive
347 burden.

348
349 **13. SB 534 (Jones) Department of Consumer Affairs**

350
351 Ms. Rivera provided the background of this bill. Ms. Rivera stated that staff
352 recommends the Committee to Watch SB 534 (Jones).

353
354 No Committee or public comment was given.

355
356 **Agenda Item #8 - Legislative Items for Future Meeting. The Committee May**
357 **Discuss Other Items of Legislation in Sufficient Detail to Determine Whether Such**
358 **Items Should be on a Future Committee or Board Meeting Agenda and/or Whether**

359 **to Hold a Special Meeting of the Committee or Board to Discuss Such Items**
360 **Pursuant to Government Code Section 11125.4**

361

362 Dr. Casuga wanted to watch SB 221 (Wiener) regarding health care access.

363

364 Mr. Glasspiegel stated that the upcoming April 2nd Board meeting agenda will include
365 two bills were not included in this agenda, AB 562 (Low) and SB 731 (Bradford).

366

367 No public comments were made, and no further Committee comments were made.

368

369 **Agenda Item #9 - Regulatory Update, Review, and Consideration of Additional**
370 **Changes**

371

372 Mr. Glasspiegel stated that there are no updates on the following items.

373

374 **a) 16 California Code of Regulations (CCR) 1396.8 – Standards of Practice for**
375 **Telehealth**

376

377 No Committee or public comment was given.

378

379 **b) 16 CCR Sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11,**
380 **1391.12, 1392.1 – Psychological Assistants**

381

382 No Committee or public comment was given.

383

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

386

387 No Committee or public comment was given.

388

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

391

392 The following comments public comments were given:

393

394 Dr. Winkelman asked the expected timeline of adoption of telehealth and CPD
395 regulations and if there will be FAQs on both CPD and telehealth.

396

397 Mr. Glasspiegel stated that both packages are in the drafting phase. He stated that for
398 CPD the effective date in the language is January 1, 2022, and the Board intends to do
399 an FAQ.

400

401 Dr. Winkelman stated she understands the implementation date will not be before
402 January 1, 2022, and she also understands there will be a transitional year. Dr.
403 Winkelman provided an example of why there should be sufficient notice: a licensee's

404 renewal would be impacted if they are due to renew January 5th and the new regulations
405 are implemented January 1, 2022.

406

407 Ms. Sorrick stated within the next 3-6 months we will know if both regulations will be
408 approved by the Office of Administrative Law (OAL). She stated that once the package
409 is submitted to and approved by OAL then Board staff would work on an implementation
410 plan. This would include issuing an advisory and creating an FAQ. Ms. Sorrick
411 acknowledged and thanked Dr. Winkelman for offering to help Board staff in creating
412 the FAQ. Ms. Sorrick stated that in the regulations a straddle year was created so that
413 licensees can use either the CPD model or the prior model to fulfill the renewal.

414

415 Dr. Phillips stated he recognizes the regulatory approval process is one that is difficult to
416 predict but that the Board will do everything within its abilities to expedite the regulatory
417 approval process and that psychologists are adequately informed in advance of the
418 implementation of the regulations.

419

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

422

423 No Committee or public comment was given.

424

425 **f) 16 CCR 1392 – Psychologist Fees – California Psychology Law and Ethics**
426 **Examination (CPLEE) and Initial License and Biennial Renewal Fee for a**
427 **Psychologist**

428

429 No Committee or public comment was given.

430

431 **g) 16 CCR 1395.2 Disciplinary Guidelines and Uniform Standards Related to**
432 **Substance-Abusing Licensees**

433

434 No Committee or public comment was given.

435

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

441

442 No Committee or public comment was given.

443

444 **Adjournment**

445

446 The Committee adjourned at 1:21 p.m.