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2 **TELECONFERENCE BOARD MEETING MINUTES**  
3  
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5 NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-  
6 20, dated March 17, 2020, neither Board member locations nor a public meeting  
7 location were provided.

8 Friday, May 21, 2021

9 **Members Present**

10  
11 Seyron Foo, President  
12 Lea Tate, PsyD, Vice President  
13 Sheryll Casuga, PsyD  
14 Marisela Cervantes  
15 Mary Harb Sheets, PhD  
16 Julie Nystrom  
17 Stephen Phillips, JD, PsyD  
18 Ana Rescate  
19 Shacunda Rodgers, PhD  
20

21 **Members Absent**

22 None  
23

24 **Legal Counsel**

25 Will Maguire  
26 Heather Hoganson  
27

28 **Board Staff**

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

38 **AGENDA**

39  
40 9:00 a.m. – 5:00 p.m. or until Completion of Business  
41

42 Unless noticed for a specific time, items may be heard at any time during the period of  
43 the Board meeting.

44  
45 The Board welcomes and encourages public participation at its meetings. The public  
46 may take appropriate opportunities to comment on any issue before the Board at the  
47 time the item is heard.

48

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

50

51 Board President Foo called the meeting to order at 9:10 a.m., roll was taken, and  
52 quorum established.

53

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

55

56 President Foo read the Board's mission statement and provided a welcome to all  
57 participants. He stated that Agenda Items 8 and 9 would be moved up in the schedule  
58 and be discussed after Agenda Item 3 and then would continue after in numerical order.

59

60 Plans for future Board meetings were addressed with reference to August 27, 2021, to  
61 remain virtual and November to be in-person, dependent on several factors including  
62 the status of any Emergency Order in place at that time.

63

64 Mr. Foo also noted that reference materials would potentially look different in  
65 subsequent meetings, changes which were made in the effort to incorporate  
66 stakeholder feedback to provide a narrative and contextualize data.

67

68 There was no Board or public comment offered.

69

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

71

72 There was no Board or public comment offered.

73

74 **Agenda Item 8: Budget Report**

75

76 Mr. Glasspiegel referenced page 43 of 76 in the hand carry materials and provided the  
77 Budget Report summary.

78

79 A discussion ensued between Ms. Nystrom, Mr. Glasspiegel, and Ms. Renee Milano of  
80 the Budget Office regarding contracts the Board of Psychology had with the Department  
81 of Justice and the Office of the Attorney General (OAH) which were included in the  
82 materials.

83

84 Ms. Nystrom asked for clarification on rate increases that had taking place with the  
85 Office of the Attorney General (OAG) and OAH. Ms. Milano confirmed there had been

86 rate increases and that the Budget Office is preparing an analysis to make sure that all  
87 related budgets could support the additional cost.

88  
89 Ms. Nystrom asked if any indication of further rate increases had been received to  
90 which Ms. Milano stated that she was unaware of any discussion of any new planned  
91 increase. It was asked that any potential rate increase by OAG would be communicated  
92 with DCA to allow appropriate planning and fiscal management.

93  
94 Mr. Foo asked a question in relation to Attachments C and D and what was driving the  
95 difference in revenue, if it was connected to the augmentation for Department of Justice  
96 (DOJ) and how the difference would affect the structural imbalance.

97  
98 A discussion ensued regarding differences in cost and revenue from the original  
99 projections and it was clarified that any differences are related to variable numbers  
100 related to enforcement activity and citations/fines.

101  
102 Mr. Glasspiegel confirmed that while it was helpful to have additional income as a small  
103 cushion, the difference would not affect the structural imbalance of the budget forecast  
104 in a meaningful and effective way.

105  
106 There was no public comment offered.

107  
108 **Agenda Item 9: Discussion and Possible Approval of Regulatory Fee Changes 16**  
109 **California Code of Regulations (CCR) Sections 1392: Psychologist Fees, 1392.1:**  
110 **Psychological Assistant Fees**

111  
112 Mr. Glasspiegel provided a summary of the discussion of a structural imbalance that  
113 had been provided at the February 2021 Board Meeting. This included background on  
114 the structural imbalance and he provided an update on the existing options that have  
115 been discussed. Page 19 of the combined meeting materials was referenced for a list of  
116 all fees that had not been increased to their statutory cap. Page 49 of 76 in the hand  
117 carry materials was referenced, which included historical information of all fees since  
118 the Board's inception.

119  
120 Mr. Glasspiegel noted a change to the language to add the word "conforming" to update  
121 the staff recommended motion to approve the proposed regulatory changes to 16 CCR  
122 Sections 1392 and 1392.1, direct the Executive Officer to take all steps necessary to  
123 initiate the rulemaking process, authorize the Executive Officer to make any technical or  
124 non-substantive changes to the rulemaking package as necessary, including any  
125 conforming changes with language previously approved by the Board, notice the  
126 proposed text for a 45-day comment period with the Office of Administrative Law, hold a  
127 hearing on the proposal, and, if no adverse comments are received during the 45-day  
128 comment period or hearing, adopt the proposed regulatory changes.

129

130 Mr. Foo referred to the hand carry item for Agenda Item 9, attachment b, which provided  
131 a fee history for the Board of Psychology and related fees which would potentially be  
132 impacted by a change. He noted that the application fee of \$40 had been set in 1979,  
133 the continuing education evaluation fee was set in 2013, the renewal fee was also set in  
134 1979. Mr. Foo then opened to questions from the Board.

135  
136 Ms. Nystrom asked if the independent company that performs the fee analysis will they  
137 also analyze for inefficiencies within the Board operations.

138  
139 Ms. Sorrick responded that separate to the fee audit, the Board has been working with  
140 DCA's Organizational Improvement Office (OIO) to evaluate all processes including  
141 online and paper licensing, renewal, and enforcement processes through the Board's  
142 strategic plan. Ms. Sorrick clarified that there is a separate process to analyze fees  
143 through a fee study completed in coordination with the DCA Budget Office.

144  
145 Mr. Matt Nishimine, DCA Budget Office, provided some clarity on fee studies which are  
146 done regularly. He stated that fee studies typically do not include efficiency studies, but  
147 he echoed the comments of Ms. Sorrick that he had been aware of the Board doing an  
148 independent study to evaluate efficiencies in processes.

149  
150 He then explained the process of a fee study and what would be included for example  
151 how the initial licensing process is analyzed as well as renewal fees.

152  
153 Mr. Foo asked Board members for a motion to approve regulatory changes as listed in  
154 the document.

155  
156 It was M(Harb Sheets)/S(Tate)/C to approve the regulatory changes to 16 California  
157 Code of Regulations section 1392 and 1392.1, to direct the Executive Officer to take all  
158 steps necessary to initiate the rulemaking process, authorize the Executive Officer to  
159 make any technical or non-substantive changes to the rulemaking package as  
160 necessary, including any conforming changes with language previously approved by the  
161 Board, notice the proposed text for a 45-day comment period with the Office of  
162 Administrative Law, hold a hearing on the proposal, and, if no adverse comments are  
163 received during the 45-day comment period or hearing, adopt the proposed regulatory  
164 changes

165  
166 The motion was verbally amended as suggested by Mr. Glasspiegel to include the  
167 language the word "conforming" and the amended motion was approved by Drs. Harb  
168 Sheets and Tate.

169  
170 There was no additional Board discussion and no public comment offered.

171  
172 Vote: 8 Ayes (Casuga, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate), 0  
173 Noes

174

175 **Agenda Item 4: Discussion and Possible Approval of the Board Meeting Minutes:**  
176 **February 18-19, 2021**

177  
178 Mr. Foo introduced this item and asked the Board for any substantive edits to the  
179 February 18-19, 2021 Board Meeting Minutes.

180  
181 Dr. Phillips provided a short list of minor edits which were regarding Ms. Nystrom's  
182 recusal from voting on certain items due to her position with the State Senate. These  
183 edits were noted and updated in the minutes.

184  
185 Dr. Harb Sheets identified a minor error in punctuation which was noted and updated.

186  
187 It was M(Phillips)/S(Harb Sheets)/C to adopt minutes as amended.

188  
189 There was no public comment offered.

190  
191 Vote: 8 Ayes (Casuga, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate) 0  
192 Noes

193  
194 **Agenda Item 5: Discussion and Possible Approval of the Board Meeting Minutes:**  
195 **April 2, 2021**

196  
197 Dr. Phillips provided a short list of minor edits regarding Ms. Nystrom's recusal from  
198 voting on certain items due to her position with the State Senate. These edits were  
199 notated and updated in the minutes.

200  
201 It was M(Phillips)/S(Nystrom)/C to adopt minutes as amended.

202  
203 There was no public comment offered.

204  
205 Vote: 8 Ayes (Casuga, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate) 0  
206 Noes

207  
208 **Agenda Item 6: Executive Officer's Report**

209  
210 Personnel Update  
211 Statistical Reports – Future Reporting Plan for Enforcement, Licensing, and  
212 Central Services

213  
214 Ms. Sorrick provided an update for both Agenda Item 6 (a) and 6 (b).

215  
216 There were no updates to personnel and Ms. Sorrick re-stated the notification given by  
217 Mr. Foo in his welcome comments that meeting documents will look somewhat different  
218 going forward. She indicated that board staff would be working with each unit to verify  
219 what information would be best included for clarity and context for Committee meetings.

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a) 2020 Department of Consumer Affairs (DCA) Annual Report

Ms. Sorrick gave the definition and requirement description on this report which is meant to update the Legislature annually between Sunset Review periods which typically happen every four years.

d) COVID-19 Update

Ms. Sorrick provided an update on active waivers related to COVID-19. Three Board waivers were approved and in place and Ms. Sorrick will continue to provide a weekly update so long as the waivers are in place. She stated that executive staff, board staff and Counsel will work with DCA as any information is received related to a lifting of the Governor’s emergency order. She emphasized that any changes to a declared emergency or reopening of the state would affect any existing waivers.

Ms. Sorrick provided historical context in reference to the beginning of the COVID-19 pandemic when the Board submitted several waiver requests. She stated that the Board will continue working with DCA as the situation continues to evolve and explained the process of how waivers work.

Dr. Phillips expressed understanding and empathy for the concerns of stakeholders regarding the difficulty licensees have experienced with planning around short-term waivers. He stated his agreement with feedback he had received and stated his assurance that the Board would continue to do all that was in the Board’s power to try to address the situation.

Mr. Maguire, DCA Legal Counsel, provided context regarding Board of Psychology issued waivers. He explained that the reason the Board had been able to issue waivers on its own accord was because it had specific statutory authority which would expire when the state of emergency ended.

There was no public comment offered.

**Agenda Item 7: DCA Update**

Ms. Cruz-Jones, DCA Board and Bureau Relations, provided an update regarding mask guidelines which were still in effect. She indicated that DCA will communicate updated guidance to boards and bureaus as it is received from the Center for Disease Control (CDC).

Ms. Cruz-Jones offered clarification on remote meetings and stated that if/when the order is lifted, DCA will provide all options for Boards and Bureaus to transition safely to plan for in-person meetings. She stated that the DCA COVID-19 website could be visited for information.

265  
266 Ms. Cruz-Jones also referenced mandatory training for all staff and Board members.

267  
268 A discussion ensued between Mr. Foo and Ms. Cruz-Jones regarding the limited notice  
269 provided for the waiver extensions and length of extensions. Mr. Foo expressed his  
270 understanding that while navigating a global pandemic was difficult, the information  
271 provided by various health services had made clear that the COVID-19 pandemic would  
272 not be a short-term situation. He asked for clarification as to the level of communication  
273 that existed between DCA and the Business Consumer Services and Housing Agency's  
274 effort to understand how decisions were made regarding waiver extensions.

275  
276 Ms. Cruz-Jones stated that she would speak with DCA Executive Office and provide  
277 Ms. Sorrick answers to questions related to communication with the Business  
278 Consumer Services and Housing Agency for the Board members.

279  
280 There was no public comment offered.

281  
282 Mr. Foo expressed appreciation to Ms. Cruz-Jones and to board and bureau relations  
283 for the close contact and assistance that has been provided during this difficult time.

284  
285 **Agenda Item 10: Licensing Report**

286  
287 Ms. Cheung provided an update on the licensing report and clarified that the data  
288 provided in the report had previously been requested by the Board regarding the  
289 Licensing Unit's application workload. She echoed previous comments made that  
290 indicated staff would seek guidance from the Committee regarding the statistical content  
291 of the report and Licensing Unit workflow at the License Committee meeting on July 16,  
292 2021.

293  
294 She referenced Attachment A which indicated there were a higher number of licensees  
295 and approved applicants as well as more registrations issued since the last Licensing  
296 Report. There were less inactive and delinquent Psychologist licenses as well as a  
297 higher number of approved exam candidates for the EPPP.

298  
299 Ms. Cheung indicated that there was not a significant increase in the number of  
300 applications received in compared to previous years with exception to a slight increase  
301 in January.

302  
303 Additionally, the ongoing efforts to manage the budget and structural deficit by the  
304 Board was referenced by Ms. Cheung, who recognized the hard work of the Licensing  
305 Unit's staff of four full-time analysts to manage the entire workload of the Unit.

306  
307 Ms. Cheung expressed empathy with applicants and appreciation of their patience in an  
308 anxious time and provided some improvements that had been put into place to assist  
309 with communication. These include an automatic response to email queries that provide

310 the estimated response time as well as some frequently asked questions that may be  
311 helpful while waiting for a response from staff.

312  
313 Ms. Cheung indicated that applicants could always find processing timeframes on the  
314 Board's website and social media platforms which were updated monthly.

315  
316 Mr. Foo referenced attachments d and e that contained a year by year comparison of  
317 various items which had not been previously presented to the Board to review and  
318 expressed appreciation for the update.

319  
320 Public Comment

321  
322 Colleen Kennedy, member of the public, commented on the CPLEE application process  
323 and asked and if it could be automated instead of a paper process.

324  
325 Ms. Cheung responded that the staff was consistently looking at process improvement  
326 options, and ways to limit paper use and increase convenience and efficiency. She  
327 indicated that an electronic option for applications to take certain exams were being  
328 explored.

329  
330 Mr. Foo requested that the Board receive an update regarding when the Licensing Unit  
331 can go "paper lite" before the end of the calendar year.

332  
333 This was confirmed by Ms. Cheung and the request was added to the Licensing  
334 Committee Meeting for July 2021 by Dr. Harb Sheets, Licensing Committee Chair.

335  
336 There was no additional Board or public comment offered

337  
338 **Agenda Item 11: Continuing Education and Renewals Report**

339  
340 Mr. Glasspiegel referenced page 31 of 250 in the meeting materials. He congratulated  
341 all five licensed Board Members for passing their Continuing Education Audits and  
342 provided the update for this report for informational purposes only.

343  
344 No action was required by the Board.

345  
346 Mr. Foo referred to attachment d and e which were year by year comparisons for trends  
347 or changes in the data that had previously been requested by the Board. These had  
348 been asked for in the effort to observe any trends or patterns in the statistical data.

349  
350 There was no Board or public comment offered.

351  
352 **Agenda Item 12: Enforcement Report**

353



354 Ms. Monterrubio referenced materials in the hand carry items and provided an update to  
355 the staff vacancies and statistics related to enforcement.

356  
357 Ms. Nystrom asked for any possible trends related to enforcement and the pandemic.  
358

359 Ms. Monterrubio agreed to research this information request and report back to the  
360 Board at the next Board meeting.

361  
362 Dr. Harb Sheets noted that the data showed fewer examples of gross negligence and  
363 asked for a report in August. Ms. Monterrubio stated that a report would be provided at  
364 that meeting.

365  
366 There was no public comment offered.  
367

368 **Agenda Item 13: Enforcement Committee Report and Consideration of and**  
369 **Possible Action on Committee Recommendations**

- 370 a) Child Custody Stakeholder Meeting-Implementation Plan Update  
371 1. Statutory Discussion Regarding Proposed Exception to Psychotherapist-  
372 Patient Privilege for Board Investigations  
373

374 Dr. Phillips, Committee chair, provided an update and historical background on this  
375 item. He stated that this information has been provided to stakeholders  
376

377 Mr. Burke read the portion of the memo related to the role of psychologists in child  
378 custody and visitation proceedings and provided historical context. This was included in  
379 the hand carry items and titled "Current Law". Five items had been identified in 2018 as  
380 under the jurisdiction of the Board of Psychology of which four have been implemented.  
381 The focus of this discussion was the fifth item: the intent to review and consider  
382 statutory language related to documentation considered in a child custody complaint  
383 investigation.  
384

385 Dr. Phillips provided background information and context for this item and stated the  
386 Enforcement Committee and staff recommendation that the Board approve the  
387 proposed language to amend Business and Professions Code (BPC) section 2918.  
388

389 It was M(Casuga)/S(Tate)/C to adopt the Enforcement Committee and staff  
390 recommendation to approve the proposed language to amend Business and  
391 Professions Code (BPC) section 2918.  
392

393 Board Discussion  
394

395 Ms. Nystrom stated that the Medical Board had previously implemented language to  
396 allow them to work with courts on similar issues and queried whether legislation has  
397 ever been considered or enacted for the Board of Psychology.  
398

399 Dr. Phillips stated that to his knowledge there has never been legislation in this context  
400 for the Board of Psychology and believed that the Medical Board may be the only one  
401 that has an exception for purposes of investigation. Dr. Phillips stated that apparently it  
402 had been a successful exception in that it has increased the ability for the Medical  
403 Board to get records when they needed them.

404

405 Ms. Rescate added some context of another situation related to dual custody of minors  
406 that would be affected by this change in language.

407

408 Public Comment

409

410 Dr. Jo Linder-Crow, CEO, California Psychological Association (CPA) stated that  
411 CPA had provided feedback on a similar item earlier. She stated the position of CPA  
412 which was that Family Code section 3025.5 already provides licensing boards with the  
413 ability to access records through the court. Dr. Linder-Crow stated that CPA has serious  
414 concerns that these changes could erode the psychotherapist/patient relationship by  
415 impacting confidentiality, that there is already a process in place, and concern about  
416 areas of potential harm to consumers.

417

418 Dr. Phillips provided context that confidential information would be redacted for privacy  
419 and this change would be in the effort to the access to records in very specific situations  
420 that have been shown to present a problem for the Board in enforcement proceedings.  
421 He emphasized the Committee had determined that this change would be a necessary  
422 measure and he expressed that he did not expect the risk to the consumer to be  
423 substantial as there would still be a court involved to make sure the Board is kept within  
424 its limits of appropriate patient information.

425

426 Kathleen Russell, Executive Director of the Center for Judicial Excellence, stated  
427 support for the proposed change and added that it has nothing to do with the reports to  
428 the court but rather with the underlying documentation that was critical to the completion  
429 of investigations. She added that this was a consumer safety issue. Ms. Russell  
430 emphasized that this change would go a step beyond Family Code section 3025.5  
431 which only deals with the custody evaluation report itself.

432

433 Colin Sueyres, Director of Government Affairs, California Psychological Association  
434 (CPA) requested that if the Board were to move forward with this change that there be  
435 work groups convened between the Board of Psychology and CPA as well as the  
436 relevant contacts of the Medical Board of California to establish what parameters to be  
437 discussed on this item.

438

439 He also requested that if this were to be legislation that's introduced, it would be held  
440 until the next year of session to allow for at least six months to truly work with the Board  
441 of Psychology to craft language that protects both the provider and the patient in a  
442 suitable manner.

443

444 There was no further public comment offered.

445

446 Ms. Nystrom stated that it had been determined that she would recuse herself from  
447 voting on items once they enter the legislative process and become a piece of  
448 legislation. In the interim, it was established that she would be involved with the  
449 discussion and vote up to the point that it is in the legislative process.

450

451 She expressed agreement with Mr. Sueyres regarding the importance of a continuous  
452 dialogue and supported the idea of work groups to make sure that all interested parties  
453 felt that their voices were heard.

454

455 A discussion ensued between Mr. Foo and Ms. Sorrick regarding engagement with  
456 interested parties and where the proposed legislation was in the process.

457

458 Ms. Sorrick stated that there are a variety of options as to how to seek the change but  
459 given the current staffing resources and limitations in the legislature with the COVID  
460 limitations on bills per legislator, this amendment would not likely be made until  
461 February of 2023 and an author would be sought at that time.

462

463 Further discussion ensued between Mr. Foo and Board Members regarding  
464 experiences with patient privilege.

465

466 Dr. Phillips provided insight that during his initial intake meeting with a new patient he  
467 discusses that the relationship is confidential but also the myriad of exceptions to the  
468 psychotherapist-patient privilege. This discussion is covered both verbally and in writing.

469

470 Dr. Harb Sheets echoed Dr. Phillips' statement that exceptions to privilege and  
471 mandated reporting is discussed when going over informed consent.

472

473 Dr. Tate expressed support for the previous members comments and touched on  
474 informed consent. She stated that she had not had any bad experiences with this issue  
475 in her practice.

476

477 Dr. Casuga expressed her experience related to reports and enforcement issues for  
478 assessments. She opined that the change would be valuable for children in  
479 assessments and treatment.

480

481 Mr. Foo stated his appreciation for the collaborative effort that he has seen in the  
482 process, both in past and what he anticipates going forward.

483

484 There was no further Board or public comment offered.

485

486 Vote: 7 Ayes (Casuga, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate) 1 Noes  
487 (Nystrom)

488

- 489 b) Regulatory Update, Review, and Consideration of Additional Changes  
490 1. 16 CCR 1380.6 – Display of License Number  
491 2. 16 CCR 1393 – Requirements for Psychologists on Probation  
492 3. 16 CCR 1396 – Competence  
493 4. 16 CCR 1396.1 – Interpersonal Relations  
494 5. 16 CCR 1396.2 – Misrepresentation  
495 6. 16 CCR 1396.3 – Test Security  
496 7. 16 CCR 1396.4 – Professional Identification  
497 8. 16 CCR 1396.5 – Consumer Information  
498 9. 16 CCR 1397 – Advertising  
499 10. 16 CCR 1397.1 – Child Abuse Reporting requirements  
500 11. 16 CCR 1397.2 – Other Actions Constituting Unprofessional Conduct  
501 12. 16 CCR 1397.30 – Citation  
502 13. 16 CCR 1397.36 – Requirements for Professional Corporations  
503 14. 16 CCR 1397.37 – Shares: Ownership and Transfer  
504 15. 16 CCR 1397.39 – Corporate Activities  
505 16. 16 CCR 1397.40 – Trusts  
506 17. 16 CCR 1397.50 – Citations and Fines  
507 18. 16 CCR 1397.51 – Amount of Fines  
508 19. 16 CCR 1397.52 – Compliance with Orders of Abatement  
509 20. 16 CCR 1397.53 – Citations for Unlicensed Practice  
510 21. 16 CCR 1397.54 – Contest of Citations  
511 22. 16 CCR 1397.55 – Disconnection of Telephone Service  
512

513 Ms. Monterrubio provided an informational update to Agenda Items 13 (b) and 13 (c).  
514

515 She stated that the Enforcement Committee and board staff had begun a  
516 comprehensive review of all enforcement related sections of the California Code of  
517 Regulations and the Business and Professions Code.  
518

519 Ms. Monterrubio stated that the Committee and staff had completed their review of the  
520 regulatory sections and would continue working on the review of the statutory sections  
521 at the next Enforcement Committee. This was provided as information only and no  
522 action was required.  
523

524 There was no Board or public comment offered.  
525

- 526 c) Statutory Update, Review, and Consideration of Additional Changes  
527 1. Business and Professions Code (BPC) section 2902 – Definitions  
528 2. BPC section 2903 – Licensure requirement; Practice of psychology;  
529 Psychotherapy  
530 3. BPC section 2903.1 – Biofeedback instruments  
531 4. BPC section 2908 – Exemption of other professions  
532 5. BPC section 2912 – Temporary practice by licensees of other state or  
533 foreign country

- 534 6. BPC section 2934.1 – Posting of license status on Web site  
535 7. BPC section 2936 – Consumer and professional education in matters  
536 relevant to ethical practice; Standards of ethical conduct; Notice  
537 8. BPC section 2960 – Grounds for action subdivisions (a)-(r) & (o)  
538 9. BPC section 2960.05 – Limitations period for filing accusation against  
539 licensee  
540 10. BPC section 2960.1 – Sexual contact with patient; Revocation  
541 11. BPC section 2960.2 – Licensee’s physical, emotional and mental  
542 condition evaluated  
543 12. BPC section 2960.5 – Mental illness or chemical dependency  
544 13. BPC section 2960.6 – Actions by other states  
545 14. BPC section 2961 – Scope of action  
546 15. BPC section 2962 – Petition for reinstatement or modification of penalty  
547 16. BPC section 2963 – Matters deemed conviction  
548 17. BPC section 2964 – Report of license revocation or restoration  
549 18. BPC section 2964.3 – Persons required to register as sex offender  
550 19. BPC section 2964.5 – Conditions of probation or suspension  
551 20. BPC section 2964.6 – Payment of probationary costs  
552 21. BPC section 2965 – Conduct of proceedings  
553 22. BPC section 2966 – Suspension during incarceration for felony  
554 conviction; Determination of substantial relationship of felony to functions  
555 of psychologist; Discipline or denial of license  
556 23. BPC section 2969 – Penalties for failure to provide medical records;  
557 Failure to comply with court order; Multiple acts  
558 24. BPC section 2970 – Violation of chapter as misdemeanor  
559 25. BPC section 2971 – Injunctions  
560 26. BPC section 2985 – Renewal of suspended licenses; Reinstatement of  
561 revoked licenses  
562 27. BPC section 2986 – Effect of failure to renew within prescribed time  
563 28. BPC section 2995 – Psychological corporation  
564 29. BPC section 2996 – Violation of unprofessional conduct  
565 30. BPC section 2996.1 – Conduct of practice  
566 31. BPC section 2996.2 – Accrual of income to shareholder while disqualified  
567 prohibited  
568 32. BPC section 2997 – Shareholders, directors and officers to be licensees  
569 33. BPC section 2998 – Name, 2999 – Regulation by committee  
570

571 **Agenda Item 14: Association of State and Provincial Psychology Boards (ASPPB)**  
572 **Update**  
573

574 Mr. Foo introduced this item and provided context that the mid-year meeting for ASPPB  
575 had been held virtually which gave more members the opportunity to attend. He opened  
576 the floor for Board comment.  
577

578 A discussion ensued between Board Members. Drs. Phillips and Tate expressed  
579 appreciation for being able to attend the mid-year ASPPB meeting. Dr. Tate expressed  
580 surprise at how ahead of the curve California is and was very proud to be a  
581 representative of this State.

582  
583 Dr. Harb Sheets stated her surprise at how many states required graduation from an  
584 APA accredited graduate program. She also spoke of her concern with a lack of  
585 cohesiveness between the different jurisdictions.

586  
587 Dr. Casuga expressed concerns on the possible infringement on jurisdictional power  
588 and echoed the comments of Dr. Harb Sheets.

589  
590 Dr. Rodgers supported the previous comments and stated there were opportunities to  
591 join volunteer task forces within ASPPB which would potentially provide openings for  
592 the Board to be involved in conversations. She expressed her appreciation at the  
593 opportunity to lead a mindfulness exercise during the meeting.

594  
595 Dr. Phillips echoed Dr. Rodgers and brought up, for context, the government travel  
596 limitations that have generally been in place.

597  
598 Ms. Sorrick stated that the ASPPB annual meeting in the fall will also be virtual and  
599 there will be opportunity to attend.

600  
601 Dr. Casuga clarified that the volunteer task forces that were mentioned by Dr. Rodgers  
602 generally did not require travel but meet virtually. She said this would provide more  
603 opportunity to have a seat at the table for future discussions.

604  
605 Mr. Foo clarified that the information reported above was related to the discussions had  
606 at the ASPPB mid-year meeting and that the Board of Psychology doesn't have any  
607 changes in relation to what ASPPB discussed but merely was providing a report on the  
608 experience. He stated that if any items were to be agendaized for any future Board  
609 meeting and if there was an item to be discussed further, it would be done in a  
610 collaborative manner to allow for the participation of stakeholders.

611  
612 There was no public comment offered.

613  
614 **Agenda Item 15: Legislative and Regulatory Affairs**

615  
616 a) Board-Sponsored Legislation for the 2021 Legislative Session: Review and  
617 Possible Action

618 i. SB 401 (Pan) Psychology: unprofessional conduct: disciplinary action:  
619 sexual acts

620  
621 Dr. Phillips introduced this item and expressed appreciation to the California  
622 Psychological Association for their work with the Board on SB 401 (Pan).

623  
624 Ms. Rivera provided a brief information-only update for this agenda item. No action was  
625 required

626  
627 There was no Board or public comment offered.

628  
629 ii. Pathways to Licensure Statutory Revisions – Amendments to sections 27,  
630 2909, 2909.5, 2910, 2911, 2913, 2914, 2915, 2915.5, 2915.7, 2942, 2944,  
631 2946, and 2960 of the Business and Professions Code, and section 1010  
632 of the Evidence Code.

633  
634 Dr. Phillips introduced this item and Ms. Rivera provided an update that the Board was  
635 waiting to be included in the bill. No action was required.

636  
637 There was no Board or public comment offered.

638  
639 iii. Sunset Provisions – Amendments to section 2912, and Addition of  
640 Sections Related to Reinstatement to Active after Voluntary Surrender,  
641 Licensure Committee Delegated Authority, and Authority to Issue Waivers.

642  
643 Dr. Phillips introduced this item and Ms. Rivera provided an update. No action was  
644 required.

645  
646 Ms. Sorricks stated that the committee was reviewing statutory amendments and  
647 considering the Board for inclusion in SB 801 and that Agenda Items 2 and 3 were both  
648 in a “wait and see” status.

649  
650 There was no Board or public comment offered.

651  
652 b. Review and Consideration of Bills for an Active Position  
653 i. AB 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing

654  
655 Dr. Phillips introduced this item and Ms. Rivera provided the update on the bill regarding  
656 accessibility to public meetings. It was staff’s recommendation to watch the bill and that  
657 staff will work with Dr. Rodgers to draft a letter of concern regarding the requirement  
658 that the meeting be both audibly and visually observable to the public.

659  
660 Staff’s concerns were stated by Ms. Rivera as follows: Technology may not allow for  
661 blurred backgrounds, there are health and safety of Board members and their family,  
662 and finally, there is considerable research on ZOOM fatigue and the impact of virtual  
663 meetings on mental health from cameras in meetings.

664  
665 Dr. Phillips asked if the option of a hybrid meeting of part teleconference and part in-  
666 person would be possible.

667

668 A discussion ensued about the possible implementation of a hybrid meeting. Concern  
669 was expressed by multiple Board Members about the difficulty of scheduling both  
670 videographer and WebEx. Ms. Rivera confirmed the mandatory requirement of video for  
671 in-person meetings.

672  
673 It was determined that Ms. Rivera would seek clarification from the authors office for  
674 Counsel regarding the intent of the bill and clarification as to why video would be  
675 required for remote participants.

676  
677 Mr. Maguire and Ms. Sorrick suggested additional changes to the language in  
678 Government Code section 11123 (b)(1)(B) and 11123 (b)(1)(C) to clarify “designated  
679 primary meeting location” and to adjust the section to address concerns for video, cost,  
680 and accessibility.

681  
682 Dr. Phillips confirmed with Ms. Rivera that the bill should be on watch status and does  
683 not require a motion and vote.

684  
685 There was no public comment offered.

686  
687 Mr. Maguire stated that counsel would work with staff on which specific points to ask the  
688 author for clarity.

689  
690 Ms. Sorrick stated that staff would work with counsel to make sure all concerns of Board  
691 Members are addressed.

692  
693 c. Review of Bills with Active Positions Taken by the Board

694 1. AB 32 (Aguiar-Curry) Telehealth

695  
696 Dr. Phillips introduced and Ms. Rivera provided an update on this item regarding  
697 telehealth related to Medi-Cal. Ms. Rivera stated the Committee’s recommendation on  
698 March 19, 2021 to support AB 32 (Aguiar-Curry) and was adopted by the Board on April  
699 2, 2021.

700  
701 Ms. Rivera stated AB 32 (Aguiar-Curry) had passed out of Appropriations on a 16-0  
702 vote and would be moving to floor.

703  
704 This update was provided as information only, with no action required.

705  
706 There was no Board or public comment offered.

707  
708 2. AB 107 (Salas) Department of Consumer Affairs: boards: temporary  
709 licenses: military spouses

710  
711 Dr. Phillips introduced and Ms. Rivera provided an update on this item regarding the  
712 issuing of temporary authorization to active duty military spouses. She stated that staff



713 had spoken with the author's office and sponsor who was willing to assist staff to make  
714 necessary modifications to BPC 2946 to include the Board under the exemption.

715  
716 Ms. Rivera provided the Committee's recommendation on March 19, 2021 to Support if  
717 Amended on AB 107 (Salas). This recommendation was adopted by the Board on April  
718 2, 2021. The bill passed out of the Appropriations Committee and Ms. Rivera stated  
719 staff's understanding that the author's office intends to include the Board on the  
720 amendments they submit when the bill gets to the Senate Business, Professions and  
721 Economic Committee.

722  
723 This update was provided as information only, with no action required.

724  
725 There was no Board or public comment offered.

726  
727 3.SB 731 (Durazo) Criminal records: relief

728  
729 Dr. Phillips introduced and Ms. Rivera provided an update on this item regarding the  
730 ability of the Board to receive conviction information for applicants under specific  
731 circumstances.

732  
733 Ms. Rivera stated that this bill would have a large impact on the Board's licensing and  
734 enforcement programs and would hinder the Board's ability protect consumers.

735  
736 Ms. Rivera provided the Committee's recommendation on March 19, 2021 to oppose  
737 SB 731 (Durazo). This recommendation was adopted by the Board on April 2, 2021.

738  
739 Ms. Rivera stated SB 731 (Durazo) passed out of Appropriations with a 5 - 2 vote.

740  
741 This update was provided as information only, with no action required.

742  
743 There was no Board or public comment offered.

744  
745 4.SB 772 (Ochoa Bogh) Professions and vocations: citations: minor violations

746  
747 Dr. Phillips introduced and Ms. Rivera provided an update on this item.

748  
749 She stated the Committee had agreed with the staff recommendation for an Oppose  
750 Unless Amended position on SB 772 (Ochoa Bogh). This recommendation was adopted  
751 by the Board on April 2, 2021.

752  
753 Ms. Rivera stated SB 772 (Ochoa Bogh) would be a two-year bill.

754  
755 This update was provided as information only, with no action required.

756  
757 There was no Board or public comment offered.

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d. Review of Watch Bills

Dr. Phillips stated that the Board would review Agenda Items 15 (d) 5, 11, and 14.

1. AB 29 (Cooper) State bodies: meetings
2. AB 54 (Kiley) COVID-19 emergency order violation: license revocation
3. AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses
4. AB 339 (Lee) State and local government: open meetings
5. AB 562 (Low) Frontline COVID-19 Provider Mental Health Resiliency Act of 2021: health care providers: mental health services

Ms. Rivera provided a review of this item regarding the establishment of a mental health resiliency program to provide mental health services to licensed health care providers who have provided health care services to COVID-19 patients.

She stated the Board had agreed with the Committee recommendation to watch AB 562 (Low) on April 2, 2021 and the bill passed out of the Appropriations Committee on a 16-0 vote.

This update was provided as information only, with no action required.

Dr. Phillips opined that Board of Psychology licensees be included as part of the bill, which was echoed by Mr. Maguire.

Ms. Rivera confirmed that the details were still being defined and that she could communicate with the author's office to discuss.

There was no public comment offered.

6. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions
7. AB 657 (Bonta) State civil service system: personal services contracts: professionals
8. AB 810 (Flora) Healing arts: reports: claims against licensees
9. AB 830 (Flora) Department of Consumer Affairs: director: powers and duties
10. AB 1026 (Smith) Business licenses: veterans.
11. AB 1236 (Ting) Healing arts: licensees: data collection

Dr. Phillips introduced this item and Ms. Rivera provided an update.

Ms. Rivera provided a review of this item regarding possible requirement of data collection of healing arts licensees.

803  
804 She stated that on March 19, 2021, the Committee had agreed with the staff  
805 recommendation for an Oppose Unless Amended position on AB 1236 (Ting). This  
806 recommendation was adopted by the Board on April 2, 2021.

807  
808 Ms. Rivera clarified that while staff supported the voluntary collection of information, the  
809 requirement that programs compile and submit a report of the data would be cost  
810 prohibitive to the Board which is currently in need of a fee increase.

811  
812 This update was provided as information only, with no action required.

813  
814 There was no Board or public comment offered.

- 815  
816 12. AB 1386 (Cunningham) License fees: military partners and spouses  
817 13. SB 102 (Melendez) COVID-19 emergency order violation: license  
818 revocation  
819 14. SB 221 (Wiener) Health care coverage: timely access to care

820  
821 Dr. Phillips introduced this item and Ms. Rivera provided an update.

822  
823 Ms. Rivera provided a review of this item regarding access to care. She provided the  
824 staff recommendation that the Board watch SB 221 (Weiner).

825  
826 Board comment

827  
828 Dr. Casuga opined that the Board watch this bill and Dr. Phillips expressed appreciation  
829 for Dr. Casuga's comment.

830  
831 There was no public comment offered.

- 832  
833 15. SB 224 (Portantino) Pupil instruction: mental health education

834  
835 e) Legislative Items for Future Meeting. The Board May Discuss Other Items of  
836 Legislation in Sufficient Detail to Determine Whether Such Items Should be  
837 on a Future Board Meeting Agenda and/or Whether to Hold a Special Meeting  
838 of the Board to Discuss Such Items Pursuant to Government Code section  
839 11125.4

840  
841 Dr. Phillips introduced this item.

842  
843 No Board or public comment was offered.

844  
845 **Agenda Item 16: Regulatory Update, Review, and Consideration of Additional**  
846 **Changes**

847

848 Mr. Glasspiegel provided update on Agenda Items 16(a) –16(g).

849

850 No Board or public comment was offered.

851

852 a) 16 California Code of Regulations (CCR) 1396.8 – Standards of Practice for  
853 Telehealth

854 b) 16 CCR sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11,  
855 1391.12, 1392.1 – Psychological Assistants

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

858 d) 16 CCR sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing  
859 Professional Development

860 e) 16 CCR sections 1391.13, and 1391.14 – Inactive Psychological Assistant  
861 Registration and Reactivating a Psychological Assistant Registration

862 f) 16 CCR sections 1392 and 1392.1 – Psychologist Fees and Psychological  
863 Assistant Fees

864 g) 16 CCR 1395.2 – Disciplinary Guidelines and Uniform Standards Related to  
865 Substance-Abusing Licensees

866

867 **Agenda Item 17: Recommendations for Agenda Items for Future Board Meetings**

868

869 Mr. Foo introduced this item and asked for recommendations.

870

871 Dr. Casuga asked the Telepsychology Committee to research issues related to  
872 Telehealth regarding teletherapy and tele-assessment to clarify some questions as to  
873 what treatment modalities can be provided via phone.

874

875 Dr. Phillips stated that this request had not been placed on the agenda for the  
876 Telepsychology Committee because the topic may relate more to a “standard of care”  
877 issue, but that he would investigate the appropriateness of where the issue could be  
878 addressed.

879

880 Mr. Foo requested that Ms. Sorrick provide an update on the Health Care Professionals  
881 Educational Fund at a future Board meeting.

882

883 No public comment was offered.

884

885 **CLOSED SESSION**

886

887 President Foo went to closed session at 1:56 p.m.

888

889 18. The Board Will Meet in Closed Session Pursuant to Government Code Section  
890 11126, subdivision (c)(3) to Discuss Disciplinary Matters Including Proposed  
891 Decisions, Stipulations, Petitions for Reinstatement or Modification of Penalty,  
892 Petitions for Reconsideration, and Remands.

893

894 **ADJOURNMENT**

895

896 **The Board adjourned at 3:17 p.m.**