

1 **Teleconference Legislative and Regulatory Affairs Committee Meeting Minutes**

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

6
7 **Committee Members**

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

11
12 **Members Absent**

13 None

14
15 **Board Staff**

16 Antonette Sorrick, Executive Officer
17 Jonathan Burke, Assistant Executive Officer
18 Stephanie Cheung, Licensing Manager
19 Jason Glasspiegel, Central Services Manager
20 Sandra Monterrubio, Enforcement Program Manager
21 Suzy Costa, Legislative and Regulatory Analyst
22 Sarah Proteau, Central Services Technician

23
24 **Legal Counsel**

25 Rebecca Bon
26 Heather Hoganson

27
28 **Friday March 25, 2022**

29
30 **Agenda Item 1: Call to Order/Roll Call/Establishment of a Quorum**

31
32 Chairperson Cervantes called the Committee meeting to order at 10:00 a.m., roll was
33 called, and a quorum established.

34
35 **Agenda Item 2: Chairperson’s Welcome and Opening Remarks**

36
37 Ms. Cervantes read the opening remarks and welcomed all participants to the meeting.

38
39 **Agenda Item 3: Public Comment for Items Not on the Agenda.**

40
41 There was no public comment offered.

42
43 **Agenda Item 4: COVID-19 Waiver Update**

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45 Ms. Sorrick provided this update, which was included in the meeting materials. She
46 provided an update of two waivers that were set to expire on March 31, 2022: the
47 reinstatement of the canceled or inactive license, and the face-to-face supervision
48 requirement. The face-to-face supervision requirement was set to renew on April 1,
49 2022, for six months. Ms. Sorrick also stated there were a couple of waivers that were
50 contingent upon the declared emergency still being in effect.

51
52 There was no further Committee comment offered.

53
54 Dr. Vinny commented asking the question of why remote supervision is not permanent.

55
56 Ms. Sorrick clarified that the authority for that waiver is under the declared emergency
57 so that remote supervision will be in place if the declared emergency stands. She also
58 specified that there are regulatory and legislative proposals that would continue what is
59 in practice with the waiver.

60
61 Dr. Phillips also clarified that the Board does not have the authority to implement remote
62 supervision permanently until there is a statute or regulation in place, but that he sees
63 the value of remote supervision.

64
65 **Agenda Item 5: Discussion and Possible Approval of the Committee Meeting**
66 **Minutes: June 11, 2021**

67
68 Ms. Cervantes introduced this item.

69
70 There was no further Committee or public comment offered.

71
72 It was M(Casuga)/S(Phillips)/C to approve the June 11, 2021, minutes.

73
74 Vote: 3 Ayes, (Cervantes, Casuga, Phillips), 0 Noes

75
76 **Agenda Item 6: Legislation from the 2021 Legislative Session: Review and Possible**
77 **Action**

78
79 a) Board Sponsored Legislation

- 80
81 1. SB 401 (Pan) Healing arts: psychology - Amendments to sections 2960 and 2960.1
82 of the Business and Professions Code Regarding Denial, Suspension and
83 Revocation for Acts of Sexual Contact

84
85 Ms. Cervantes introduced this item.

86
87 Ms. Costa provided a summary and update on SB 401 (Pan). She stated the Board
88 submitted technical amendments to the author's office and that the bill would be heard
89 later in the legislative year. This was provided as information only with no action
90 required.

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b) Bills with Active Positions Taken by the Board

1. AB 32 (Aguiar-Curry) Telehealth

Ms. Costa provided a summary and update on AB 32 (Aguiar-Curry). She stated that the bill had been sent to the Senate and was in the Health Committee waiting for a hearing date.

There was no Committee or public comment offered.

2. SB 731 (Durazo) Criminal records: relief

Ms. Costa provided a summary and update on SB 731 (Durazo). She stated that the bill had failed passage in September 2021 on the Assembly Floor and was available for reconsideration, but a vote had not been taken yet.

There was no Committee or public comment offered.

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

Ms. Costa provided a summary and update on SB 772 and stated that the bill is not moving forward in 2022.

There was no Committee or public comment offered.

c) Watch Bills

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.
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 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing.
11. AB 1026 (Smith) Business licenses: veterans.
12. AB 1236 (Ting) Healing arts: licensees: data collection.
13. AB 1386 (Cunningham) License fees: military partners and spouses.
14. SB 102 (Melendez) COVID-19 emergency order violation: license revocation.
15. SB 221 (Wiener) Health care coverage: timely access to care.
16. SB 224 (Portantino) Pupil instruction: mental health education.

137
138 Ms. Cervantes introduced this item and asked members if they would like to discuss
139 individual bills, since this item was provided as information only with no action required.

140
141 Dr. Phillips asked Ms. Costa a clarifying question about how bills can die in the
142 Legislature.

143
144 Ms. Costa explained that when a bill does not meet legislative deadlines, the bill cannot
145 move forward in that bill number. She explained that every even year in a legislative
146 session, a bill needs to get passed out of its House of Origin (Assembly or Senate, based
147 on where it was introduced), and that deadline is often the last day of January. She also
148 explained that legislators can reintroduce the same bill text into new bill numbers.

149
150 There was no public comment offered.

151
152 **Agenda Item 7: Legislation from the 2022 Legislative Session: Review and Possible**
153 **Action**

154
155 d) Review of Bills for Active Position Recommendations to the Board

156
157 1. AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal
158 conviction

159
160 Ms. Costa provided a summary of this bill proposal.

161
162 Dr. Cervantes asked if this bill would open the Board up to litigation. Discussion ensued
163 between Ms. Sorrick, Ms. Bon, Mr. Glasspiegel, and Dr. Phillips on this question.

164
165 Dr. Cervantes suggested having a study session on these types of bills in the future.

166
167 Dr. Casuga commented that she appreciated Ms. Sorrick's explanation of the concerns
168 that Board staff had. She explained that the lack of specificity in the bill was more
169 concerning than its fiscal impact.

170
171 Dr. Laura Lee commented that within internships they want to look at the issues
172 surrounding criminal backgrounds and want to be able to make a decision not to accept
173 someone into an internship.

174
175 It was M(Casuga)/S(Phillips)/C to approve the staff recommendation to recommend the
176 Board take an "Oppose" position on AB 1662 (Gipson).

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178 Vote: 3 Ayes, (Cervantes, Casuga, Phillips), 0 Noes

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180 2. AB 1733 (Quirk) State bodies: open meetings

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182 Ms. Costa provided a summary of this bill proposal.

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There was no Committee or public comment offered.

It was M(Phillips)/S(Casuga)/C approve the staff recommendation to recommend the Board take a “Support if Amended” position on AB 1733 (Quirk).

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

3. AB 2123 (Villapudua) Bringing Health Care into Communities Act of 2023

Ms. Costa provided a summary of this bill proposal.

Dr. Casuga asked that as a Board member and licensee of the Board who could be potentially eligible for the mortgage assistance provided in the bill if she should abstain from voting on this measure.

Ms. Bon stated that she was not seeing concerns on this issue because the Legislature would still have to pass the bill. Dr. Phillips further explained that it was his understanding that if the law generally benefited all licensees equally, there wouldn’t be a need to recuse oneself.

No public comment was offered.

It was M(Phillips)/S(Casuga)/C to approve the staff recommendation to recommend the Board take a “Support if Amended” position on AB 2123 (Villapudua).

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

4. AB 2754 (Bauer-Kahan) Psychology: supervising psychologists: qualifications

Ms. Costa provided a summary of this bill proposal.

Colin Sueyres of the California Psychological Association commented that this was their sponsored bill, and that they have seen the efficacy of the policy as implemented through the Governor’s Executive Order.

Dr. Phillips asked if regulations would need to be promulgated if the bill becomes effective immediately per the Board staff’s recommended amendments.

Ms. Costa clarified that if the bill became effective immediately upon signature by the Governor the Board would not have to promulgate any regulations for this bill to take effect.

It was M(Casuga)/S(Phillips)/C to approve the staff recommendation to recommend the Board take a “Support if Amended” position on AB 2754 (Bauer-Kahan).

229 Vote: 3 Ayes, (Cervantes, Casuga, Phillips), 0 Noes

230

231 5. SB 1365 (Jones) Licensing boards: procedures

232

233 Ms. Costa provided a summary of this bill proposal.

234

235 Dr. Phillips commented that this bill seemed like a concept rather than a defined process,
236 which would make it difficult to evaluate whether this would be a useful addition to
237 procedures. He also noted the costs associated with the bill.

238

239 It was M(Phillips)/S(Casuga)/C to approve the staff recommendation to recommend the
240 Board take an "Oppose" position on SB 1365 (Jones).

241

242 Vote: 3 Ayes, (Cervantes, Casuga, Phillips), 0 Noes

243

244 6. SB 1428 (Archuleta) Psychologists: psychological testing technician: registration

245

246 Ms. Costa provided a summary of this bill proposal.

247

248 Colin Sueyres of the California Psychological Association commented to thank the
249 members for the motion on SB 1428. He stated that there is a need for this measure for
250 psychologists to expand their ability to provide service.

251

252 Dr. Phillips asked Mr. Sueyres if the California Psychological Association was amenable
253 to the Board's proposed amendments and Mr. Sueyres confirmed the Association was
254 favorable to the amendments.

255

256 It was M(Casuga)/S(Phillips)/C to approve the staff recommendation to recommend the
257 Board take a "Support if Amended" position on SB 1428 (Archuleta).

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259 Vote: 3 Ayes, (Cervantes, Casuga, Phillips), 0 Noes

260

261 e) Watch Bills

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263 1. AB 1795 (Fong) Open meetings: remote participation.

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265 Ms. Costa provided a summary of this bill proposal.

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267 Ms. Bon clarified that the Board does not need to take positions or actions on watch bills.

268

269 There was no Committee or public comment offered. This was provided as information
270 only with no action required.

271

272 2. AB 1860 (Ward) Substance abuse treatment: certification.

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274 Ms. Costa provided a summary of this bill proposal.

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276 There was no Committee or public comment offered. This was provided as information
277 only with no action required.

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279 3. AB 1921 (Jones-Sawyer) Correctional officers.

280
281 Ms. Costa provided a summary of this bill proposal.

282
283 There was no Committee or public comment offered. This was provided as information
284 only with no action required.

285
286 4. AB 2080 (Wood) Health Care Consolidation and Contracting Fairness Act of 2022.

287
288 Ms. Costa provided a summary of this bill proposal.

289
290 There was no Committee or public comment offered. This was provided as information
291 only with no action required.

292
293 5. AB 2104 (Flora) Professions and vocations.

294
295 Ms. Costa provided a summary of this bill proposal.

296
297 Dr. Phillips asked Ms. Costa if the bill's proposed changes to law were already consistent
298 with the Board's practice, and Ms. Costa confirmed that was correct.

299
300 There was no public comment offered.

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302 This was provided as information only with no action required.

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304 6. AB 2229 (Luz Rivas) Peace officers: minimum standards: bias evaluation.

305
306 Ms. Costa provided a summary of this bill proposal.

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308 There was no Committee or public comment offered. This was provided as information
309 only with no action required.

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311 7. AB 2274 (Blanca Rubio) Mandated reporters: statute of limitations.

312
313 Ms. Costa provided a summary of this bill proposal.

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315 There was no Committee or public comment offered. This was provided as information
316 only with no action required.

317
318 8. SB 1031 (Ochoa Bogh) Healing arts boards: inactive license fees.

319
320 Ms. Costa provided a summary of this bill proposal.

321
322 There was no Committee or public comment offered. This was provided as information
323 only with no action required.

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325 **Agenda Item 8: Legislative Items for Future Meeting.**

326
327 Dr. Cervantes presented this item.

328
329 Dr. Casuga asked to add the following bill to the watch list for 2022: AB 988 (Bauer-
330 Kahan).

331
332 Ms. Costa clarified that Assemblymember Bauer-Kahan reintroduced this bill in 2022,
333 specified that the new bill number was AB 1988, and asked Dr. Casuga if the Board
334 should track AB 1988 instead. Dr. Casuga confirmed.

335
336 **Agenda Item 9: Regulatory Update, Review, and Consideration of Additional**
337 **Changes**

338
339 Mr. Glasspiegel provided updates on the following regulatory packages:

340
341 a) 16 CCR sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11,
342 1391.12, 1392.1 – Registered Psychological Associates

343
344 No Committee or public comment was given for this package.

345
346 b) 16 CCR sections 1381.10, 1392, and 1397.69 – Retired License, Renewal of
347 Expired License, Psychologist Fees (retired license)

348
349 No Committee or public comment was given for this package.

350
351 c) 16 CCR sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing
352 Professional Development

353
354 No Committee or public comment was given for this package.

355
356 d) 16 CCR sections 1391.13, and 1391.14 – Inactive Psychological Associates
357 Registration and Reactivating a Psychological Associate Registration

358
359 No Committee or public comment was given for this package.

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361 e) 16 CCR sections 1392 and 1392.1 – Psychologist Fees and Psychological
362 Associate Fees

363
364 No Committee or public comment was given for this package.

365

366 f) 16 CCR 1395.2 – Disciplinary Guidelines and Uniform Standards Related to
367 Substance-Abusing Licensees
368

369 No Committee or public comment was given for this package.
370

371 g) 16 CCR sections 1380.3, 1381, 1381.1, 1381.2, 1381.4, 1381.5, 1382, 1382.3,
372 1382.4, 1382.5, 1386, 1387, 1387.1, 1387.2, 1387.3, 1387.4, 1387.5, 1387.6,
373 1387.10, 1388, 1388.6, 1389, 1389.1, 1391, 1391.1, 1391.3, 1391.4, 1391.5,
374 1391.6, 1391.8, 1391.11, and 1391.12 – Pathways to Licensure
375

376 No Committee or public comment was given for this package.
377

378 h) 16 CCR sections 1380.6, 1393, 1396, 1396.1, 1396.2, 1396.3, 1396.4, 1396.5,
379 1397, 1397.1, 1397.2, 1397.35, 1397.37, 1397.39, 1397.50, 1397.51, 1397.52,
380 1397.53, 1397.54, 1397.55 - Enforcement Provisions
381

382 Dr. Phillips commented to that it was heartening to see these regulatory packages make
383 their way through the system, especially some of the more complicated ones. He thanked
384 the Board staff for their work.
385

386 Dr. Casuga and Dr. Cervantes echoed these comments from Dr. Phillips.
387

388 Dr. Elizabeth Winkelman of the California Psychological Association commented
389 thanking the Board for their position recommendations on the Association's sponsored
390 bills. She also asked about the implementation of the Continuing Professional
391 Development regulatory package.
392

393 Ms. Hoganson provided clarification on the next steps for the Continuing Professional
394 Development regulatory package..
395

396 **Agenda Item 10: Recommendations for Agenda Items for Future Board Meetings.**
397

398 No Committee or public comment was given for this item.
399

400 **Adjournment**
401

402 The meeting adjourned at 12:00 p.m.