

# Journal

\*\*\*\*\* The California Department of Consumer Affairs, Board of Psychology Newsletter \*\*\*\*\*

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## President's Message



SEYRON FOO, PRESIDENT

*Seyron Foo, Board of Psychology*

We find ourselves in extraordinary times since our last newsletter: Our state—indeed, the world—plunged into unimaginable challenges as we wrestle with the health care response to the novel coronavirus (COVID-19) pandemic. Despite these difficult times, I have been heartened and inspired by the incredible actions taken by the Board's staff, licensees, and stakeholders.

The Board's mission is to protect consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession. The Board's functions are considered an essential service under the governor's Executive Order. With the physical distancing measures requiring a shift in how the Board approaches its work, the Board's staff have risen to the occasion, adapting to new practices and policies to fulfill the Board's mission. We are grateful to the hardworking staff, who like so many of us have been adjusting to a new way of being, for continuing to uphold the highest standards of service to consumers, licensees, and stakeholders.

I am also awed at the incredible response of the licensees and registrants of the Board to answer the governor's call for health care workers. Our licensees heeded this collective call to join the California Health Corps, a statewide effort to recruit health care professionals to support health care sites to treat people affected by COVID-19 and to relieve the pressure on our health care system by providing care for non-COVID-19 cases. And heed the call you did! So many of you signed up to provide crucial mental health services to communities across the state in a time of great need. And so many of you have served in different ways, from seeing first responders experiencing stress and trauma to people at home struggling with isolation.

Nowhere have we witnessed the Board's support for the evolution of the profession more than in using technology in the practice of psychology. On March 12, the Board immediately issued interim guidance to allow for individual supervision to be conducted via HIPAA-compliant video from March 16 until June 30, 2020. The Board

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To update address of record or  
email address: [www.breeze.ca.gov](http://www.breeze.ca.gov)

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has also been supportive of federal and state rules relating to telehealth, recognizing that such rules support the health, safety, and wellbeing of our communities in response to the pandemic.

The strains of physical distancing on mental health have punctuated the importance of psychologists in our health care system. Prior to the pandemic, the Board convened in Sacramento for our February Board meeting, which included legislative visits to the members and staff of the Senate Committee on Business, Professions, and Economic Development and the Assembly Committee on Business and Professions. To start our two-day meeting, we swore in newly appointed member Dr. Shacunda Rodgers and reappointed member Dr. Sheryll Casuga. We also acknowledged the distinguished contributions of departing Board Member Dr. Jacqueline Horn and continuing Board Member Dr. Stephen Phillips, Board president emeritus.

The Board also received a sobering presentation for its budget report. We discussed the current budget situation, recognizing that challenges in implementing new accounting systems have affected our ability to receive timely fiscal reports and take appropriate, real-time action. As a consequence, the Board has taken prudent measures to conserve resources. For this calendar year, the Board will continue to meet four times a year. One meeting will be held through teleconference to save on travel costs. The Board held or will hold meetings at the state Capitol and the Department of Consumer Affairs in Sacramento. Finally, due to physical distancing requirements, current facility closures extending into the summer, and advance planning needed to secure a new location, our July meeting in Los Angeles will be held through WebEx, a video conferencing platform. These in-person meetings are contingent on physical distancing measures being lifted in the state. You can learn more and view our meetings [here](#). We value public participation and invite all interested stakeholders to stay connected with the Board.



*Courtesy of Christopher Pollard, Studio Seven one three*

*Reappointed member Dr. Sheryll Casuga (top) and newly appointed member Dr. Shacunda Rodgers are sworn in by Board President Seyron Foo.*

As we take measures to protect the Board's budget, the core functions of consumer protection remain unaffected. Enforcement costs to protect consumers are considered "nondiscretionary," and the Board will continue to take appropriate action to protect its consumers.

In the months ahead as we continue to grapple with the COVID-19 pandemic as individuals, a society, and a state, the Board and its staff will continue to serve— whether virtually or in-person—to protect the consumers of California, to work with prospective and current licensees, and engage with stakeholders in pursuit of our mission. Now, more than ever, is when we lean into our values of transparency, integrity, fairness, responsiveness, and professionalism. Be safe, healthy, and well.



## Lessons Learned Amid COVID-19: Moving Forward

*Jeffrey Thomas, Assistant Executive Officer, Board of Psychology*

We are all going through unprecedented challenges, both personal and professional, due to COVID-19. I have worked at the Board of Psychology since 1987 and I assure you that there has been no other issue that has had a greater impact on the Board and the profession of psychology. Throughout my tenure with the Board, I have seen many issues that have had an impact such as Y2K, 9/11 and other viruses (HIV, H1N1, etc.). Our licensing systems have had to be tested, meetings had to be cancelled and rescheduled, travel plans had to be postponed, and staff had to be sent home temporarily on 9/11 due to safety concerns.

The impacts of COVID-19 have been more far-reaching. Most staff and management have been teleworking in order to comply with the physical distancing requirements. The Department of Consumer Affairs' (DCA) building has been closed to the public due to safety concerns and then even to employees for two days for a deep cleaning because of a contractor who had tested positive for COVID-19. We have been working closely with DCA to comply with all executive orders from Governor Gavin Newsom and finding ways of getting waivers to get psychologists back into the workforce during this state of emergency.

Throughout all of this, we have realized shortfalls that needed to be addressed. Board members and staff have stepped up to address the needs of our stakeholders. At its April 17, 2020, teleconference

meeting, the Board president established an Emergency Preparedness Ad Hoc Committee to continue to address challenges as they arise, with Marisela Cervantes and Dr. Shacunda Rodgers as its members.

"I applaud the Board for taking proactive steps to develop a committee for planning any future emergency needs," said DCA Director Kimberly Kirchmeyer. "As a Department, we will be doing the same to be better prepared for future events, keeping in mind that through any crises we must be flexible and nimble."

The Board has taken advantage of this as a real-time learning opportunity. Was our Business Continuity Plan effective? Not as effective as it could be. We will be taking this lesson to heart and refining our Business Continuity Plan to prepare for future emergencies and to be more efficient in our response to our stakeholders' needs.

The Board will continue to work with the DCA, the Business, Consumer Services and Housing Agency, and the Governor's Office to get through the COVID-19 crisis as well as to improve our preparedness for anything else that we may face in the future. Thank you for your patience and cooperation throughout this time. I personally want to thank our staff, Board members, and the strong leadership of our Executive Officer, Antonette Sorrick.

## Options for Members of the Military and Their Families

*By Jason Glasspiegel, Central Services Manager, Board of Psychology*

The Board of Psychology offers the following services for members of the United States armed forces and their families:

- The Board will expedite all applications submitted by applicants who served as members of the armed forces and were honorably discharged.
- The Board will expedite all applications submitted by spouses, domestic partners, or those in other legal unions with an active-duty member of the armed forces, as long as all of the following are true:
  - » The member of the armed forces is stationed in California under official active-duty military orders.

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- » The applicant is a licensed psychologist in another state, territory, or district of the United States at the time of application.
- The Board will waive all renewal fees and continuing education requirements if the licensee is called to active duty as a member of the armed forces or California National Guard, as long as written documentation to substantiate the call to active duty is provided to the Board. The following conditions will apply:
  - » The licensee shall become liable for the fee for the current renewal period upon the completion of his or her period of full-time active service.
  - » The licensee shall have a period of 60 days after becoming liable within which to pay the fee before the delinquency fee becomes applicable.
  - » Any licensee who completes his or her period of full-time active service within 60 days of the end of a renewal period is exempt from the payment of the renewal fee for that period.

## Verification of Licensure

*By Sarah Proteau, Central Services Technician,  
Board of Psychology*

Oftentimes, a licensee or registrant of the Board of Psychology might need a Certified Verification of Licensure/Registration to obtain licensure/registration in another state or jurisdiction, or for purposes of employment.

To order a Certified Verification of Licensure, please send a written request either by letter or by printing out the Certified Verification of Licensure request form from the Board's website (address provided below) and send it to the Board, providing all of the following information:

- Name and license number.
- The mailing address where the Certified Verification of Licensure should be mailed, and an email address if also requesting an emailed copy to the same person.
- A \$5 check or money order for each Certified Verification of Licensure requested for each recipient.

The Board's form that can be used to request a Verification of Licensure can be found on the Verification of Licensure page of the Board's website at [www.psychology.ca.gov/licensees/licensure\\_verification.shtml](http://www.psychology.ca.gov/licensees/licensure_verification.shtml).

NOTE: If requesting multiple Certified Verifications of Licensure for multiple states, please provide a separate form/letter for each request. These forms/letters can be submitted with a single check or money order for the total amount based on the number of Certified Verification of Licensures ordered. The Board does not fill out other state licensing application forms.

Please send the request and accompanying payment to the following address:

Board of Psychology  
1625 North Market Blvd., Suite N-215  
Sacramento, CA 95834

Once the fee is cashiered, your request will be processed and completed in the order received. Verifications take four to eight weeks to be finalized and mailed.





## Explanation of Disciplinary Language and Actions

**Gross negligence:** An extreme departure from the standard of care.

**Incompetence:** Lack of knowledge or skills in discharging professional obligations.

**Public letter of reproof:** Formal discipline that consists of a reprimand of a licensee that is a matter of public record for conduct in violation of the law.

**Accusation:** A formal, written statement of charges.

**Stipulated settlement of decision:** The case is formally negotiated and settled prior to hearing.

**Surrender:** To resolve a disciplinary action, the licensee has given up his or her license, subject to acceptance by the Board of Psychology.

**Suspension from practice:** The licensee is prohibited from practicing or offering to provide psychological services during the term of suspension.

**Revoked:** The right to practice has ended due to disciplinary action.

**Revocation stayed, probation with terms and conditions:** “Stayed” means the revocation is postponed. Professional practice may continue so long as the licensee complies with specific probationary terms and conditions. Violation of any term of probation may result in the revocation that was postponed.

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## Administrative Citations:

December 1, 2019,  
to March 31, 2020

None for unlicensed individuals.

## Disciplinary Actions:

December 1, 2019,  
to March 31, 2020

### SURRENDER

#### Maurice Cayem, Ph.D.

Psychologist License No. PSY 11101, Glendora

Dr. Cayem stipulated to the voluntary surrender of his license following a March 7, 2019, decision by the Board that placed his license on probation for five years, and which allowed him to request the voluntary surrender of his license if he ceased practicing or was otherwise unable to satisfy the terms and conditions of probation. The surrender took effect December 18, 2019.

#### Manuel Montoya Tajon, Psy.D.

Psychological Assistant  
Registration No. PSB 94023787,  
Santa Maria

Dr. Tajon stipulated to the surrender of his registration after an accusation was filed alleging he committed gross negligence and violated the ethical standards of practice when he gifted an inmate a wall-mounted cellular phone charger during the time he provided treatment to the inmate, did not try to remove himself from providing further treatment, and received numerous payments from individuals related to the inmate; violated the rules regarding ethical conduct when he failed to take appropriate measures to report that he was having personal problems that prevented his ability to perform work-related activities in a competent manner, engaged in multiple relationships, created a conflict of interest, exploited his relationship with the inmate, and violated California law governing custodial institutions; and committed dishonest, corrupt or fraudulent acts when he accepted money from the inmate's relatives, friends, and associates without reporting those monetary gifts to his supervisors and authorities. The surrender took effect January 3, 2020.

#### Fillmore L. Smiley, IV

Psychological Assistant  
Registration No. PSB 94022453,  
Apple Valley

Mr. Smiley stipulated to the surrender of his registration after a petition to revoke probation was filed alleging that he failed to comply with the terms and conditions of an April 21, 2016, order that required him to meet with a practice monitor at least one hour per week, engage in psychotherapy at least one hour per week, attend a 12-step meeting or the equivalent at least once a week, fully participate in the alcohol/drug screening program, and submit quarterly declarations under penalty of perjury. The surrender took effect January 16, 2020.

#### Rosalie Toren, Psy.D.

Psychologist License No. PSY 21581, Mountain View

Dr. Toren stipulated to the surrender of her license after a first amended accusation was filed alleging that she was grossly negligent for failing to maintain accurate records and properly supervise her registered psychological assistant; committed repeated negligent acts by violating patient

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confidentiality, failing to ensure her registered psychological assistant was working solely in her office and not at other locations, and failed to ensure her psychological assistant maintained regular and consistent progress notes; engaged in unprofessional conduct when she failed to cooperate in a timely manner and participate in a board investigation; violated the standards of ethical conduct by failing to ensure her registered psychological assistant performed competently when providing group therapy, by disclosing confidential information about her patient without consent, failing to accurately document the clinical and financial records of her patient, and failing to properly assess and supervise her psychological assistant in the management of individual therapy provided to her patient and her group therapy practice. The surrender took effect March 1, 2020.

### **REVOCATION**

#### **Alan W. Downs, Ph.D.**

Psychologist License No. PSY 23309, Beverly Hills

Dr. Downs's license was revoked after a default decision was entered following the filing of an accusation, which alleged that he failed to provide proof of completion of continuing education attendance certificates to the Board upon request after

being selected for a random audit. Dr. Downs failed to respond in any way to the accusation. The default decision and order took effect December 12, 2019.

#### **Anna Elizabeth Kendall, Ph.D.**

Psychologist License No. PSY 19739, Los Angeles

Dr. Kendall's license was revoked after a decision was entered following the filing of an accusation, which alleged that she failed to comply with an order issued under section 820 of the Business and Professions Code. Dr. Kendall failed to appear at the hearing. The decision and order took effect February 9, 2020.

#### **Theodore Ken Ishida, Ph.D.**

Psychologist License No. PSY 10125, Bakersfield

Dr. Ishida's license was revoked after a default decision was entered following the filing of an accusation, which alleged that he was convicted of a crime substantially related to the qualifications, functions or duties of a psychologist, and was required to register as a sex offender pursuant to Penal Code section 290. Dr. Ishida failed to respond in any way to the accusation. The default decision and order took effect February 9, 2020.

#### **Nancy Y. Martinez**

Psychological Assistant  
Registration No. PSB 94023958,  
Lancaster

Ms. Martinez's registration was revoked after a default decision was entered following the filing of an accusation, which alleged that she committed acts of sexual misconduct substantially related to the qualifications, functions, or duties of a psychologist; engaged in gross negligence and repeated negligent acts; violated the rules of professional conduct; and violated the psychology licensing law. The default decision and order took effect February 28, 2020, after the Board denied a petition for reconsideration.

#### **Michael D. Ward, Ph.D.**

Psychologist License No. PSY 24606, La Crescenta

Dr. Ward's license was revoked after a decision following the filing of an accusation, which alleged that he was convicted of crimes substantially related to the qualifications, functions, or duties of a psychologist; committed acts of sexual abuse or sexual misconduct that are substantially related to the qualifications, functions, or duties of a psychologist; and violated the Psychology Licensing Law by being required to register as a sex offender pursuant to Penal Code section 290. The decision and order took effect March 28, 2020.

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### **PROBATION**

**Sunita Mehta Shenoy, Ph.D.**  
Psychologist License No. PSY  
25554, San Francisco

Dr. Shenoy stipulated to placing her license on probation for four years, and is subject to its revocation if she fails to comply with the terms and conditions of probation, after an accusation was filed alleging she committed gross negligence, dishonest acts, and ethical violations when she created and submitted false billing records for session dates that never occurred and when she failed to provide adequate information and assistance to her client for a referral to another psychologist. The decision and order took effect December 25, 2019.

**Kim Huong Huynh, Ph.D.**  
Psychological Assistant  
Registration No. PSB 94022787,  
San Rafael

Dr. Huynh stipulated to placing her license on probation for four years, and is subject to its revocation if she fails to comply with the terms and conditions of probation, after an accusation was filed alleging she engaged in unprofessional conduct that is substantially related to the practice of psychology when she forged the signatures of two supervisors on a supervised professional experience document that she submitted to the Board as part of the application process to become a licensed psychologist. The decision and order took effect January 12, 2020.

### **ORDER RESTRICTING PRACTICE**

**Vincent Shanks, Ph.D.**  
Psychological Assistant  
Registration No. PSB 94020884,  
Temecula

An order was issued pursuant to Penal Code section 23 against Dr. Shanks, prohibiting him from providing psychological services to female patients in California until the conclusion of the criminal proceeding in Riverside County Superior Court. The order superseded the January 6, 2020, order requiring that a chaperone be present any time he is with a female patient. The order took effect February 3, 2020.







## Regulatory Update

Below are the Board's pending regulatory changes and their status in the formal rulemaking process.

### **1. Title 16, CCR Section 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, 1392.1—Psychological Assistants**

**Status:** Initial Review Phase. This phase includes reviews by the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency before a formal Notice of Public Hearing with the Office of Administrative Law.

This regulatory package does the following:

Conforms the California Code of Regulations to statutory changes made in SB 1193 (Hill) (Chapter 484, Statutes of 2016), which requires psychological assistants to obtain a single registration with the Board of Psychology, to be renewed annually. This registration will be independent from their supervisor(s) or employer(s), but does not remove the requirement that psychological assistants practice only under supervision. Additionally, the proposed regulatory language is to avoid duplication as to who pays the psychological assistant registration fee, as this is already specified in statute.

### **2. Title 16, CCR Section 1396.8—Standards of Practice for Telehealth**

**Status:** Initial Review Phase. This phase includes reviews by the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency before a formal Notice of Public Hearing with the Office of Administrative Law.

This regulatory package does the following:

Establishes standards of practice for telehealth by licensed California psychologists and psychology trainees to an originating site in this state, to a patient or client who is a resident of California who is temporarily located outside of this state, and to clients or patients who initiate psychological health care services while in this state, but who may not be a resident of this state to improve access to psychological care for underserved populations and to support clients or patients between regularly

scheduled office visits or while they are temporarily located outside of this state.

### **3. Title 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67—Continuing Professional Development**

**Status:** Initial Review Phase. This phase includes reviews by the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency before the formal Notice of Public Hearing with the Office of Administrative Law.

This regulatory package does the following:

Changes the continuing education guidelines and requirements that must be completed by licensed psychologists from the continuing education model to the broader continuing professional development model.

### **4. Title 16 CCR Sections 1381.9, 1381.10, 1392—Retired License, Renewal of Expired License, Psychologist Fees**

**Status:** Initial Review Phase. This phase includes reviews by the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency before the formal Notice of Public Hearing with the Office of Administrative Law.

This regulatory package does the following:

Adopts section 1381.10 in Division 13.1 in the Board's regulations, to be titled "Retired Status." This proposal would allow a licensee to apply to have their license placed in a retired status.

### **5. Title 16 CCR Sections 1394, 1395, 1395.1, 1392—Substantial Relationship Criteria, Rehabilitation Criteria for Denials and Reinstatements, Rehabilitation Criteria for Suspensions and Revocations**

**Status:** Preparing Final Documentation. This phase includes preparation of the Final Statement of Reasons and Updated Informative Digest before resubmission to the Department of Consumer Affairs, the Business, Consumer Services and Housing Agency, and the Department of Finance before being filed with the Office of Administrative Law for final review.

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This regulatory package does the following:

Brings the Board into compliance with the upcoming changes to the law and, to the extent possible, maintains adequate consumer protections by ensuring licensees are fit to practice independently with potentially vulnerable consumer populations.

## Legislative Update

For up to date bill status information, visit the Board's website at [www.psychology.ca.gov/laws\\_regs/legislation.shtml](http://www.psychology.ca.gov/laws_regs/legislation.shtml).

### SPONSORED LEGISLATION

#### **SB 275 (Pan) Psychologist: prohibition against sexual behavior**

This bill would add sexual behavior with a client (patient or client) or former client to the violations that would require an administrative law judge's proposed decision to include an order of revocation. SB 275 would define sexual behavior as "inappropriate contact or communication of a sexual nature for the purpose of sexual arousal, gratification, exploitation, or abuse. 'Sexual behavior' does not include the provision of appropriate therapeutic interventions relating to sexual issues."

**Board position:** Sponsor

### LEGISLATION WITH ACTIVE POSITIONS

#### **1. AB 1145 (Garcia, Christina)—Child abuse: reportable conduct**

For the purposes of the Child Abuse Neglect Reporting Act, this bill revises the definition of sexual assault to no longer include any acts under Penal Code sections 286 (sodomy), 287, former section 288a (oral copulation), and section 289 (sexual penetration), if committed voluntarily and if there are no indicators of abuse, unless the conduct is between a person 21 years of age or older and a minor who is under 16 years of age.

**Board Position:** Support

#### **2. SB 53 (Wilk)—Open meetings**

This bill modifies the Bagley-Keene Open Meeting Act to require two-member advisory committees of a "state body" to hold open, public meetings if at least one member of the advisory committee is a member of the larger state body, and the advisory committee is supported, in whole or in part, by funds provided by the state body.

**Board Position:** Oppose

#### **3. SB 66 (Atkins)—Medi-Cal: federally qualified health center and rural health clinic services**

This bill would allow Medi-Cal reimbursement for a patient receiving both medical and mental health services at a federally qualified health center or rural health clinic on the same day.

**Board Position:** Support







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## Board Members

Seyron Foo (President)

Mary Harb Sheets, Ph.D. (Vice President)

Alita Bernal

Sheryll Casuga, Psy.D.

Marisela Cervantes

Stephen Phillips, JD, Psy.D.

Shacunda Rodgers, Ph.D.

Lee Tate, Psy.D.

## Meeting Calendar

### 2020 Board Meetings

July 9-10                      Teleconference

November 20                Sacramento

