

Journal

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

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President's Message

Stephen C. Phillips, J.D., Psy.D., Board of Psychology

Welcome to the summer 2017 edition of the California Board of Psychology Journal!

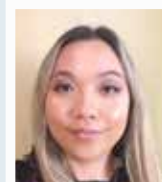
The mission of the Board of Psychology (Board) is to advance quality psychological services for Californians by ensuring ethical and legal practice and supporting the evolution of the profession. Our values are transparency, integrity, consumer protection, inclusiveness, excellence, and accountability.

I am happy to introduce you to one of the newest members of the Board of Psychology, Mr. Seyron Foo, a recent gubernatorial appointee. Seyron is the Director of Public Policy and Governmental Affairs at Southern California Grantmakers, an association for philanthropic grant makers. He has a wealth of experience in state and local government.



Mr. Foo's educational achievements are equally impressive. They include a master's degree in Public Affairs from the Woodrow Wilson School of Public and International Affairs at Princeton University and a bachelor's degree from the University of California, Berkeley. Seyron has already proven to be a welcome addition to Board discussions and is enthusiastic about our mission as a consumer protection agency for psychological services. He recently joined the Licensing Committee, bringing it to three members. It had been operating with only two members due to Board vacancies. Please join us in welcoming Seyron to the Board.

I am also happy to say that an additional licensed member has been appointed to the Board by Governor Brown as this issue went to press. Sheryll Casuga, Psy.D., CC-AASP, is a psychologist in the Bay Area. I will let you know more about Dr. Casuga in the next edition of Journal. We welcome her contributions.



This year the Board sponsored legislation authored by Assembly Member Levine regarding training for suicide assessment and intervention for all psychologists and applicants for licensure as psychologists.

www.psychology.ca.gov



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To update address of record or
e-mail address: [www.breeze.ca.gov/
datamartloginCADCA.do](http://www.breeze.ca.gov/datamartloginCADCA.do)

Contact us: bopmail@dca.ca.gov

Sign up for our e-mail list:
www.psychology.ca.gov



Consistent with the Board's primary mission of protecting consumers of psychological services, we want to ensure that all psychologists have received at least a minimum of training and exposure to this growing public health challenge. We are hopeful psychologists will continue to lead the way in promoting such training and education. On September 1, 2017, the first day of National Suicide Prevention and Awareness Month, Governor Brown signed AB 89 into law. The Board will be sending a legislative advisory to detail the implementation of this bill.

The Board still eagerly anticipates a gubernatorial appointment to fill a vacancy for a licensed Board member. A full complement is five licensed members and four public members. At present, we have four licensed members and four public members. We hope to be at a full complement of Board members soon. The Board, its members, staff, and committees continue to work diligently to promote quality psychological services for Californians and the evolution of the profession of psychology.

Psychological Assistants and Supervisors: Changes You Need to Know

By Stephanie Cheung, Licensing Manager, Board of Psychology

The implementation of Senate Bill 1193 (Hill, Chapter 484, Statutes of 2016) is underway since it has become effective and chaptered into law on January 1, 2017. One of the new provisions requires an individual to register with the Board as a psychological assistant to perform psychological functions in preparation for licensure as a psychologist. It allows psychological assistants to maintain and renew the registration during the registration period rather than the supervisor as previously required. Questions and uncertainty may arise with this newfound responsibility. If you are a psychological assistant or a supervisor, reviewing the Q&A below on the new process may help you sail through this transition period with ease.

What do I need to do if I want to change a primary supervisor?

Complete the Notification to Add or Change Supervisor or Service Location for a Psychological Assistant form (PSB 101) with your primary supervisor and mail it to the Board. Specifically, remember to check the box next to "Remove Supervisor" in Section II to indicate that you will not be working under the supervision of that primary supervisor. Complete the rest of the sections with a new

primary supervisor. The form can be downloaded from the Board's website and there is no fee for this notification.

Note: If you intend to accrue supervised professional experience toward licensure under the supervision of the new supervisor, complete and sign a supervision agreement including a detailed description of the supervision plan to be submitted with your notification.

How do I notify the Board if I need to end the supervision relationship with any of my primary supervisors?

Complete Sections I, II, and VI on the Notification to Add or Change Supervisor or Service Location for a Psychological Assistant form (PSB 101) with your primary supervisor(s) and mail it to the Board. Submit a separate notification for each supervisor.

The AOR is public information, and the Board relies on accurate AOR to communicate with our licensees and registrants. Correspondence, such as pocket registration, renewal notice, and newsletters, are mailed to your AOR. You can update the AOR filed with the Board online by taking advantage of the BreZe system.

The address on the PSB 101 form is the address where you provide psychological services under the supervision of your primary supervisor, which may or may not be the same as the AOR. If you will be providing services at a different location than the one that is identified on your application, you will need to notify the Board using the PSB 101 form.



What happens to my psychological assistant registration when I do not have any primary supervisors associated with my registration?

The status of your registration will still be current and the time that remains on your registration without a primary supervisor will continue to accrue counting against the 72-month registration period. Also, and most importantly, without an approved primary supervisor, you cannot provide psychological services, as that constitutes unlicensed practice.

How do I cancel my registration?

To cancel a registration, e-mail the Board at BOPLicensing@dca.ca.gov with the following information:

- Name and registration number of psychological assistant
- Effective date of cancellation
- Name and license number of primary supervisor(s)

For more information about the changes relating to Senate Bill 1193, please refer to the legislative advisory posted on our website at www.psychology.ca.gov/laws_regs/sb1193.shtml.



The End of Life Option Act: Information and Guidance for Psychologists

*Elizabeth Winkelman, J.D., Ph.D.,
Director of Professional Affairs,
California Psychological Association*

The California End of Life Option Act went into effect in June 2016, making California the fifth of six states in our nation to allow terminally ill patients to obtain aid-in-dying drugs from a physician if specific requirements are met. Psychologists are identified, along with psychiatrists, as “mental health specialists” who are authorized to provide assessments under this law. In addition to providing assessments, psychologists may be asked to address issues related to end-of-life options by patients, patients’ family members, or colleagues.

All psychologists, regardless of their personal views on this topic, should be familiar with the basic provisions of this law to understand psychologists’ roles and to be able to respond to patients’

inquiries. Key features of this law, its significance for psychologists, and guidance for psychologists are described below.

Basics of the End of Life Option Act

- To qualify to obtain aid-in-dying drugs, patients must be adults with a medically confirmed terminal illness and a prognosis of less than six months to live, among other requirements.
- Patients must have the capacity to make medical decisions.
- The patient’s attending (primary) physician must make the initial determination regarding the patient’s diagnosis, prognosis, and capacity to make medical decisions.
- The attending physician must refer the patient to a consulting physician for a confirmation of diagnosis, prognosis, and capacity.
- If the attending or consulting physician determines there are indications of a mental disorder, a referral for a “mental health specialist assessment” is required.



- Specific procedures must be followed by all physicians and pharmacists involved in the prescribing and dispensing of aid-in-dying drugs.
- Required documentation includes a detailed informed consent that explains, among other things, feasible alternatives or additional treatment opportunities such as hospice care, palliative care, and pain control.
- Required documentation includes a written request for aid-in-dying drugs signed by the patient in the presence of two witnesses.
- The patient must ingest the aid-in-dying drug him or herself.
- Death caused by taking properly prescribed aid-in-dying drugs is legally defined as “not suicide.” The underlying terminal illness may be listed as the cause of death.
- Healthcare providers, including psychologists, are not required to provide services under this law. You can choose whether to participate in any activities authorized under this law.
- Healthcare providers, including psychologists, are immune from liability and professional sanctions for participating in or for refusing to participate in activities authorized under this law.

Mental Health Specialist Assessments

- Psychologists and psychiatrists are the only professionals who can provide mental health specialist assessments.
- A mental health specialist assessment is not required for all patients; it is required only if the attending or consulting physician determines there are indications of a mental disorder.
- Patients referred for a mental health specialist assessment cannot receive aid-in-dying drugs unless the mental health specialist determines that the patient has the capacity to make medical decisions and is not suffering from impaired judgment due to a mental disorder.
- Mental health specialist assessments must comply with all procedural and documentation requirements of the law, including Health & Safety Code §§ 443.7 and 443.8.

Legal, Ethical, and Professional Practice Issues

- Psychologists should carefully consider relevant legal, ethical, and professional practice issues before providing services related to this law.
- To prevent potential multiple relationships or conflicts of interest, psychologists should generally avoid providing mental health specialist assessments for patients whom they have treated, consistent with APA Ethical Principles and Code of Conduct (Ethics Code) Standards 3.05 and 3.06.
- Psychologists who provide mental health specialist assessments should have the relevant education, training, skills, and experience to do so competently, consistent with Ethics Code Standard 2.01.

CPA Guidance

The California Psychological Association recently released “California’s End of Life Option Act: CPA Guidance for Psychologists” (www.cpapsych.org/endoflifeoptionact) to offer information and guidance to psychologists who provide or who are considering providing services related to this law. The document includes additional details about the law’s requirements; explores several key issues (values, beliefs, culture, ethics); describes psychologists’ roles; and addresses how to conduct a mental health specialist assessment. In addition, it describes the immunities granted to those who choose to participate, or choose not to participate, in any authorized activities.

The CPA guidance is designed to be educational and to encourage a thoughtful, thorough approach toward end-of-life options. It is not intended to set a standard of care or to take precedence over a psychologist’s judgment in any particular case. The guidance was developed by the CPA End of Life Option Act Work Group and was reviewed and approved by the CPA Board of Directors. The Work Group, whose members were selected based on relevant expertise, consisted of the following members: Cheryl A. Bowers, Ph.D.; Andrew Harlem, Ph.D.; David Jull-Patterson, Ph.D.; Craig Lareau, J.D., Ph.D., ABPP; Morton H. Shaevitz, Ph.D., ABPP; and Elizabeth Winkelman, J.D., Ph.D.



References and Resources

American Psychological Association,
*Ethical Principles of Psychologists and
Code of Conduct*
www.apa.org/ethics/code/

California Department of Public Health,
End of Life Option Act
[https://www.cdph.ca.gov/Programs/CHSI/Pages/
End-of-Life-Option-Act.aspx](https://www.cdph.ca.gov/Programs/CHSI/Pages/End-of-Life-Option-Act.aspx)

*California's End of Life Option Act: CPA Guidance for
Psychologists* www.apa.org/ethics/code/ [http://cymcdn.com/sites/www.cpapsych.org/resource/
resmgr/DPA/ELOA_Guidance_\(final_w_TOC\).pdf](http://cymcdn.com/sites/www.cpapsych.org/resource/resmgr/DPA/ELOA_Guidance_(final_w_TOC).pdf)

California Medical Association On Call Document: *The
End of Life Option Act* [www.cmanet.org/resource-library/
detail/?item=the-california-end-of-life-option-act](http://www.cmanet.org/resource-library/detail/?item=the-california-end-of-life-option-act)

Compassion & Choices www.EndOfLifeOption.org

Coalition for Compassionate Care
<http://coalitionccc.org/>

End of Life Option Act (AB-15) (full text) [http://leginfo.
legislature.ca.gov/faces/billTextClient.xhtml?bill_
id=201520162AB15](http://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201520162AB15)

*Please note: The information in this article does not
constitute legal advice and should not be used as
a substitute for obtaining personal legal advice and
consultation.*

Expert Reviewer Program— Enforcement Division

*By Sandra Monterrubio, Enforcement Program Manager,
Board of Psychology*

The Board's Enforcement Program is currently
recruiting qualified psychologists to serve as experts
for the Expert Reviewer Program.

The Expert Reviewer Program is the backbone of
the Enforcement Program, and its effectiveness is
vital for fulfilling our legislative mandate to protect
California consumers of psychological services
from unlicensed, unprofessional, incompetent, and
otherwise unsafe practitioners.

Board experts provide consultation to staff, review
case materials, prepare written opinions, and testify
at administrative hearings. Expert reviewers are paid
\$100–\$200 per hour, depending upon the services
rendered. Interested applicants must meet the
following requirements:

- Possess a current California psychology license;
be in good standing; have no prior or pending
disciplinary actions; and no pending investigations
or enforcement actions.
- Have no criminal convictions, including any that
were expunged or dismissed.

- Have forensic experience and be willing to testify
if a case proceeds to a hearing.
- Have an active practice, defined as at least 80
hours per month in direct patient care, clinical
activity, psychometric testing, and/or teaching.
- Have three or more years of expertise in specific
areas of practice.
- Agree that the expert reviewer term is two years
in length, with an option to apply for renewal at
the end of the two-year term.

If you are interested in providing expert services to
the Board and you meet the above requirements,
please submit the expert application, along with a
cover letter describing your current practice, work
setting, forensic experiences, and why you are
interested in becoming an expert. Include a current
curriculum vitae. Mail your packet to the Board at
the address below. The expert application can be
located on the Board's website at [www.psychology@
dca.ca.gov](http://www.psychology@dca.ca.gov), under the Licensees tab. For additional
information, contact Sandra Monterrubio at
(916) 574-7118.

Board of Psychology

ATTN: Sandra Monterrubio
1625 North Market Boulevard, Suite N-215
Sacramento, CA 95834
BOPEnforcement@dca.ca.gov



What to Expect From a Continuing Education Audit

By Liezel McCockran, Continuing Education and Renewals Coordinator, Board of Psychology

Completing your required 36 continuing education (CE) hours can appear simple. But the CE audit process can also be a bit intimidating if you are uninformed about the process. The purpose of this article is to inform you about the audit process and what to expect if you are ever selected for a CE audit.

When are you subject to a CE audit?

The process of a CE audit begins when you renew your license and certify under penalty of perjury that you have completed the CE requirement.

How are you selected for an audit?

A random audit of 10 percent of the renewal population is conducted monthly; thus, any licensee who has submitted a license renewal application may be subject to a CE audit.

What is required when you are selected for a CE audit?

After you are selected, you will be notified via letter from the Board to provide documentation of completing the required 36 CE hours within 60 days of receiving the letter.

What is the auditor looking for when reviewing your CE hours?

- The courses were completed within the renewal cycle being audited.
- A Board-recognized provider is inscribed on the certificate, namely:
 - American Psychological Association (APA), California Psychological Association (CPA), Continuing Medical Association (CMA), California Medical Association (CME), or Accreditation Council for Continuing Medical Education (ACCME).
- The name of the licensee and number of CE credits awarded is inscribed on the certificate.

- Only 75 percent of the CE hours were accrued via distance learning—nine hours must be “live,” which is defined as any course that is taken in real time, where the instructor and student interact.
- Course(s) are no less than one hour in duration.

What can you expect following a CE audit?

A letter will be sent to the licensee notifying them of the outcome. There are three possible outcomes for the CE audit:

- In Compliance—Passed audit.
- Educational Letter—A violation may have occurred, but it does not warrant the issuance of a citation order. Therefore, the Board issues an educational letter to advise the licensee on their actions.
- Citation and Fine—A citation and fine is a less formal enforcement action and is used for less serious violations of the Laws and Regulations relating to the practice of psychology. A citation and fine has two parts: a fine and an order of abatement. The fine amount varies depending on how many days late the hours were submitted, or the number of hours short, and the order of abatement requires the licensee to make up any short hours.

How could I fail an audit?

CE certificates may be rejected for the following reasons:

- Less than one hour.
- Not within applicable renewal period.
- Approval by a Board-recognized agency is not inscribed on the certificate. Courses must be approved by: APA, CPA, or CMA/CME/ACCME.
- Duplicative—course taken twice in the renewal period.
- Insufficient documentation provided—certificate must include date of activity, number of hours credited, provider approval information, indication of “live” or “distance,” and name of participant.
- The required hours of CE may not be accrued prior to the effective date of the initial issuance of the license.



It is important to remember that many CE providers are approved to provide some, not all continuing education courses. If you are unsure, contact the provider before taking the course.

If you have any questions regarding CE requirements, contact the Continuing Education/Renewals Coordinator, Liezel McCockran, at (916) 574-7231 or via e-mail at liezel.mccockran@dca.ca.gov.

Experts for Examination Development

*By Lavinia Snyder, Examinations Coordinator,
Board of Psychology*

Interested in earning 16 hours of continuing education units and satisfactorily completing the laws and ethics training required for license renewal? The Board is recruiting qualified licensees to serve as Subject Matter Experts (SMEs) to participate in annual, two-day workshops to assist in developing the *California Psychology Laws and Ethics Examination* (CPLÉE).

The Board's workshops are held on two consecutive eight-hour days throughout the year in Sacramento. The types of workshops include:

- **Item Writing:** The purpose of this workshop is to develop "items" (questions) for the CPLÉE. Participants will receive training in item writing principles and will work in conjunction with a testing specialist to develop clinical vignette-based questions, as well as standard multiple-choice questions for the examination.
- **Item Review:** The purposes of this workshop are to: 1) review newly developed items (i.e., standard multiple-choice items) for clarity, relevance, and technical accuracy; and 2) evaluate previously used items based on item statistics, candidate comments, etc. Participants will work as a group to ensure that potential items are acceptable for inclusion on future versions of the examination.
- **Examination Construction:** The purpose of this workshop is to select potential items based on the examination plan of the CPLÉE. Participants will evaluate items for each content area included in the examination and select those that best represent the knowledge required for entry into the profession.
- **Passing Score:** The purpose of this workshop is to establish the passing score for the CPLÉE. Under the facilitation of a testing specialist, participants will apply minimum competence standards to establish a criterion-referenced passing score.

Aside from earning continuing education credits and satisfying the laws and ethics requirement, participation at a two-day workshop includes a \$600 honorarium fee. Participants will also receive reimbursement for travel expenses with set limitations as defined under the Department of Consumer Affairs' Travel Guidelines. Air and ground travel will be covered and arranged for by the Board. Hotel accommodations will be reimbursed up to the state rate of \$95 per day plus tax. Meals will be reimbursed at the rate established by DCA.

To qualify to serve as a Subject Matter Expert, a licensee MUST:

- Hold a current license as a psychologist.
- Be in good standing, having no prior or pending disciplinary actions, and no pending investigations or enforcement actions against them.
- Agree not to participate in any examination coaching or preparation activities as stated in the contract signed with the Board prior to the commencement of examination development activities.

If you are a qualified licensee and interested in serving as an SME, please e-mail Lavinia.Snyder@dca.ca.gov with your name, license number, phone number, and e-mail address. Any licensees who express interest in attending future workshops will be placed on the Interested Parties list for future notification of workshop dates. Notification will be via e-mail.



Administrative Citations:
April 1–June 30, 2017

Shari Schreiber
Unlicensed, Altadena

On April 24, 2017, a citation containing an order of abatement and fine in the amount of \$2,500 was issued to Ms. Schreiber for engaging in the unlicensed practice of psychology.

Bryna Susan Siegel, Ph.D.
Unlicensed, San Francisco

On April 25, 2017, a citation containing an order of abatement and fine in the amount of \$5,000 was issued to Dr. Siegel for engaging in the unlicensed practice of psychology.

Katharine Manning
Unlicensed, La Crescenta

On May 2, 2017, a citation containing an order of abatement and fine in the amount of \$1,000 was issued to Ms. Manning for engaging in the unlicensed practice of psychology.

Michael Fraga, Psy.D.
Unlicensed (PSY 17169 revoked),
Santa Rosa

On June 1, 2017, a citation containing an order of abatement and fine in the amount of \$2,500 was issued to Dr. Fraga for engaging in the unlicensed practice of psychology, and for making false and misleading statements to the public by misrepresenting himself as a psychologist.

Michael Guen
Unlicensed, Santa Rosa

On June 15, 2017, a citation containing an order of abatement and fine in the amount of \$2,500 was issued to Mr. Guen for engaging in the unlicensed practice of psychology.

Rhoberta Shaler
Unlicensed, Escondido

On June 23, 2017, a citation containing an order of abatement and fine in the amount of \$2,500 was issued to Ms. Shaler for engaging in the unlicensed practice of psychology.

Michael D. Mark, Psy.D.
Unlicensed, Manhattan Beach

On June 26, 2017, a citation containing an order of abatement and fine in the amount of \$2,000 was issued to Dr. Mark for engaging in the unlicensed practice of psychology.



Disciplinary Actions: April 1–June 30, 2017

SURRENDER

Lilian Bhattacharya, Psy.D.
Psychologist License No. PSY
16580, Encinitas

Dr. Bhattacharya stipulated to the surrender of her license after an accusation was filed alleging that she failed to report in a timely manner a reasonable suspicion of child abuse; provided an informed consent form that prevented a patient from exercising her legal rights; advised the patient that she, Dr. Bhattacharya, was intuitively gifted and could see ghosts; disclosed personal details about herself in therapy sessions; combined her professional responsibilities as a psychologist with other activities totally unrelated to psychology on various websites that could be viewed as conflicting or exploitative; combined activities within the profession of psychology that are not evidence-based treatment or appropriate practice; and solicited and posted testimonials of patients on her private-practice website. The order took effect April 6, 2017.

Michele M. Bieraugel, Ph.D.
Psychologist License No. PSY
16959, Carlsbad

Dr. Bieraugel stipulated to the voluntary surrender of her license following a June 11, 2012, decision by the Board that placed her license on probation for five years. The decision stated Dr. Bieraugel could request the



voluntary surrender of her license if she ceased practicing due to retirement. The surrender took effect April 7, 2017.

Gary J. Schummer, Ph.D.
Psychologist License No. PSY
11860, Palm Springs

Dr. Schummer stipulated to the voluntary surrender of his license following a January 2, 2013, decision by the Board that placed his license on probation for five years. The decision provided that Dr. Schummer could request the voluntary surrender of his license if he ceased practicing due to retirement. The surrender took effect May 26, 2017.

Hugh Leslie Baras, Ph.D.
Psychologist License No. PSY
7947, Palo Alto

Dr. Baras stipulated to the voluntary surrender of his license after an accusation was filed alleging a 2014 felony conviction for theft of government property and tax evasion, based on the false and fraudulent filing of income tax returns, and obtaining Social Security benefit payments to which he was not entitled. The order took effect June 2, 2017.

Christina Villarreal, Ph.D.
Psychologist License No. PSY
20996, San Francisco

Dr. Villarreal stipulated to the surrender of her license after an accusation was filed alleging that she discussed a social/sexual relationship with a patient during a therapy session, terminated therapy with the patient to engage in the relationship, and engaged in a personal and sexualized relationship with the patient within days of termination of therapy. The order took effect June 2, 2017.

John Converse Poag, Ph.D.
Psychologist License No. PSY
13513, Greensboro, NC

Dr. Poag stipulated to the surrender of his license after an accusation was filed alleging he failed to report to the Board, within 30 days, a 2015 disciplinary order by the North Carolina Psychology Board suspending his North Carolina Psychologist license for a period of six months for engaging in sexual intimacies with a former client after a two-year interval. The order took effect June 23, 2017.



PROBATION

Lori A. Love, Ph.D.

Psychologist License No. PSY 15664, San Diego

Dr. Love stipulated to placing her license on probation for two 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 assumed multiple roles as both a parenting coordinator and an individual counselor in a family court matter over a three-year period; failed to document informed consent that she would conduct both parenting coordination and individual counseling; and failed to obtain proper authorization to release information to all parties' attorneys or the court. The order took effect May 13, 2017.

Megan M. Lowry, Psy.D.

Psychologist License No. PSY 22422, Sacramento

Dr. Lowry stipulated to placing her license on probation for five years, and is subject to its revocation if she fails to comply with the terms and conditions of her probation after an accusation was filed alleging 2013 and 2015 misdemeanor convictions for driving under the influence of alcohol, and for the use of alcohol in a manner that was dangerous to herself or others. The order took effect May 21, 2017.

Elsa Salguero, Ph.D.

Psychologist License No. 14822, North Hollywood

Dr. Salguero 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 allowed a patient to be in multiple groups on the same day with different therapists without clinical documentation or reasoning; signed billing sheets with the knowledge that she did not perform the services or supervise any therapy sessions; billed individual sessions at a rate of a psychologist or marriage and family therapist when services were provided by a practicum student; and kept clinical notes for a patient that were generic and contained no personal information. The order took effect May 31, 2017.

Timothy J. Hoang, Psy.D.

Psychologist License No. 18203, Fountain Valley

Dr. Hoang stipulated to placing his license on probation for three years, and is subject to its revocation if he fails to comply with the terms and conditions of probation, after an accusation was filed alleging he failed to document a patient's comments regarding her romantic and sexual feelings for him and his response to her comments; failed to seek consultation to determine the best course of action; failed to extend therapy sessions to address the patient's feelings; and failed to provide referrals for longer term therapy for the patient's anxiety and depression. The order took effect June 22, 2017.





Legislative and Regulatory Update

SPONSORED LEGISLATION

Omnibus Proposal

Each year the Senate Business, Professions, and Economic Development (BP&ED) Committee reaches out to the Boards and Bureaus within DCA regarding the need for “clean-up” language and noncontroversial statutory changes to the Business and Professions Code (BPC) that all get combined into one large omnibus bill.

For the 2017 legislative session, staff submitted a Request for Approval of Proposed Legislation Omnibus Proposal (Omnibus Proposal) for Board approval at its November 2016 Board meeting, which was approved, and a revised Omnibus Proposal at its March 2017 Policy and Advocacy Committee meeting and its April 2017 Board meeting, which was approved as revised, to address additional issues brought to the Board’s attention after initial submission of the proposal.

The final Omnibus Proposal approved by the Board in April 2017 and sent to the Senate BP&ED includes changes that remove the specification of who pays the psychological assistant registration fee, and raise the delinquency fee for psychologists to 50 percent of the renewal fee, with a maximum of \$150. These changes were required to conform the psychological assistant fee to changes created by the Board’s



Sunset Bill SB 1193 (Chapter 484, Statutes of 2016), and to address the artificially low and outdated delinquency fee for psychologists, which was not aligned with the methodology used by the majority of DCA entities. After the April 2017 Board meeting, the revised Omnibus Proposal with the psychological assistant fee changes and the delinquency fee changes was sent to Senate BP&ED staff for consideration in their 2017 Omnibus Bill, which Senate BP&ED staff indicated would be incorporated into SB 547 (Hill).

SB 547 (Hill) was amended on July 5, 2017, to include the Board’s Omnibus Proposal. On July 11, 2017, SB 547 (Hill) passed out of the Assembly Committee on Privacy and Consumer Protection and is now pending a hearing with the Assembly Committee on Business and Professions.

Suicide Assessment and Intervention Coursework Requirement

In response to the Governor’s veto message of AB 2198 (Levine, 2014) relating to mandated one-time continuing education (CE) coursework in suicide prevention, assessment, and training, the Board conducted surveys in 2015 of doctoral programs and pre- and post-doctoral internship and practicum programs, and reviews of licensure requirements for licensed psychologists. The Board’s Licensing Committee then reviewed the issue and determined that due to significant variances in the current educational and training requirements, there should be a minimal one-time requirement for coursework or training in suicide assessment and intervention for all licensed psychologists. In 2016, the Licensing Committee worked on draft language and background materials for presentation to the Board.



During the Licensing Committee meetings in 2016, multiple stakeholders provided input on the draft language, and Assembly Member Levine's office watched committee hearings and periodically checked in with Board staff on the progress of the Committee.

At the November 2016 Board meeting, the Licensing Committee and the Board's Policy and Advocacy Committee jointly presented the Suicide Assessment and Intervention Coursework Requirement legislative proposal. This proposal would, effective January 1, 2020, require all applicants for licensure as a psychologist with the Board to have completed a minimum of six hours of coursework, and/or applied experience under supervision, in suicide assessment and intervention. This requirement can be met via coursework in the applicant's qualifying degree program, continuing education

courses, or as part of their applied experience in any of the following settings: practicum, internship, or formal post-doctoral placement that meets the requirement of section 2911, or other qualifying Supervised Professional Experience. Additionally, this proposal would, effective January 1, 2020, require a licensee prior to the time of his or her first renewal, or an applicant for reactivation or reinstatement, to meet a one-time requirement of six hours of coursework, and/or applied experience under supervision in suicide assessment and intervention. This requirement could be fulfilled with past coursework, applied experience, or CE courses in suicide assessment and intervention and would be verified by the Board during a licensee's CE audit.

At the November 2016 Board meeting, the Board approved the Suicide Assessment and Intervention Coursework

Requirement legislative proposal and instructed staff to move forward with the language and work with Assembly Member Levine's office, which prior to the meeting had informed staff of its desire to author the bill if the proposal was approved.

On January 9, 2017, Assembly Member Levine introduced AB 89, which includes the Suicide Assessment and Intervention Coursework Requirement text as approved by the Board at its November 2016 meeting.

In July, 2017, AB 89 (Levine) passed through the Assembly, and Senate Committee on Business, Professions and Economic Development Committee.

On August 21, 2017, the Senate approved the bill and sent the bill to the Governor for review. On September 1, 2017, Governor Brown signed AB 89 into law.





Active Bills

AB 244 (Cervantes)—Maternal Mental Health

This bill would create a pilot program, in counties that elect to participate, to increase the capacity of health providers that serve pregnant and postpartum women up to one year after delivery to effectively prevent, identify, and manage postpartum depression and other mental health conditions. The pilot program may include the following: a consultation program utilizing telehealth and e-consult technologies, training and toolkits on screening, assessment, and the range of treatment options, coordination of care for program participants, and access to perinatal psychiatric consultations for program participants. The pilot program would be privately funded and require a report to the Legislature regarding the program's results within six months of the end of the pilot.

Location: Assembly Committee on Health

Board Position: Support if Amended—Requesting specified amendments to add “postpartum” and “psychological” to the bill to cover the full spectrum of perinatal and postpartum care that is required during pregnancy and a year after giving birth.

Staff called the author's office to discuss the amendments the Board was seeking and was informed that the bill is now a two-year bill and will not be moving for the remainder of this legislative year.

AB 710 (Wood)—Department of Consumer Affairs: Boards: Meetings

This bill would require every board within the Department of Consumer Affairs to meet once every other calendar year in rural California. Current law requires these boards to meet at least

three times each calendar year, at least once in Northern California and once in Southern California. This bill would require the Board to hold one meeting every other calendar year in a rural California location.

Location: Senate Committee on Business Professions and Economic Development

Board Position: Oppose

Staff called the author's office to discuss the Board's position and was notified that the author does not intend to pursue the bill.

AB 1188 (Nazarian)—Health Professionals Development: Loan Repayment

This bill would increase the biennial fee collected at the time of renewal from specified Board and Board of Behavioral Sciences (BBS) licensees from \$10 to \$20, which would be deposited in the Mental Health



Practitioner Education Fund. This bill would also allow licensed professional clinical counselors and professional clinical counselor interns to be eligible for grants to reimburse education loans, and add a fee of \$20 at the time of renewal for Licensed Professional Clinical Counselors and interns, which would be deposited in the Mental Health Practitioner Education Fund.

This bill would increase the amount of Mental Health Practitioner Education Fund grants available to Board licensees and would help increase access to mental health services in underserved and vulnerable communities in California.

Location: Governor’s desk

Board Position: Support

AB 1456 (Low)—Professional Licensure

This bill would extend the exemption waivers for licensure by the Board of Psychology from three to five years at California Department of Public Health, Department of Health Care Services, Department of State Hospitals and Department of Corrections and Rehabilitation licensed/operated facilities.

This bill was signed by Governor Brown on July 31, 2017, Chaptered by Secretary of State—Chapter 151, Statutes of 2017.

Board Position: Support

SB 572 (Stone)—Healing Arts Licensees: Violations: Grace Period

This bill would prohibit healing arts boards under the Department of Consumer Affairs (DCA) from issuing a disciplinary action or otherwise penalizing a licensee who is not currently on probation at the time of the violations, and commits a violation that does not cause irreparable harm to a consumer that is remedied within 15 days.

Location: Senate Committee on Business, Professions and Economic Development

Board Position: Oppose

On May 3, 2017, staff was notified that the author is no longer pursuing this bill.



Health Professions Education Foundation

Leticia Padilla-Alvarez, Psy.D.
Coalinga, CA

As a licensed psychologist I have the opportunity to do what I love, which is apply psychological knowledge to patients with varying backgrounds and severe mental disorders at the Department of State Hospitals, Coalinga. My duties include identifying treatment needs and reporting and assessing progress. In addition, I facilitate various forms of individual and group therapy in Spanish to inmates and to patients receiving treatment through the Mentally Disordered Offender and Sexually Violent

Predator commitment statutes. My desire to work in the mental health field serving forensic populations was influenced by my upbringing in an underserved community and by my previous employment history. I am very grateful for having received the Licensed Mental Health Services Provider Education Program (LMHSPEP) award; it greatly relieves my student loan financial responsibility. This is the first time I have received an award and I feel appreciated for the work that I do. Thank you very much.



REGULATORY UPDATE

Verification of Experience/ Supervision Agreement Forms

Title 16, California Code of
Regulations, Sections 1387 and
1387.1

This regulatory change becomes effective October 1, 2017

Existing regulations mandate that verification of experience and supervision agreement forms be submitted to the Board directly from the primary supervisor. Existing regulations also mandate that a supervision plan must be submitted and approved by the Board prior to the commencement of the Supervised Professional Experience (SPE) when a psychological assistant is gaining SPE in a private practice setting.

The amended regulation will now require the primary supervisor to place the supervision agreement, unless previously submitted to the Board, and the verification of experience forms in a sealed envelope, signed across the seal, and provide the sealed envelope to the supervisee. The supervisee will then submit the sealed envelope along with the psychology licensure application to the Board. Additionally, the regulation will no longer require the pre-approval of the supervision plan for psychological assistants who plan to gain SPE in a private practice setting. It will also now require the supervision plan to include how and when the supervisor will provide periodic feedback to the supervisee, so that the supervisee gets the benefits of the supervisor's assessment on his or her performance.

The Board noticed the initial rulemaking file on April 1, 2016. After the close of the 45-day public comment period, the hearing was held at the May 2016 Board meeting. The Board received no comments and adopted the proposed language. The rulemaking file was approved by the Department of Consumer Affairs (DCA), the Business Consumer Services and Housing Agency, and the Department of Finance before being submitted to the Office of Administrative Law (OAL). The Board withdrew the submitted regulatory package from OAL on February 1, 2017, due to the need for a 15-day notice of modified text. Staff noticed the modified text on February 7, 2017. The notice period ended on February 22, 2017. Staff submitted the finished regulatory package to DCA on March 14, 2017, and then to OAL on April 24, 2017. This regulatory package was approved by OAL on June 5, 2017.



Board Members

Stephen Phillips, J.D., Psy.D. (President)

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Alita Bernal

Sheryll Casuga, Psy.D.

Michael Erickson, Ph.D.

Seyron Foo

Jacqueline Horn, Ph.D.

Board Meeting Calendar

NOVEMBER 16-17 (San Diego)

Licensing Committee Meetings

OCTOBER 13 (Sacramento)

Outreach and Education

Committee Meetings

NONE SCHEDULED

Policy and Advocacy Committee Meetings

NONE SCHEDULED

17-159

