

WRITTEN RESPONSES TO CURRENT SUNSET REVIEW ISSUES FOR THE BOARD OF PSYCHOLOGY

Oversight Hearing Date: March 19, 2012

IDENTIFIED ISSUES, BACKGROUND, RECOMMENDATIONS AND BOARD RESPONSES FOR THE BOARD OF PSYCHOLOGY

ISSUE # 1: Will the Board be able to successfully fill vacant positions?

Background: As with other regulatory boards, the Board of Psychology has been working within the limitations of the current fiscal emergency and the resulting Executive Orders. As a result, the Board has experienced a number of vacancies and encountered considerable difficulty in filling the vacancies due to the hiring limitations. As a small Board without any redundant positions, all vacancies directly affect the productivity and timeliness of the Board's processes as the workload resulting from these vacancies must be absorbed by remaining staff.

Effective January 2011, the Board received additional budget approval through the DCA's Consumer Protection Enforcement Initiative (CPEI) to hire 2 investigators, 2 medical consultants, and one limited term analyst, bringing its staffing level to 19.5 authorized positions. The Board has worked with DCA Office of Human Resources (OHR) to fill these CPEI positions. Although these positions were funded in January 2011, the Board had been unable to fill them due to the hiring freeze implemented in August 2010.

Though the Board continues to improve its timeliness, vacancies reduce the amount of progress that can be made. At the time of its November 2011 Report, 41% of the Board's allotted positions (or 8 positions), including the positions that were granted as a result of the CPEI, were vacant. Also, because of the classification level of some of these positions, the Board indicated that it has received disappointingly low interest from potential candidates to fill those positions.

Staff Recommendation: *The Board should inform the Committee of its current staffing levels. Are there current staff vacancies? What are the current challenges to fill vacant positions? What has been the effect of the staff vacancies on the Board's operations?*

BOARD RESPONSE: Issue #1:

The Board is currently filling position vacancies, as reported to the committee. Two full-time employees (one Office Technician and one Staff Services Analyst) were hired to fill two of those vacant positions prior to our March 19, 2012 review hearing. Another employee is starting on April 18th, 2012 to fill the position of main receptionist/Office

Technician. We also expect for our allotted Consumer Protection Enforcement Initiative (CPEI) (four positions) to be offered by June 2012. This includes our non-sworn investigators and Medical Consultants. We are currently working with personnel in order to fill these positions. Interviews will be conducted before May 1, 2012.

The challenges with filling the positions are inherent within any large organization. The process itself sometimes delays offering the positions to your first or second choices as determined from the interview. By the time some of the “processes” are completed, those persons have accepted positions elsewhere. This, in turn, begins the whole interview process over again as the best candidates are no longer available.

Globally, the effect on staff, besides morale, as far as workload has been severely impacted. As with any less than optimal situation, we adapt as best we can and look for new ways of doing things and reinvention of previous procedures. But, there is a time when we do reach the law of diminishing returns and/or unintended consequence.

Some of the previous issues entailed:

- Cashiering becoming backlogged so we have to pull senior staff to assist on a daily basis.
- The public is not being responded to in the timeliest manner as per the Board rule of within 24 hours.
- Filing has become backed up.
- There was a delay in acknowledging applications.
- Bop mail/calls were not able to be responded to within 24 hours.
- Minor probation violations and Continuing Education deficiencies were not able to be addressed in as timely a manner based on what we use as a standard.
- Licensing processing times have increased substantially.
- Backlogged fingerprint issues related to the new regulations requiring licensees to undergo Live scan.

Not having someone to perform these daily tasks certainly impacts other processes. As these positions fill in, I expect our Board standards to return to the point of excellence in dealings for all our stakeholders.

Currently, the challenge is to complete our hiring processes for all our allotted desk and CPEI positions, prior to any other order re-instating a hiring freeze. We expect to meet this challenge.

ISSUE # 2: Improved enforcement workload management in spite of decreased staffing levels.

Background: The Board reported in its November 2011 Report that 41% of the allotted positions were vacant. The organizational chart submitted with the Report showed 8 vacancies out of a staff of 19.5 authorized positions. Despite its vacancies, it appears that the Board has made adjustments to its complaint handling functions that allowed staff to meet or exceed many of its performance expectations.

In recent years, in an effort to improve its administrative functions, the Board established performance measures for four key areas: complaint intake, intake and investigation,

formal discipline, and probation intake. To date, with existing staff, the Board has significantly reduced the processing times for complaint intake and desk investigations. In the last two years, the processing time for complaint intake was reduced by 40% and desk investigation has been reduced from 133 days to 32 days which represents a 76% decrease in processing time. The Board established a goal for formal discipline to reduce the processing time from an average of 1,000 days to 540 days. The Board's current processing time for formal discipline is an average of 894 days.

The Board's administrative improvements include the development of enforcement process guidelines for staff to clearly establish expected processing times. New procedures for complaint intake and overall monitoring were implemented and resulted in a 40% reduction to processing time.

The Board has further reviewed and updated its complaint procedure manuals to reflect current processes and provide staff with streamlined and detailed direction for all enforcement processes. Further administrative improvements include enhanced training for staff in investigative techniques and report writing.

In light of the reduced staffing levels, noted above, how does the Board explain the seemingly increased efficiencies in a number of its operations?

Staff Recommendation: The Board should discuss with the Committee how it has been able to achieve complaint handling efficiencies while dealing with budget and staffing reductions, vacancies and furloughs in the recent past. Are there additional changes which could be made to enable to Board to address its workload in light of its staffing limitations?

BOARD RESPONSE: Issue #2:

Process improvement is necessary on a continual basis. During these less than perfect times, the Enforcement team has been able to develop ways to work smarter and more efficiently in order to more effectively meet our CPEI goals. Implementation of new complaint intake and desk investigation procedures resulted in a reduction in our processing times. The Board eliminated unnecessary intake procedures, reduced the time allowed to provide responses and records to the Board when requested, improved monitoring of cases under review by an expert to ensure timely completion, implemented complaint processing time staff expectations, and increased complaint monitoring to more quickly identify processing delays.

With improved manuals, increased training for current staff and not settling for the status quo (in policy) just because of difficult fiscal constraints, we have been able to affect change in a few important areas of Enforcement, Complaint intake and desk investigations. These improvements contribute to the reduction of the total times for case resolution and the meeting the CPEI standards. While the Board has no direct control over many of the processes once assigned outside of the Board, this is no reason to not enhance what we can do for the consumer complaint resolution within Board Operations.

In light of all the recent challenges, any positive changes and improvements are because of exceptional staff competence and working towards the common Department and Agency goals.

ISSUE # 3: Are regulatory or legislative changes needed regarding telehealth or the online practice of psychology?

Background: The Board states in its Report that the issue of the practice of psychology by alternative methods such as telephone and online psychotherapy has recently moved to the forefront of issues facing the profession of psychology. The Board states that California, along with many other states and provinces, are beginning to look seriously into this topic and how it affects consumers.

The Board acknowledges that there are many issues regarding providing psychological services electronically across state lines, such as the location of the recipient of the services and the location of the provider; however, there are many other issues regarding the provision of psychological services electronically within California that the Board needs to address first. These issues include, but are not limited to, safety, security, informed consent, and ethical practice.

The Board has considered conducting a symposium and inviting various individuals and organizations knowledgeable about telehealth, including the Association of State and Provincial Psychology Boards (ASPPB) which is currently developing guidelines that could be useful for all psychology licensing jurisdictions. The California Psychological Association (CPA) has offered to partner with the Board in this endeavor. The Board is aware of the urgency of this issue, as there are licensees who are currently practicing telehealth, and the Board will be determining if regulations regarding this issue are necessary to protect consumers of psychological services in California.

According to the Board, whether legislation or some basic regulations are needed is yet to be determined. There are many similar discussions in other jurisdictions regarding telehealth. Since this delivery of mental health services will encompass much more than our state, the Board states that efforts must be made to ensure that consumers are not harmed if receiving services from another jurisdiction. Working with the other jurisdictions (boards) in assessing what is needed for the best practice in telehealth will also benefit the California consumer when they leave the state. Telehealth would allow the continuation of therapy without interruption due to proximity to the practitioner.

Staff Recommendation: *The Board should update the Committee on its evaluation of whether regulations or legislation are needed regarding telehealth or the online practice of psychology.*

BOARD RESPONSE: Issue #3:

The Board of Psychology is in the process of researching and analyzing the various aspects of telehealth and what impact this newer mode of psychotherapy delivery will have on the consumer of these services. Once this is completed, the Board will be in a better position to determine what regulatory changes will be needed.

The term “telehealth services” can be defined broadly to include all interactions that are not in-person between health care professionals and their patients. These may include telephonic communication, E-mail, texting, chat rooms, and interactive video.

There are some advantages to telehealth services:

- Telehealth improves access to care for people who live in remote areas or who, due to illness or mobility problems, cannot leave home
- Also this delivery mode can support clients between regularly scheduled office visits.

But, there are some potential ethical and legal issues, inherent in the use of telehealth, that are of concern to the Board of Psychology:

These include the following:

- Competency
 - Psychologists need to be competent not only in psychological practice, but in the practice of telehealth.
- Security and patient privacy
 - Skype and other live stream video mechanisms may not be totally secure.
 - Further, there is no guarantee that there is confidentiality in these telehealth sessions.
- Licensing and discipline issues
 - These are of concern especially related to psychologists who treat clients across State and National borders outside of one's jurisdiction.
- Responses to an emergency
 - There is the serious problem regarding the inability of the psychologist to respond to crisis or emergency situations if the client lives so far away, especially if the psychologist is unfamiliar with resources that are local to where the client is residing.
- Many clients need more personal interface and the psychologist may need to assess whether the lack of an in-person interaction may be a potential detriment to successful care.

The Board of Psychology is most supportive of embracing the new technologies as stated in our 2011-2013 Strategic Plan. Yet, we want to make certain that there are safeguards in place to protect the consumer of these forms of psychological services.

The Board of Psychology has a telehealth work group with Dr. Michael Erickson, one of our licensed members, and Ms. Gail Evans, one of our public members, that is studying this issue. They are preparing preliminary recommendations, which will be reviewed and discussed at our next Board of Psychology meeting. Dr. Erickson and Ms. Evans will be meeting with Mr. Kahane, the Executive Officer, on May 7, 2012 to review prepared previously discussed guidelines, in order to submit to the Board for review and then post on our website as "Advisory", prior to the Board determining or adapting regulations.

Further, we are working closely with various organizations that are knowledgeable about telehealth including the Association of State and Provincial Psychology Boards (ASPPB), which is currently developing guidelines that we may be able to adapt for psychologists in California ensuring the best possible care for the consumers of California.

Once solid guidelines are established for the breadth of practice in this area, the Board of Psychology will be better able to determine the regulations or further legislation that will be needed.

ISSUE # 4: Are there regulatory or legislative changes which should be made regarding unaccredited schools?

Background: The Board states that California is the only state which allows students from unaccredited schools to sit for psychology licensing examinations. All other states require students to be from accredited institutions, accredited by either a regional or national accrediting body. This leaves California as an outlier in the profession, and stands as an impediment to the Board entering into any reciprocity agreements with other states.

The Board indicates that the lack of reciprocity with other states is a barrier to full participation by California-licensed psychologists in national issues. The Board also would like all psychologists and students in California to be included in national organizations, able to be accepted into internship placement programs and have the ability to become licensed in other states. These limitations are among many which those practitioners from California, who attended an unaccredited school, will be subject to.

According to the Board, it is currently monitoring statistics and passing rates. The Board has recently sent out letters to all national organizations questioning their reasoning regarding the limitations they have set for those who have not attended accredited institutions. With the re-establishment of the Bureau for Private Postsecondary Education (BPPE), the Board is hopeful that these unaccredited institutions, while having their students continue to apply for licensure, will be held accountable within the new regulations, to the minimum standard of notifying those students, prior to attending, of the limitations of their graduation and degree from a non-accredited program.

Section 2914 of the Business and Professions Code requires each applicant for licensure to possess a doctoral degree in psychology, educational psychology, or in education with a field of specialization in counseling psychology or educational psychology from a regionally accredited educational institution in the United States or Canada, or from an educational institution in California that is approved by the BPPE. It provides that applicants for licensure trained in an educational institution outside the United States or Canada shall demonstrate to the satisfaction of the Board that he or she possesses a doctorate degree in psychology that is equivalent to a degree earned from a regionally accredited university in the United States or Canada.

There are currently 6 schools approved by the BPPE that meet the educational criteria to qualify for licensure. The Board has no authority over school approvals or their operation and curriculum. The Board feels very strongly about full disclosure in regards

to the restrictions an unaccredited degree program in psychology has on California students in regards to mobility and membership in various professional organizations and programs within the profession. AB 611 (Gordon, Chapter 103, Statutes of 2011) set forth certain disclosure requirements pertaining to accreditation status, licensure, and related limitations for unaccredited doctoral programs.

Staff Recommendation: *The Board should inform the Committee of its current efforts regarding the issue of unaccredited schools. To what extent are California students being harmed by this issue? Is there a way for the Board to better inform potential students of the differences between attending an accredited versus an unaccredited school and to keep a list of both. Are there regulatory or legislative changes that need to be made regarding unaccredited schools? What can be done to enhance the ability of California's licensed psychologists to have reciprocity with other states?*

BOARD RESPONSE: Issue #4:

The Board of Psychology exists to protect the consumers of psychological services and believes approved schools are truly a consumer and public protection issue.

After more than a year of review culminating at the February 2012 Board meeting, the Board voted to ask the legislature to eliminate from the Business and Professions Code 2914 (g), the requirement that the Board must allow students from approved schools to become candidates for licensure as a psychologist.

In the background paper for the Board of Psychology 2012 Sunset Review, the staff asked if students are being harmed by the issue of approved schools. Based on the Board's review, we believe, yes, the students are being harmed. Students go to these programs with high hopes and big dreams of becoming a psychologist.

Approved schools students graduating from their programs can sit for the BOP licensing exam. Not reported is that only 30 percent of their students pass the licensing exam. This is in comparison to our state pass rate of about 75% for the Examination for Professional Practice in Psychology (EPPP). The EPPP is the only national comparison for psychology students and students from approved schools perform significantly worse than students from regionally or professionally accredited programs. This result is based on either the quality of the program's education or the quality of students who they accept into the program or both. A recent article in the NY Times described how approved schools advertise that students will be able to reach their career goals through their programs. The overwhelming numbers of these students are not able to do so. We should protect these vulnerable students.

Students who graduate from approved schools and become licensed as a psychologist, and the legislature, appear to understand that there are many limitations to those degrees. The legislature passed a law requiring approved schools to describe these limitations to potential applicants. Students rely on the schools to be honest and provide factual information about their degrees.

Dr. Judy Hall, the Executive Director of the National Register of Health Service Providers in Psychology stated: "The most troubling aspects are that these CA state approved schools are not always forthcoming with prospective students about the limitations which

will be placed upon their careers.” And what are these limitations? The Board received evidence of significant limitations on degrees from approved schools:

- These students cannot become licensed as a psychologist in any other state.
- These students cannot join the national professional association –the American Psychological Association.
- These students cannot become board certified by the American Board of Professional Psychology.
- These students are not eligible to be listed in the National Register of Health Service Providers in Psychology.
- These students cannot be employed by the Veterans Health and Medical Centers, the largest employer of psychologists in the United States.

In addition, these academic programs:

- Cannot join national associations of training programs in professional psychology and they
- Cannot become accredited by Psychology’s Commission on Accreditation.

The Board is concerned that psychologists from these approved schools are not eligible to actively participate in their profession. The Board is also concerned for consumers treated by those psychologists. Those practitioners attended a school that has limited oversight and does not participate in the national education and training associations, and dialogues.

The Board emphasizes that approved schools have limited oversight. The Bureau for Private and Post-Secondary Education provides limited guidance to these programs. During the February 2012 Board Meeting, one approved school program director said the school had not been reviewed by the Bureau (BBPVE or BBPE) since 1998 (that is 14 years ago).

Another program training director who recently received national accreditation reported that the program had to extensively revise and improve their program to meet the accreditation standards. Lack of oversight is problematic for the schools, the students and the public that may be served.

- For a number of years, there were only 11 approved schools whose students were eligible to become licensed as a psychologist. There now are only 6 approved schools that grant a psychology degree.
- Two of the 11 programs merged with regionally accredited and APA accredited programs; one program states on their website that they do not grant doctoral degrees – only MA degrees, one states they are not a degree granting program, but rather an institute, and one received national accreditation.

The Board encourages these remaining six schools to enhance their programs, seek oversight, and become accredited. The Board believes students from these six approved schools should not be eligible for licensure as a psychologist, unless these programs become accredited. Students from unaccredited medical schools are not eligible to sit for licensure as a physician. This is as it should be for psychologists.

A quote from Dr. David Cox, the Executive Director of the American Board of Professional Psychology stated:

“I suspect that in its efforts to protect the citizens of the State of California, the legislature and the Board of Psychology, would want to at least meet, if not exceed, those minimal standards that have been accepted widely within the profession of psychology.”

Those minimal standards require graduation from an accredited program. The Board believes the time to change Business and Professions Code 2914 (g) is now.

The Board is not able to dictate to the other states regarding reciprocity for California psychologists. Though we are members of the Association of State and Provincial Psychology Boards (ASPPB), with all 50 states, Canadian Provinces and US Commonwealths, each state individually does in fact have reciprocal control. As California licenses psychologists at the lowest level in the United States, though we have 24 % of all the psychologists in the US, these states can choose not to include us in any direct reciprocity agreements. As we have such a large percentage of the psychologists in the nation, the actual lack of reciprocity affects many practitioners in the state who did attend accredited schools.

ISSUE # 5: What is the status of the Board’s efforts to ensure the continued competency of its licensees?

Background: The Board requires each licensee to complete 36 hours of continuing education for each two-year license renewal. The Board reports that it averages a 92% compliance rate of licensee compliance with the continuing education requirements, and that most noncompliance issues deal deficiencies in submitting the proper documentation of the completed continuing education courses.

The Board additionally states that it has also discussed continued professional development/competency for licensed psychologists. The Board states that continued competency has been an issue on the agenda for the Board’s Committee on Contemporary and Emerging Issues for the past several Board meetings. The Committee has been looking at how licensees can demonstrate competency beyond continuing education. In 2011, the Committee on Contemporary and Emerging Issues recommended referring this topic to the Board’s Continuing Education Committee. The Board stated that the Committee would review models regarding continued professional development/competency created by the Association of State and Provincial Psychology Boards and the American Psychological Association at the November 2011 Board meeting. The Board states that it is also planning to partner with the California Psychological Association to address this developing issue.

Given that the Board has discussed the issue in the recent past, and more closely considered the issue of continuing competency through two of its committees, including reviewing models for demonstrating continuing competency, it would be appropriate for the Board to give its current assessment of the issue of continuing competency. Are there models for demonstrating continuing competency that appear to viable, in the Board’s estimation? Has the Board engaged in discussions with the California Psychological Association about continuing competency?

Staff Recommendation: The Board should discuss with the Committee its efforts to date to address continuing competency, and what it expects to accomplish in near future regarding this issue.

BOARD RESPONSE: Issue #5:

The Board of Psychology is working to replace the single requirement of traditional continuing education courses with a more robust continued competency model which we believe will further ensure the continued competency of California's psychologists.

Current research shows that traditional continuing education efforts have disappointing results and that one time continuing education classes do very little to ensure continued competency.

At the most recent Board of Psychology meeting in February, 2012, the Board members discussed the concept of Continued Professional Development or Continued Competency for our licensees and we reviewed some of the work done in this area by the Association of State and Provincial Psychology Boards.

We will be working on further developing our own Continued Competency Model for California psychologists at our next Board of Psychology Meeting in June, 2012.

We envision developing a Model that requires a psychologist to set professional development goals and participate in a variety of professional activities such as ongoing peer consultation, academic courses, teaching, publishing articles, attending educational conferences, in addition to taking Continued Education courses.

Our current Board President, Dr. Richard Sherman, has also volunteered to participate in a proposed Department of Consumer Affairs (DCA) Work Group on this issue so we can look at standards across all California Healing Arts Boards.

ISSUE # 6: What is the status of pending regulations?

Background: The Board has reviewed and implemented a number of rulemaking changes since the previous sunset review. The two regulatory packages noted above were "pending" at the time the Sunset Report was submitted to the Committee. The Board should update the Committee about the status of these two regulatory proposals, especially the regulations which would streamline and augment the Board's enforcement processes.

This regulatory proposal is in response to the DCA's request to implement regulations to enhance the Board's mandate of consumer protection. The DCA launched the Consumer Protection Enforcement Initiative (CPEI) to overhaul the enforcement processes used by healing arts boards within the Department, in order to reduce the average enforcement completion timeline from 36 months to between 12 and 18 months. The regulations implement certain elements that were reflected in SB 1111 (Negrete McLeod) from 2010, and SB 1441 (Ridley-Thomas, Chapter 548, Statutes of 2008). The former DCA Director encouraged the boards in the Department to develop regulatory changes, as needed, to implement the changes that could be adopted through the regulatory process.

The regulations would make the following changes to enhance the Board's mandate of consumer protection:

- Delegate authority to the executive officer to approve settlement agreements for revocation, surrender, or interim suspension of a license or registration.
- Delegate authority to the executive officer to order an applicant or licensee to submit to a physical or mental examination if it appears the person may be unable to safely perform licensed duties and functions due to physical or mental illness.
- Clarify the authority of the executive officer to deny an application if the applicant is unable to safely practice, based on the review of the evaluation report.
- Prohibit "gag clauses" in civil settlement agreements that forbid a party from contacting, cooperating with, or filing a complaint with the Board, or that require a person to withdraw a complaint filed with the Board.
- Define as unprofessional conduct failure to provide the Board with copies of documents within 15 days of receipt of a request.
- Define as unprofessional conduct the failure to cooperate and participate in any Board investigation pending against a licensee or registrant.

Staff Recommendation: *The Board should inform the Committee of the current status of the proposed regulations relating to delegation of functions to the executive officer and regarding unprofessional conduct for licensees.*

BOARD RESPONSE: ISSUE #6:

Our two pending regulations since the submission of our Sunset Report in December of 2011 have been our Continuing Education regulation concerning the elimination of the auditing and centralized entity, Mandatory Continuing Education for Psychologists (MCEP) Accrediting Agency and the Delegation of Functions to the Executive Officer and Unprofessional Conduct.

Continuing education audits will continue and be done by the Board, as is more in line with the national standards for the auditing of Continuing Education for psychologists. This model has been approved by national and state associations. This regulation was approved effective March 17, 2012. It will become operative January 1, 2013.

Regarding the Delegation of Functions to the Executive Officer and Unprofessional Conduct, the Board has previously had two notices regarding modified text. The last additional comments were reviewed at our February 2012 Board Meeting. This package has been submitted to the legal office as of March 29, 2012.

Recently, as of April 12, 2012, a new legal opinion was distributed to the Boards regarding the implementation of the Uniform Standards. This was received after the Sunset Committee hearing. In order to fully comply with this new current opinion, which has been determined by DCA legal as the one to follow, the Board will be reviewing our proposed text for modification at the next Board Meeting in June 2012. This will allow the Board to modify the regulations to be in accordance with to the latest legal opinion regarding any Board discretion vs. the implementation of the Uniform Standards as written.

The Board approved the proposed language in our disciplinary guidelines and the matter is being set for public hearing. We remain proactive and are proceeding accordingly.

ISSUE # 7: What is the status of BReZE implementation by the Board?

Background: Although the existing CAS system has been updated and expanded over the years, it still has inadequate performance measures, data quality errors, an inability to quickly adapt to changing laws and regulations, and a lack of available public self-service options. The DCA intends to procure a Modifiable Commercial Off-The-Shelf (or "MOTS") enterprise licensing and enforcement case management system. This system, known as the BreZE Project will provide the DCA boards, bureaus, and committees with a new enterprise-wide enforcement and licensing system. BreZE will replace the existing outdated legacy systems and multiple "work around" systems with an integrated solution based on updated technology.

BreZE will provide all DCA organizations with a solution for all applicant tracking, licensing, renewal, enforcement, monitoring, cashiering, and data management capabilities. In addition to meeting these core DCA business requirements, BreZE will improve the DCA's service to the public and connect all license types for an individual licensee. BreZE will be web-enabled, allowing licensees to complete applications, renewals, and process payments through the Internet. The public will also be able to file complaints, access complaint status, and check licensee information. The BreZE solution will be maintained at a three-tier State Data Center in alignment with current State IT policy.

BreZE is an important opportunity to improve the Board operations to include electronic payments and expedite processing. Staff from numerous DCA boards and bureaus have actively participated with the BreZE Project. Due to increased costs in the BreZE Project, last year SB 543 (Steinberg, Chapter 448, Statutes of 2011) was amended to authorize the Department of Finance (DOF) to augment the budgets of boards and bureaus and other entities that comprise DCA for expenditure of non-General Fund moneys to pay BreZE project costs within the 2011-2012 Budget Year.

The DCA intends to roll out BreZE over a period of 18 months, with the first boards implementing the new changes later this year. According to the current implementation schedule, the Board will begin using BreZE in the Summer of 2012. It would be helpful to update the Committee about the Board's current work to implement the BreZE project.

Staff Recommendation: *The Board should update the Committee about the current status of its implementation of BreZE. What have been the challenges to implementing this new system? What are the costs of implementing this system? Is the cost of BreZE consistent with what the BPM was told the project would cost?*

BOARD RESPONSE: Issue #7:

The Board is involved in the first phase rollout of the BreZE Project. Currently, Board staff is actively participating in Conference Room Pilot and Data Mapping sessions with

the BreEZe staff and vendor to ensure that the new system will contain the functionality the Board requires to efficiently utilize the BreEZE system. Additionally, Board staff is reviewing and correcting errors in data identified in the current systems to ensure a smooth transition during data conversion to the new system. Although these processes are very resource-draining due to the amount of time staff must dedicate, they are most certainly necessary to ensure an excellent work product that is usable by the Board.

Psychology's share of the current BreEZe BCP for FY 12/13 is \$76,777 which is consistent with cost information provided in the past.

ISSUE # 8: Webcasting Board meetings.

Background: The Board reports that in August 2011, the Board began webcasting its meetings. Although as of this date only two Board meetings have been webcast, the Board anticipates utilizing this technology for all future meetings. Once the webcast is available, the Board immediately posts it on the Board's website.

Webcasting is an important tool that can allow for remote members of the public and those who may be unable to travel to a board meeting to stay apprised of the activities of the Board as well as trends in the profession.

Staff Recommendation: *The Board should continue its efforts to webcast future Board meetings in order to allow the public the best access to meeting content and to stay apprised of the activities of the Board and trends in the profession.*

BOARD RESPONSE: Issue #8:

The Board continues to webcast its meetings and dispenses information to those not in attendance, encouraging viewing during the actual Board Meeting. The Board has also used all outreach events to inform the profession and public that these meetings are posted and available for viewing on our website shortly after the meeting and archived afterwards. As webcasting continues, the Board expects more interest from psychologists and the consumer in the Board's actions and their necessity of understanding the Board's duties, how they are accomplished and the transparency involved in all decision making by the Board.

ISSUE # 9: Loans to the General Fund.

Background: Since FY2002/2003 the Board has made two loans to the General Fund; \$5 million in FY2002/2003, and \$2.5 million in FY2008/2009. To date, the Board has not received any repayment of the loan amounts. The total outstanding loan balance owed to the Board remains at \$7.5 million.

Staff Recommendation: *The Committee requests that the Board provide an update about the status of the loans and when the funds are projected to be returned. Has the Board received any report from the Department of Finance regarding the repayment of the loans?*

BOARD RESPONSE: Issue #9:

As described above in the background, the total outstanding balance remains as noted 7.5 million dollars. The Board has not received any notification or report from the Department of Finance (or any other entity) regarding any repayment of the General Fund loans.

**CONTINUED REGULATION OF THE PROFESSION BY THE
CURRENT MEMBERS OF THE BOARD**

ISSUE # 10: Should the licensing and regulation of the practice of psychology be continued and be regulated by the current Board membership?

Background: The health, safety and welfare of consumers are protected by a well-regulated psychologist profession. The Board has shown over the years a strong commitment to improve the Board's overall efficiency and effectiveness and has worked cooperatively with the Legislature and this Committee to bring about necessary changes. The Board should be continued with a four-year extension of its sunset date so that the Committee may review once again if the issues and recommendations in this Paper and others of the Committee have been addressed.

Staff Recommendation: *Recommend that the practice of psychology continue to be regulated by the current Board members in order to protect the interests of the public and be reviewed once again in four years.*

BOARD RESPONSE: Issue #10:

The Board enthusiastically agrees with the staff recommendation to continue the doctoral level Board of Psychology. The Board continues to work positively in all areas of our Strategic Plan. We look forward to maintaining our outstanding working relationship with the administration, agency and department for the utmost in consumer protection and board service to our stakeholders. Currently, the Board is in the process of addressing future important consumer protection issues regarding Telehealth and Continued Competency, including the new technologies and assessment of national models, to ensure the best guidelines and/or regulations which will be needed to continue our mission of consumer protection.