



DRAFT

BOARD MEETING MINUTES
Ayres Hotel & Suites
325 Bristol Street
Costa Mesa, CA 92626

DRAFT

Friday, May 14, 2010

The open session meeting was called to order by the President, James McGhee, at 9:01 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

James McGhee, President
Richard Sherman, Ph.D., Vice-President
Lucille Acquaye-Baddoo
Emil Rodolfa, Ph.D.
Celinda Vazquez

Others Present:

Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Gina Bayless, Enforcement Coordinator
Linda Kassis, Administrative Services Coordinator
Lavinia Snyder, Licensing/Registration Program Coordinator
Denise Russell, Continuing Education/Probation Coordinator
Deborah Morales, Enforcement Analyst

Agenda Item #1 – Petitioner Administrative Hearing

9:15 A.M. – PELOQUIN, Paul, Ph.D., Petition for Reinstatement of Revoked/Surrendered License

Administrative Law Judge Daniel Juarez presided. Deputy Attorney General Colleen M. McGurrin was present and represented the people of the State of California. Paul Peloquin, Ph.D. was present and represented himself.

The Board adjourned into closed session at the conclusion of the hearing pursuant to Government Code section 11126(c)(3) to discuss and vote on disciplinary decisions, including the above petition.

1:30 P.M. – Open Session

Agenda Item #2 – Approval of February 26-27, 2010 Minutes

It was M(Sherman)/S(Rodolfa)/C to approve the February 26-27, 2010, open session minutes with minor changes.

Vote: 5 – 0

Agenda Item #3 – Director’s Report by Department of Consumer Affairs Representative

1
2 Kimberly Kirchmeyer, Deputy Director of Board and Bureau Relations, appeared before the Board
3 on behalf of the Director. She thanked the Board's Executive Officer, Mr. Kahane, and his staff for
4 the assistance provided to the Department over the past six months based on requests for
5 information from the Governor's Office. Ms. Kirchmeyer provided the Board an update on the
6 following issues:
7

- 8 • CPEI initiative – given to end of FY 12/13 to bring down timeframes to 6-12 months
- 9 • Administrative improvements – staffing – legislative
- 10 • Enforcement academy - first one started already
- 11 • Enforcement statistics and improvement plan by boards - to deputy director of enforcement
12 and compliance
- 13 • Eight performance measures for enforcement functions – formal data collection will begin
14 July 1st and become public October 1st – working with antiquated enforcement and
15 licensing systems – pleased to announce BCP has been approved by Assembly budget
16 committee – held over by Senate budget committee
- 17 • Legislative changes – SB1111 heard before senate B&P committee but did not pass out
18 of committee- DCA has determined that many aspects of this bill can be implemented
19 through regulation – encourage boards to make it a point to look at enforcement stats and
20 look for improvement – Ms. Vazquez asked what the reason for not passing through
21 committee was. Ms. Kirchmeyer stated that we had only author's vote only. Ms.
22 Kirchmeyer explained that the enforcement process is reactive and that they want to make
23 enforcement process proactive.
- 24 • Continued competency – podiatry and physical therapy initiated competency component
25 for licensees – podiatry – still have to do CE hours, but every 5th year or so has to certified
26 by an outside entity - Dr. Rodolfa stated that ASPPB is looking at continuing competency
27 and working on plans to provide a model.

28
29 SB 1172 is the bill that carries language to establish legal authority, and now that legislative
30 changes have been identified, DCA is encouraging boards to place an item on their next agenda
31 with draft regulatory language. Ms. Kirchmeyer stated that this board is already in process of
32 including standards as part of the disciplinary guidelines
33

34 Ms. Kirchmeyer reported that the Department is making the following recommendations:
35

- 36 • Post documents on-line, including meeting agenda items - Ms. Kirchmeyer thanked this
37 board for already doing this.
- 38 • Voting via email rather than by mail ballot
- 39 • Request that all members attend July 27th Board member training to discuss roles of
40 members
- 41 • Requesting all boards webcast meetings
- 42 • Encourage boards to meet in state buildings/schools, and exercise due diligence in trying
43 to find free meeting space - Ms. Kirchmeyer explained that the assembly committee on
44 accountability and oversight looks at outside meetings/contracts.

45
46 Ms. Kirchmeyer responded to questions brought forward to the Director from the May 2010 Board
47 meeting:
48

- 49 • General Fund loans – Ms. Kirchmeyer met with the Budget Office and they identified two
50 outstanding loans – 2002/2003 - \$5 million and 08/09 \$2.5 million.
- 51 • Sunset review schedule has been released and according to schedule, BOP will be
52 reviewed 2012/2013 for 2014 sunset

- 1 • Appointments – BOP currently at quorum-only – Ms Kirchmeyer has forwarded on the
2 Board's concerns regarding a lack of licensed members. Dr. Rodolfa stated that it is
3 disheartening to hear this response when you've got people volunteering their time to help
4 the consumers of California and the Board has been asking for these vacancies to be
5 filled for over a year. Dr. Jo Linder-Crow, Executive Director of the California
6 Psychological Association (CPA), expressed CPA's concerns regarding the low number of
7 board members currently appointed to the Board of Psychology. She spoke about the
8 pitfalls of being at quorum-only as well as the deficiency of licensed members and their
9 effects on the Board's ability to protect consumers of psychological services. She stated
10 that the last time the Board functioned at full capacity was in 2005. Dr. Linder-Crow
11 stated that the lack of Board members has functionally dismantled the committee structure
12 since there are not enough Board members to function effectively as committees. Dr.
13 Allison Parelman and Dr. Melodie Schaefer reiterated Dr. Linder-Crow's concerns.
14

15 **Agenda Item #4 – Presentation Regarding Telepsychology by Carol Falender, Ph.D., Clinical**
16 **Professor, Department of Psychology, University of California, Los Angeles**
17

18 Dr. Sherman introduced Dr. Carol Falender and stated that she would be talking about some of the
19 issues regarding telepsychology and telesupervision. Dr. Falender reported that the world is moving
20 very quickly in the direction of telehealth, telepsychology and telesupervision. Dr. Falender stated
21 that the Board of Behavioral Science (BBS) has agreed to allow in certain circumstances
22 telesupervision for the entire second year of supervision, and that she has very major concerns
23 having worked in the field of supervision for over 30 years. Dr. Falender stated that they have actual
24 data that the quality of the alliance in tele relationships is not as strong as in face to face. Dr.
25 Falender reported that there is also data that many interventions especially tele mental health
26 interventions that are brief and focused and highly effective. Dr. Falender reported that Dr. Allen
27 Kasden, a well know child psychologist and former president of APA cites that in fact only 20% of
28 children who have diagnosable conditions are currently receiving services and in order to reach the
29 other 80% he believes tele interventions are necessary to disseminate the kinds of mental health
30 practices we have available.
31

32 Dr. Falender stated that she is very supportive of tele health interventions, especially those that are
33 closely supervised and are closely studied, but that she is very concerned about tele supervision.
34 Dr. Falender stated that she has provided a document for discussion which summarizes some of the
35 concerns especially in terms of consumer protection. Dr. Falender summarized by saying in
36 telesupervision there is no evidence of support for its effectiveness. Additionally, Dr. Falender stated
37 that one concern is that a supervisor doesn't even know the identity of the person they are
38 supervising because they have never met. Dr. Falender reported another concern is in regards to
39 credentials. Dr. Falender stated that she would urge the Board to be thoughtful, circumspect and to
40 really be careful because of confidentiality and informed consent issues.
41

42 Dr. Rodolfa stated that the Association of State and Provincial Psychology Boards (ASPPB) held
43 their last meeting in Seattle and two topics were discussed, tele health and distance education and
44 the outcome of that meeting was to develop a workgroup to take a closer looks at tele health issues
45 and how the different Boards are dealing with the issue. Dr. Falender stated that she has a
46 comparative list of what each state is currently doing in regards to tele health. Dr. Rodolfa stated
47 that would be great and that he believes it is good advice to slow down but that California is already
48 behind in that people are already practicing over the internet and that the Board can't move too
49 slowly.
50

51 Dr. Falender stated that there are also jurisdictional issues and most states do not allow practice by
52 anyone who is not licensed in their state. Dr. Rodolfa stated that this was part of the discussion at

1 ASPPB and that in order to treat somebody in a specific state you must be licensed in that state. Dr.
2 Rodolfa stated that this is 19th century thinking for a 21st century intervention process and that tele
3 health and tele psychology may revolutionize how we do licensing between jurisdictions and that it
4 will push for more consistency. Mr. McGhee thanked Dr. Falender for her presentation.

5
6 **Agenda Item #5 – Credentials**

7
8 **a) Strategic Plan Progress Report**

9
10 Dr. Rodolfa commented that the objective to attend relevant conferences regularly to obtain
11 information regarding advances in national trends, technology and licensing updates is being
12 hindered by the ongoing denial of out-of-state travel. He explained that the Board's Executive
13 Officer was not allowed to attend the ASPPB conference in Seattle which focused on tele-health
14 and tele-psychology issues. Dr. Rodolfa stated that this is a problematic issue, and he hopes
15 that the Department will approve travel for the Executive Officer or for Board members who wish
16 to attend national conferences so that California can help lead different jurisdictions as well as
17 learn from other jurisdictions.

18
19 Dr. Sherman added that the American Psychological Association meeting is scheduled
20 sometime in early August 2010. He explained that this is a two to three day conference of the
21 best psychologists around the country talking about a wide variety of issues. Dr. Sherman
22 stated that he hopes that the Board will be allowed to attend. Mr. Kahane stated that the
23 meeting will be held in California and considered in-state travel by the Department. Dr. Rodolfa
24 stated that it should not matter whether it is considered an in-state or out-of-state travel. These
25 are meetings that are relevant to the practice of psychology and the Board should be allowed to
26 attend such meetings.

27
28 **b) Satisfaction Survey Results**

29
30 Dr. Rodolfa commended the licensing staff for their hard work which is reflect in the results of the
31 survey. He indicated that the numbers reflect a broad general satisfaction for the service that
32 the Board provides. Dr. Sherman inquired if Board staff has ever contacted applicants who were
33 dissatisfied with the application process. Ms. Snyder stated that majority of the returned surveys
34 are anonymous. Mr. Kahane added that there are some responders that contact him and in
35 most cases it is more a procedural issue on the applicant's part rather than on the part of staff.
36 Dr. Rodolfa stated that the application and examination processes are anxiety-provoking times
37 which make the range of responses understandable.

38
39 Dr. Rodolfa stated that ASPPB is developing a common application form across all jurisdictions.
40 He stated that this is something that the Board may want to look at in the future.

41
42 **c) Review of Proposed Changes of California Code of Regulations, Title 16, Division 13.1,**
43 **Article 1 (General Provisions), Article 2 (Applications) and Article 3 (Education and**
44 **Experience), Article 4 (Examination), Article 5 (Registered Psychologists), 5.1**
45 **(Psychological Assistants) and Article 6 (Fees)**

46
47 Dr. Rodolfa stated that this is a very long document that has been reviewed carefully. There are
48 a few items that he would like to bring forth to the Board.

49
50

Sections	Comments
1380	No comment

1380.4	Revised supplemental handout See also draft language for CPEI
1380.5	No comment. Change reference from "his".
1380.6	Dr. Sherman wanted clarity regarding the posting of the license number. Ms. Norine Marks stated that she would need to reference Section 137.
1380.10	No comment
1381.2	No comment
1381.5	No comment
1382 – 1382.5	Dr. Rodolfa commented that the way the various training experiences are obtained should be consistent. Dr. Sherman recommended to delete January 1, 1970 under Section 1382 and under Section 1382.3 is January 1, 1983 is still needed?
1386	Remove the word "Revised" from the title.
1387	b(10) This section pertains to the supervision agreement form and revisions were added to allow more clarity
	b(11) It was recommended to have the supervision agreement form completed and eliminate the prior approval process for psychological assistants in private practice settings. Dr. Sherman stated that this section was to establish some standardization for psychological assistants in private practice settings. I believe this is still important. Dr. Rodolfa stated that in general psychological assistant plans received by the Board are thoughtful plans and is there really a need for prior approval. Dr. Rodolfa stated what do we do for those individuals that do have problems and don't catch it at the end of the experience. Dr. Sherman stated that he would like to keep this regulation for at least another year. Dr. Rodolfa stated that due to time constraints and suggested to put this on hold for further discussion.
1387.1	Accepted as revised
1387.2	Accepted as revised
1387.3	Refers to SPE in non mental health setting which is related to agenda item d under Credentials. Dr. Rodolfa established a workgroup to discuss the barriers for GAP psychologist. The group is working on a plan to make it more reasonable rather than just focus on psychologist working in clinical areas. Dr. Sherman suggested to remove due to the lack of training (a) and regarding the 10% need to further define electronic means in sections 1387 and 1387.3
1387.4	Accepted as written
1387.5	Accepted as written
1387.6 ???	Need to do some additional work and whether to only require it for psychological assistants in private practice settings or to require it for all who are accruing hours towards licensure
1388	Accepted as revised
1389	Accepted as written
1390	No comment
1390.1	No comment
1390.3	c). Dr. Sherman suggested to codify in regulations for supervisees whose supervisors who go on vacation.
1391	This taking into account the new regulation regarding limiting the

	psychological assistant registration to a cumulative total of 6 years or 72 months. This regulation clarifies that this type of registration is a training category and not a practice category. It was further clarified that the regulation would allow extension of the 6 year time limit upon showing good cause and typically good cause is based on medical reasons.
1391.2, 1391.3, 1391.4 & 1391.5	As written
1391.6	Will need to be worked on
1391.7, 1391.8, 1391.9, 1391.10, 1391.11, 1391.12, 1391.13 & 1391.14	As written
1392, 1392.1 & 1392.2	As written

1
2 Dr. Schaeffer stated that a registered psychologist registration is valid for 30 consecutive months
3 and once that registration expires he or she can then register as a psychological assistant and
4 be given an additional 6 years to practice. This raises another issue according to Dr. Rodolfa on
5 whether this type of registration is a training category or a practice category and if it is a training
6 category then we should have similar cap for registered psychologist.

7
8 It was M(Rodolfa)/S(Vazquez)/C approve the sections of proposed regulations that do not
9 require further review to notice for hearing.

10
11 Vote: 5 – 0

12
13 **d) Discussion Regarding Licensing of Psychologists Practicing in Non-Mental Health**
14 **Areas and the Barriers to Accruing Supervised Professional Experience**

15
16 Dr. Rodolfa reported that discussion regarding this workgroup was discussed above in review of
17 Article 3, Section 1387.3, and that the group will be meeting again next week for further review.

18
19 **e) Review Supervision Agreement Form and Supervision Agreement Fact Sheet**

20
21 Dr. Rodolfa stated that he welcomes any comment regarding the fact sheet and supervision
22 agreement form and to forward those comments to him. He commented that this is the form that
23 supervisors and supervisees did not complete in a timely manner and caused a wave of
24 discontent. Part of the last ripple of that discontent is a letter from 21 training directors which is
25 the next item on the agenda.

26
27 **f) Review Request for Waiver of Supervised Professional Experience (SPE) Agreement**
28 **for Interns in APA and APPIC settings**

29
30 Dr. Rodolfa stated that this letter requests a waiver from completing the supervision agreement
31 forms for interns who are in an APA, APPIC or CAPIC approved internship. Dr. Rodolfa stated
32 that one of the goals of the supervision agreement form is to make sure that the supervisor and
33 supervisee are aware of the Board's supervision requirements and it poses a concern if we
34 eliminated this requirement for APA, APPIC and CAPIC internships.
35

1 Dr. Rodolfa commented he is at an APA accredited setting and it is not problematic to complete
2 the form and that he finds this a good process to follow. He also commented that the letter also
3 highlights that their interns have not read the California laws and regulations which is
4 problematic. He emphasized that all interns need to read the California licensing law and
5 regulations if they seek licensure in this state. Dr. Rodolfa recommended that he would like to
6 write a letter responding to this letter.
7

8 Dr. Sherman stated that he agrees with Dr. Rodolfa's comments. He stated that he was very
9 disappointed with the letter because it seems that the supervisors, some from prestigious
10 schools, did not take any responsibility, placed the responsibility on the interns, and basically
11 missed the point for having a supervision agreement form.
12

13 Dr. Melodie Shaeffer stated that she supports the use of the supervision agreement form and for
14 someone who has supervised supervisors for 12 years, she is still amazed that some
15 supervisors are not aware of many of items on the supervision agreement form even after
16 completing the mandatory supervision course every two years. She stated that it would be
17 helpful if there was a mechanism whereby at the onset of the training year, the training director
18 could sign the agreement form. She explained that many internships begin with a week of
19 training as part of their internship, but the interns do not meet their supervisors until the second
20 week of their training which poses a conundrum of when they can start counting the hours. Dr.
21 Rodolfa stated that Section 1387(b)(10) of the CCR was revised to allow internship training
22 directors to sign the agreement form.
23

24 **g) Review Notice for Prospective Psychology Students of Approved Schools** 25

26 Dr. Rodolfa stated that since there is no longer a requirement for approved schools to notify their
27 applicants, the Board created a notice for prospective psychology students of approved schools
28 to post on the Board's website to notify applicants of issues they should consider when enrolling
29 in a doctoral program at an approved school.
30

31 Dr. Christina Versari of the San Diego University of Integrated Studies stated that she is in
32 support of the idea of informing students and has always done so even without any requirements
33 of the Board or the BPPE. She indicated that before students enroll in her program, they go over
34 a three page check list which includes some of the items mentioned in the notice. She stated
35 that item 2 on the first page of the notice should state should clarify that the school has not had a
36 new location beyond 25 miles. She also asked if the statement that a degree from an approved
37 school would not qualify for licensure as a psychologist in any other state has been verified. Dr.
38 Rodolfa stated that he verified this through ASPPB's national database. He indicated that he
39 was surprised when he heard that Vermont licensed a graduate from an approved school
40 because according to Vermont's information on ASPPB's database, they require a degree from a
41 regional accredited institution. Dr. Versari stated that there are students from her school who
42 are licensed in other states, so to make this statement in the notice is simply not true. Dr.
43 Rodolfa stated that he will check on this issue and revise the notice if necessary.
44

45 Regarding the statement that graduates from state approves schools will not be eligible to work
46 at the Veteran's Administration Medical Centers, Dr. Versari asked Dr. Rodolfa where he got this
47 information. Dr. Rodolfa stated that he got the information from the Director from the VA
48 psychology program. He indicated that it is also stated on the VA's website as well as on their
49 job announcements.
50

51 Dr. Versari also questioned the statement that graduates from approved schools may not be
52 eligible for third party insurance reimbursement. Dr. Melodie Schaeffer stated she is on
insurance panels and that the questionnaire provided to licensees asks if they come from an

1 accredited academic institution and sometimes it also asks if they come from an APA accredited
2 program. She clarified that it is one the criteria required in order to become a provider.
3

4 Steve Arthur, Ed.D., President, Ryokan College, passed a survey document and performance
5 fact sheet that Ryokan College provides to their students and stated that this proposal is very
6 confusing to students when it talks about two different laws, one of which is no longer in effect.
7 Dr. Arthur stated that the performance fact sheet is in the student catalogue but not on their
8 website.
9

10 Dr. Rodolfa clarified that the goal of this document is to inform students who are very vulnerable
11 at the time of application. He stated that any suggestions to help clarify this document should be
12 submitted to the Board.
13

14 **h) Discussion Regarding Continuing Education Requirements for Licensees Whose**
15 **Expired License is Cancelled after Three Years**

16 Dr. Rodolfa stated that this agenda item is being tabled.
17
18

19 **i) Status Report on Applicant Credentials Reviewed by the Credentials Committee Since**
20 **the February 26 - 27, 2010 Board Meeting**

21 Dr. Rodolfa stated that the Credentials Committee only had one request for exemption of the
22 human sexuality and child abuse coursework.
23
24

25 **Agenda Item #6 – Examination**

26
27 **a) Strategic Plan Progress Report**

28 Dr. Rodolfa stated that the Strategic Plan objectives are ongoing.
29
30

31 **b) Examination Statistics**

32 Dr. Rodolfa stated that he did not see anything unusual regarding the EPPP and CPSE
33 statistics, however, he expressed concern about the low pass rate for the CPLEE. He
34 suggested that the Examination Committee take a closer look at this examination. He stated
35 that it seems problematic that experienced licensees are unable to pass the laws and ethics
36 portion of the exam.
37
38

39 **c) Review of Request for Reasonable Accommodation Form**

40 Dr. Sherman requested statistics on the number of requests for accommodation reviewed by
41 Board staff. Mr. Thomas stated that there are approximately 2 to 5 requests for accommodation
42 per week. Dr. Rodolfa stated that he was unable to fully review the accommodation form. Ms.
43 Marks suggested that the Board members review the form and submit any recommended
44 changes to Dr. Rodolfa for review at the next Board meeting.
45
46

47 Mr. McGhee reported that Agenda Item 7, Legislation, and Agenda Item 8, Enforcement, would
48 be held over for discussion until Saturday, May 15, 2010.

49 The Board adjourned into closed session at 5:13 p.m.

50 **Saturday, May 15, 2010**
51

1 The open session meeting was called to order by the President, James McGhee, at 9:05 a.m. A
2 quorum was present and due notice had been sent to all interested parties.
3

4 **Members Present:**

5 James McGhee, President
6 Richard Sherman, Ph.D., Vice-President
7 Lucille Acquaye-Baddoo
8 Emil Rodolfa, Ph.D.
9 Celinda Vazquez

10
11 **Others Present:**

12 Robert Kahane, Executive Officer
13 Jeffrey Thomas, Assistant Executive Officer
14 Norine Marks, Legal Counsel
15 Gina Bayless, Enforcement Coordinator
16 Linda Kassis, Administrative Services Coordinator
17 Lavinia Snyder, Licensing/Registration Program Coordinator
18
19

20 **Agenda Item # 7– Legislation**

21
22 **a) Strategic Plan Progress Report**

23
24 Ms. Vazquez reported that the strategic plan is ongoing and has been updated per the February
25 Board Meeting.
26

27 **b) SB 1111 (Negrete McLeod) – Regulatory Boards (Consumer Protection Enforcement
28 Initiative (CPEI))**

29
30 Ms. Vazquez reported that SB 1111 failed passage, and is now inactive. Ms. Vazquez reported
31 that the Department is looking at placing some of the provisions that do not require legislation
32 into regulation, and is asking the Board to consider adopting those provisions through the
33 regulatory process. Ms. Vazquez stated that the Board packets include a letter from the Director
34 indicating what happened with SB 1111, and a copy of the Governor's press release. Ms.
35 Vazquez stated the Board would be discussing a draft of the relevant changes that could be
36 adopted via the regulatory process under the Enforcement Report.
37

38 **c) SB 1171 (Negrete McLeod) – Regulatory Boards: Operations**

39
40 Ms. Vazquez stated that this bill pertains to Sunset Review, and that there is another sunset bill,
41 AB 1659, that we are looking at which is currently in the suspense file. Ms. Vazquez stated that
42 SB 1171 is still moving forward but was re-referred to the rules committee. Ms. Vazquez stated
43 that she agrees with the author's comment that a board governance structure provides public
44 input, accountability and transparency, and she believes this is reflective of the kind of work that
45 this Board does. Ms. Vazquez noted that the bill summary states that this bill would make
46 reconstitution automatic when a board becomes inoperative, and questioned what this would
47 entail when a Board could no longer meet due to a lack of quorum and whether this bill changes
48 existing statutes and regulations that currently pertain.
49

50 Ms. Marks stated that a lack of quorum would be considered "functionally inoperative", and the
51 term "legally inoperative" would not apply in this situation.
52

1 Dr. Charles Faltz, Director of Professional Affairs, California Psychological Association (CPA)
2 stated that he wanted to emphasize that the Board will expire January 1, 2011, unless legislation
3 introduced this year extends the sunset date. Dr. Faltz stated that whether or not it is SB 1171 or
4 some other vehicle, the Senate Business and Professions (B&P) Committee has informed the
5 California Psychological Association (CPA) that it is their clear intent to extend the Board's
6 sunset date. Dr. Faltz stated that Senate B & P staff has established a schedule for the next four
7 years and anticipates the Board of Psychology would be reviewed in the fall of 2012; therefore
8 the legislation they anticipate would change the Board's sunset date to January 1, 2014 in order
9 to allow for the sunset review process.

10
11 Dr. Sherman asked if there was any action required of the Board at this time, or if there was
12 anything they could do to be sure this legislation gets passed. Mr. Kahane responded no, not at
13 this time and stated that there are a few separate bills and confirmed that the Board has been
14 given the same dates as Dr. Faltz stated. Mr. Kahane indicated there has been no activity in
15 regards to sunset review for the last few years due to Senator Ridley-Thomas's departure from
16 the legislature, and that this is a continuation of prior discussions to re-establish and re-evaluate
17 the sunset review process. Mr. Kahane reported that the Senate B & P Committee has stated
18 that the Board's sunset date will be changed to 2014, regardless of which bill supports the
19 measure.

20
21 Ms. Vazquez stated that the Board will carefully monitor all sunset review legislation. Mr.
22 McGhee asked if there is anything stating that Board members cannot meet with members of the
23 legislature, for instance if he wanted to go talk with somebody on the Senate B & P Committee to
24 be sure the bill gets put forward this year would this be allowed. Ms. Marks stated that the
25 Department has an ethics officer who takes care of these types of questions, and that she is
26 aware of Board members meeting publicly at legislative committee meetings. A separate issue
27 would be the delegation by the Board to any particular member to represent the Board with a
28 particular opinion. Ms. Marks requested that if the Board wanted to ask specifically what is
29 allowed they should send her an e-mail and she will forward it to the Department's Ethics Officer
30 for a response.

31
32 **d) AB 1659 (Huber) – State Government: Agency Repeals**

33
34 Ms. Vazquez indicated that AB 1659 also pertains to sunset review and has recently been
35 placed in the suspense file, therefore this bill probably won't move forward.

36
37 **e) AB 1889 (Portantino) – California Private Postsecondary Education Act of 2009**

38
39 Ms. Vazquez reported that this bill pertains to the Bureau of Private Postsecondary Education
40 and specifically would have required institutions offering doctoral degrees to be accredited. Ms.
41 Vazquez stated that this bill is currently in the suspense file. Ms. Vazquez reported that this bill
42 received strong opposition stating that it would breach the agreement made last year in AB 48
43 and is unduly restrictive. Ms. Vazquez stated that when a bill is moved to the suspense file, it
44 usually means that if it costs the state more than \$50,000 to implement then the committee will
45 look at it very closely and if it's not a key priority the bill will not be moved forward.

46 Mr. Kahane stated that when he met with Assembly member Portantino last year regarding AB
47 48, these were issues that the Board addressed and they may have been carried over from last
48 year. Dr. Sherman asked since this bill is in the suspense file, does this mean that it would not
49 come back in this form ever. Ms. Vazquez responded no, but that due to the states 19 billion
50 dollar deficit the appropriations committee looks at the costs and makes a determination whether
51 it is a key priority that should move forward.

1 Ms Vazquez reported that as noted in the bill summary, the California Association of Private
2 Postsecondary Schools (CAPPS) opposed the bill and argued that prohibiting unaccredited
3 schools from offering doctoral level degrees would negatively impact California unaccredited
4 schools and their students. Ms. Vazquez reported this bill is currently in the suspense file and
5 the Board will continue to monitor the status.
6

7 **f) AB 2028 (Hernandez) – Confidentiality of Medical Information: Disclosure**
8

9 Ms. Vazquez reported that AB 2028 deals with confidential medical information disclosure. Ms.
10 Vazquez reported that this bill along with AB 2339 and AB 2380, pertain to reporting and
11 disclosure of confidential medical information. Ms. Vazquez reported that this bill has not as yet
12 been assigned a policy committee hearing date. Ms. Vazquez stated that these three bills deal
13 with highly sensitive information about health and privacy issues.
14

15 Dr. Melodie Shaeffer asked what the primary focus of this bill is. Ms. Vazquez stated that this bill
16 would clarify current law to authorize specific mandated reporters to release private health
17 information during the course of a child abuse or neglect investigation.
18

19 Dr. Sherman asked whether this opens Pandora's Box or will the information that goes to an
20 investigator be carefully protected. Dr. Sherman asked the audience for any public comments.
21

22 Dr. Faltz stated that Ms. Vazquez is correct, that this would open up the medical record. Dr. Faltz
23 explained that currently statute provides that a report is made whenever there is suspected child
24 abuse or neglect and that the report is used to instigate an investigation. Dr. Faltz stated there is
25 currently no authority to provide any additional information from the record to an investigator. Dr.
26 Faltz stated that in other words the clinician does not become a part of the investigation under
27 current law, and this bill would open the record to the investigator and it is a very sensitive
28 matter.
29

30 Mr. Kahane stated that with issues of child abuse and neglect, knowing previous emergency
31 room visits, and the previous health history of the child is quite important in these types of
32 investigations. Mr. Kahane stated the Health Insurance Portability and Accountability Act
33 (HIPPA) guidelines for the privacy of health information would still exist, and that this bill would
34 provide how health information can be used in a child abuse or neglect investigative process. Dr.
35 Shaeffer asked whether disclosure of medical records included psychotherapy records. Mr.
36 Kahane confirmed yes it would.
37

38 Dr. Sherman noted that the California Association of Marriage and Family Therapists (CAMFT) is
39 sponsoring the bill and asked if anyone had a sense if there was a problem with existing law.
40

41 Dr. Faltz stated it is his understanding that CAMFT's rationale for the bill was due to their
42 therapists being asked for additional information and that they contend the current statute was
43 ambiguous and not clear about whether or not they should have a responsibility to provide
44 additional information. Dr. Faltz stated this is a very sensitive issue and he wants to emphasize
45 that when the original law was being debated there was the argument that the very foundation of
46 psychotherapy is that the patient be able to be candid and open. Dr. Faltz stated that if a
47 patient's openness results in bad consequences, no one who has a problem is going to be able
48 to get psychotherapy. Dr. Faltz stated because of this, they did make a legal policy that
49 disclosure of child abuse or neglect is important in the public interest, but it was a very specific
50 kind of disclosure that would allow an investigation to be made. Dr. Faltz reported this bill is
51 taking another major step in that if a psychotherapist is seeing someone that they believe has
52 been guilty of child abuse or neglect, the report itself would essentially destroy the

1 psychotherapeutic information because any information the patient shared would now be open to
2 investigation. Dr. Faltz stated this is quite a major change in policy.

3
4 Dr. Rodolfa asked whether this bill just clarified that a therapist can release the information, not
5 that they are requiring the information to be released. Ms. Vazquez stated that based on her
6 understanding, essentially in practice it would be the same thing. Dr. Rodolfa stated it is
7 confusing now whether or not a psychotherapist can disclose such information, and this bill
8 would clarify that you can if confronted with this issue.

9
10 Ms. Vazquez stated that these are all very good questions and that she is unsure on how the
11 Board would want to communicate their concerns to CAMFT, and that possibly CPA and other
12 associations may want to advocate. Ms. Vazquez reported that this bill has not been referred for
13 a policy committee hearing at this time, and that the Board will continue to monitor the status. Dr.
14 Jo Linder-Crow, Executive Director, California Psychological Association (CPA) reported that
15 CPA has a watch position on this piece of legislation.

16 17 **g) AB 2191 (Emmerson) – Healing Arts: Board of Behavioral Sciences: Licensure**

18
19 Ms. Vazquez reported that this bill would create a retirement status for the Board of Behavioral
20 Science licensees. Ms. Vazquez reported that the summary prepared for the Board is for
21 informational purposes to see if the Board wants to consider pursuing similar legislation. Mr.
22 Kahane reported that the Board has had previous discussions about possibly creating a
23 retirement status for psychologists, whereby they could keep their license in retirement status
24 but could provide a limited number of hours per week of pro-bono services. Mr. Kahane stated
25 that the Board would continue to track the progress of this bill and determine whether to pursue
26 similar legislation. Dr. Sherman requested this item be placed on the next agenda for further
27 discussion.

28
29 Dr. Faltz stated that CPA's governmental affairs committee discussed this bill and the result was
30 similar to today's discussion and a decision was made to track this legislation and make a
31 decision in the fall on whether to pursue similar legislation.

32 33 **h) AB 2339 (Smyth) – Child Abuse Reporting**

34
35 Ms. Vazquez reported this is another piece of child abuse reporting legislation and provides that
36 information relevant to a report made relating to a child suffering from serious emotional damage
37 or in substantial risk thereof, may be given to an investigating and licensing agency that is
38 investigating known or suspected child abuse. Ms. Vazquez reported that the author stated this
39 would strengthen existing legal protections currently offered to mandated reporters of child
40 abuse and emotional damage. Ms. Vazquez stated this is another very sensitive topic and policy
41 change. Ms. Vazquez stated that this bill is currently in the public safety committee in the
42 Senate; therefore it has moved out of its house of origin and is moving along a little quicker than
43 the previous bill we discussed, AB 2028.

44
45 Dr. Shaeffer asked how this bill differs from AB 2028. Ms. Vazquez reported that there are a lot
46 of technical differences, but that it is essentially doing the same thing. Dr. Rodolfa stated that this
47 bill would protect the reporter. Ms. Vazquez stated that this protection already exists. Dr. Faltz
48 stated that there is a glitch for reporting emotional abuse and that it is not currently mandated,
49 rather optional. Dr. Faltz stated in statute there is currently no immunity attached to reporting
50 emotional abuse, as there is for making a child abuse or negligence report. Dr. Rodolfa asked
51 whether this bill would then mandate the reporting of emotional abuse. Dr. Faltz responded no.
52 Ms. Vazquez asked if this bill would also allow the release of medical record information. Dr.

1 Faltz responded no, that the immunity is in conjunction with an option to report and it doesn't do
2 anything similar to AB 2028 in terms of changing the amount of information available from the
3 medical record for investigation and would not expand existing law in that regard.
4

5 Ms. Vazquez reported in terms of the subject of child abuse, there are three bills related to this
6 issue and the Board will continue to monitor the status. Ms. Vazquez stated that she thought this
7 bill would change what medical record information is released as well, however it appears the
8 key difference between AB 2339 and AB 2028 is that AB 2339 pertains to emotional abuse
9 reporting and immunity protection rather than expanding the release of medical record
10 information to be used for investigation.
11

12 **i) AB 2380 (Lowenthal) – Child Abuse Reporting**

13
14 Ms. Vazquez reported this is another child abuse reporting bill which clarifies that a reasonable
15 suspicion that a child has been a victim of child abuse or neglect does not require certainty that a
16 child has been abused, and may be based on credible information from other individuals for the
17 purpose of making a report under the Child Abuse and Neglect Reporting ACT (CANRA).
18

19 Dr. Sherman stated that it's interesting that when the child abuse reporting law came into effect
20 years ago, this is exactly what his understanding was, that you had to report, and that a
21 psychologist is not the judge, nor the jury, rather mandated to report any suspicion of child
22 abuse. Dr. Sherman stated that this bill almost seems redundant, or maybe people are choosing
23 not to honor the first law.
24

25 Dr. Shaeffer asked if this bill is just reapplying what already exists in terms of reporting law. Ms.
26 Vazquez stated that she believes it is trying to clarify reasonable suspicion. Dr. Rodolfa reported
27 that at the counseling center where he works, they have had a lot of discussion on what
28 constitutes "reasonable suspicion" and what it means, and that this bill appears to be a step in
29 the right direction. Ms. Vazquez stated that there is a lack of clarity and the concern is that
30 possibly some people have failed to report due to the lack of clarity. Dr. Doris Penman stated
31 that this bill also seems to place a lot of emphasis on relying on statements from other
32 individuals for the purpose of making a report.
33

34 Ms. Vazquez stated that the Board looked at three bills for child abuse reporting and that it is
35 clearly a big topic right now. Ms. Vazquez asked the audience if there were any other questions.
36 Dr. Shaeffer asked if this bill was under review. Ms. Vazquez reported this bill is currently in the
37 Public Safety Committee and has been moved out of its house of origin.
38

39 **j) AB 2435 (Lowenthal) – Elder and Dependent Adult Abuse**

40
41 Ms. Vazquez reported that AB 2435 deals with Elder and Dependent Adult Abuse and would
42 require marriage and family therapists, educational psychologists, clinical social workers and
43 professional clinical counselors to complete training regarding elder and dependent adult abuse.
44 Ms. Vazquez asked the Board if this training is currently required for psychologists. Dr. Rodolfa
45 responded that the Board currently requires aging and long term care training and that he is
46 surprised that psychologists weren't named specifically. Ms. Kassis reported that on page one of
47 the bill it states that this bill would encourage the Board of Psychology and the Board of
48 Behavioral Sciences to include in elder and dependent adult abuse assessment and reporting
49 training and would make legislative finding with regard to that training.
50

51 Mr. Kahane reported that he and Mr. Thomas reviewed this bill approximately two months ago
52 and upon review it was noticed that although the bill pertains to elder and dependent adult

1 abuse, it references sections of psychology law that pertain to child abuse. Mr. Kahane stated
2 upon this review a response was provided indicating that clarification was needed in order to
3 provide further response. Mr. Kahane reported that this information was provided to the
4 Departments Legislative and Regulatory Review Division and to date it does not appear that any
5 amendments have been made by the author. Discussion followed.
6

7 Ms. Vazquez reported that because there appears to be a disconnect in the language as it
8 applies to psychology law. Ms. Vazquez asked Mr. Kahane to follow-up with the Board's
9 legislative contact person.

10
11 Dr. Rodolfa stated that if the Board is required to develop regulations for training in elder and
12 dependent adult abuse, that would mean the Board will have child abuse training, spousal and
13 partner abuse training, and elder abuse training. Dr. Rodolfa asked if it would be possible to
14 consolidate all three subjects into one training course requirement. Ms. Vazquez indicated the
15 bill is still very confusing and was last amended in April; therefore the Board will continue to
16 monitor and look for amended language to review further.
17

18 **k) Legislative Update on Other Bills of Interest to the Board**

19
20 Ms. Vazquez asked the Board if there were any other bills of interest they would like to discuss
21 or have brought back for review next time. No further comments were received from the Board;
22 therefore Ms. Vazquez asked if there were any public comments.
23

24 Dr. Steve Arthur, Ryokan College asked about transparency issues and stated that "last year the
25 Board mentioned that a workgroup would be formed as a way to outlaw state approved schools
26 through legislation." Dr. Arthur asked in regards to the Portantino bill, AB 1889, whether the
27 Board provided any input to Assemblyman Portantino for the development of this bill. Mr.
28 Kahane responded that the Board has never created a work group for this issue, and that the
29 Board did not provide any input to Assemblyman Portantino regarding AB 1889.
30

31 **Agenda Item #8 - Enforcement**

32 33 **a) Strategic Plan Progress Report**

34
35 Ms. Vazquez reported that the strategic objectives are ongoing.
36

37 **b) Enforcement Statistics**

38
39 Ms. Vazquez referred the Board to the enforcement statistics in the agenda packets. She stated
40 that the number of cases referred to the Office of the Attorney General has increased compared
41 to the prior two fiscal years.
42

43 Ms. Vazquez reported that Board staff provided additional statistics regarding monthly
44 enforcement activity. The report shows the number of cases received to date and how many
45 complaints and investigations are currently pending. Board staff currently has 151 complaint
46 cases pending and 81 investigation cases pending.
47

48 **c) Expert Review Program Update**

49
50 Dr. Sherman reported that our annual expert reviewer training was held on April 15, 2010 in
51 Costa Mesa. Ms. Bayless stated the training was held during the CPA annual convention. Dr
52 Steven Sparta and Administrative Law Judge Steven Hjelt presented. Dr. Sparta's presentation

1 was regarding child custody evaluations and the role of the expert. Judge Hjelt presented on the
2 vital role of our experts in the administrative hearing process.

3
4 Dr. Sherman asked for a brief overview regarding how an expert is selected to review a case.
5 Ms. Bayless stated that an expert is selected based on their area of expertise, geographical
6 location, and availability. Experts are further screened to ensure that they have no conflict of
7 interest with any of the parties to the complaint.

8
9 Mr. McGhee asked about the diversity of our expert reviewers. Ms. Bayless stated that the Board
10 doesn't collect this information. The application is limited to qualifications, experience and area
11 of expertise. Dr. Charles Faltz asked if the Board could collect information regarding the cultural
12 diversity of the expert reviewers. Ms. Marks stated the Board only has the authority to collect
13 personal information required to run Board programs.

14
15 **d) Consumer Protection Enforcement Initiative (CPEI) – Consideration of Regulatory**
16 **Amendments for Disciplinary Matters and to Define Additional Bases of**
17 **Unprofessional Conduct (provisions formerly contained in SB 1111)**
18

19 Ms. Norine Marks stated that following the failure of SB1111 the Department of Consumer
20 Affairs (DCA) provided a summary of nine areas that could be accomplished with regulation that
21 were formerly contained in SB1111. Ms. Marks identified three of the nine areas that apply to
22 this board and require regulations. The Board's laws and regulations already address the
23 remaining six related to sexual misconduct.

24
25 Ms. Marks provided a summary of the proposed changes to sections 1380.4, 1395.2, and
26 1395.3. Dr. Rodolfa recommended adopting the proposed language for 1380.4.

27
28 M(Rodolfa)/S(Vazquez)/C to amend section 1380.4.

29
30 Dr. Sherman recommended holding the proposed changes to sections 1395.3 and 1395.3 for the
31 next meeting for further discussion.

32
33 **d. Uniform Standards Regarding Substance-Abusing Healing Arts Licensees –**
34 **Consideration of Regulatory Amendments to Disciplinary Guidelines**
35

36 Ms. Vazquez reported that review of the proposed changes to the Disciplinary Guidelines is
37 deferred to the next Board meeting.

38
39 **Agenda Item #9 – President's Report – Mr. McGhee**
40

41 **a) California Psychological Association Annual Conference**
42

43 Mr. McGhee reported that he and Mr. Kahane attended the California Psychological Association
44 Annual Conference and that it was very well done and had good participation. Mr. McGhee
45 stated he attended two workshops that were very informative. Mr. McGhee reported that he met
46 Dr. Steven Behnke, Director of the Ethics Office, American Psychological Association (APA) who
47 stated that out of all psychology related web sites throughout the country, the Board's was the
48 most consumer friendly.

49 **b) Diversity Conference**
50
51

1 Mr. McGhee reported that the Board held a Diversity Conference in Southern California last fall
2 and that the Board has talked about scheduling another one in Northern California. Mr. McGhee
3 stated that there were close to 200 people in attendance along with some excellent guest
4 speakers. Mr. McGhee thanked Ms. Vazquez for her efforts in coordinating the conference. Dr.
5 Rodolfa stated that he spoke with Morgan Sammons who is the Dean of Alliant University in San
6 Francisco, and that he indicated he is very interested in hosting a future conference.
7

8 Mr. Kahane stated that he spoke with Miguel Gallardo prior to the current budget and travel
9 restraints about having another conference and about possibly doing some follow-up with the
10 previous participants to determine whether any changes have been made to any of their
11 programs or procedures and what was the end result from all that presentation and good work.
12 Mr. Kahane stated that due to budget restrictions they have been unable to get together but that
13 he could follow through with that plan or go ahead and move forward with planning another
14 conference. Mr. Kahane stated that the prison staff who attended had some concerns how
15 everything related to diversity within the prison population and how to treat inmates along with
16 their need to subdivide inmates according to offenses and different personalities. Mr. Kahane
17 stated that although California Department of Corrections & Rehabilitation (CDCR) is not directly
18 under the Boards purview this may be a good topic to address.
19

20 c) California Association of Local Mental Health Boards & Commissions

21
22 Mr. McGhee reported that he has spoken to Mr. Kahane about the possibility of the Board
23 participating in the Local Mental Health Board and Commissions annual meeting to be held June
24 16th in Oakland, California. Mr. McGhee reported that he and Mr. Kahane are working on putting
25 together an agenda so that people have knowledge of what their rights are. Mr. McGhee
26 reported that he is the President of that Association until June 16th, and that he will not be
27 seeking another term.
28

29 d) Other Informational Items

30
31 Mr. McGhee reported that the Board will be electing a new President and Vice-President later
32 this afternoon and that it has been an honor and pleasure to serve as President. Mr. McGhee
33 stated that he has met some very excellent people who he now considers friends and that he
34 has learned a lot about the industry and profession. Mr. McGhee thanked staff and members of
35 the Board and stated that he appreciates the opportunity to work with such great people.
36

37 Agenda Item #10– Executive Officer's Report – Mr. Kahane

38
39 a) Staff Update

40
41 Mr. Kahane reported on staff updates. Ms. Kim Young started as receptionist.
42 Ms. Bailey moved from reception to licensing as an office technician. Mr. Kahane also extended
43 kudos to Ms. Kassis, Ms. Snyder, Ms. Bayless, Ms. Russell and Mr. Thomas for outstanding pre-
44 meeting work and to Board Counsel, Ms. Marks, for her last minute work.
45

46 Mr. Kahane noted that we have been supporting DCA with data gathering affecting some staff
47 and productivity hours for Board work.

48 b) Budget Update

49
50 Mr. Kahane stated the Board is in good shape financially and we continue to run fiscally
51 responsible.

1 c) Board Operations
2

3 Mr. Kahane reported, enforcement times reduced due to in house procedures, licensing times
4 continue to be excellent in spite of staffing issues. The Board continues to work within the
5 department and agency limitations.
6

7 d) 2011 Board Calendar
8

9 It was M(Sherman)/S(Acquaye-Baddoo)/C to adopt the 2011 calendar.
10

11 Vote: 5 – 0
12

13 e) Outreach Update
14

15 Mr. Kahane discussed the Board Outreach at the California Psychological Association. Dr.
16 Sherman, Board President attended on his own because his trip was denied. The event went
17 well and Board Staff was able to impart a great deal of information to the members.
18

19 f) Other Informational Items
20

21 Mr. Kahane as noted some other informational items.

22 The Board has submitted to attend the American Psychological Association (APA) yearly in San
23 Diego and for the Executive Officer to attend Association of State and Provincial Psychology
24 Boards (ASPPB) meeting in October.
25

26 Mr. Kahane reported on a successful Expert Review Training that took place during the CPA
27 Convention. He thanked Ms. Bayless for her outstanding work in coordinating the event and
28 arranging the program.
29

30 Mr. Kahane noted all articles received for the BOP update, but one. Upon review, will submit for
31 print
32

33 Mr. Kahane discussed the potential Medicare issue regarding re-certification as told to the Board
34 in recent Board updates. There have been only two cases so far. Substantially fewer than
35 expected so far.

36 Mr. Kahane reported on the enforcement/licensing issue regarding backdating forms and
37 appeals. Of the 92 cases, 80 were credited upon review for their appealed hours. The cases still
38 denied can submit additional documentation for review.
39

40 Mr. Kahane thanked James for his 3 years of stewardship during these most difficult times and
41 noted their close working relationship and wished most good luck to the incoming President and
42 Vice President.
43
44
45
46
47

48 Agenda Item #11 – Continuing Education
49

50 a) Strategic Plan Progress Report
51

52 Dr. Sherman reported that the strategic objectives are ongoing.

1
2 **b) Continuing Education Statistics**
3

4 Dr. Sherman stated the continuing education statistics are provided in the meeting packets and
5 indicated that there is nothing notable to report.
6

7 **c) Review Prescribing Psychologists' Register, Inc. Request to Provide an**
8 **Accrediting Function for Continuing Education Providers**
9

10 Dr. Sherman recommended that the Board deny Prescribing Psychologists' Register's (PPR)
11 request to provide an accrediting function for continuing education providers. He stated that in
12 reviewing the documentation submitted by PPR, he found much confusion, and the information
13 submitted did not measure anywhere near the standards provided by APA and CPA. He stated
14 that although the documentation stated relevance to psychologists, many courses relevant to the
15 general public, MFTs, etc. were also mixed in. Dr. Sherman stated that by approving this
16 request, the Board would be putting the public at risk. Dr. Rodolfa reminded the Board that the
17 continuing education regulations are in the midst of a major revision which, when enacted, will
18 make an accrediting body a thing of the past. Dr. Sherman reiterated that the upcoming change
19 to the continuing education regulations is not the only reason that the Continuing Education
20 Committee is recommending denial of this request.
21

22 It was M(Sherman)/S(Rodolfa)/C to deny PPR's request to provide an accrediting function for
23 continuing education providers.

24 **Agenda Item #12 – Regulations Update, Review and Action as Necessary**
25

26 **a) Proposed Amendments to Title 16, California Code of Regulations Section 1391.1 –**
27 **Psychological Assistant Limitation of Registration Period**
28

29 Ms. Kassis reported that this package is still in progress, and will be moving forward for review
30 by the Department and the Office of Administrative Law. Ms. Kassis asked Ms. Marks for
31 direction on how to proceed with the proposed changes to Article 5.1, Psychological Assistants
32 that were discussed at yesterday's meeting and whether this section should be removed from the
33 notice of changes to Article 5.1. Ms. Marks responded yes, since this package is already in
34 progress this section would be omitted from the proposed package to amend Articles 1 – 6. Ms.
35 Marks stated that in yesterday's discussion Dr. Rodolfa wanted to be very clear about the
36 statement that registration as a psychological assistant is a training category.
37

38 **b) Proposed Amendments to Title 16, California Code of Regulations Sections 1381.7,**
39 **1381.8 and 1381.9 – Disclosure of Discipline and Criminal Convictions**
40

41 Ms. Kassis reported that this package is regarding Disclosure of Discipline and Criminal
42 Convictions. Ms. Kassis reported that at the February Board Meeting, Dr. Faltz mentioned a
43 loophole for licensees whose license has been expired for three years and whether or not the
44 Board should require these individuals to complete continuing education (CE) prior to re-
45 licensure. At the February Board Meeting Ms. Marks noted that language for this requirement
46 was added to this package and is contained in Section 1381.9(b). Ms. Kassis stated that she and
47 Ms. Marks have discussed this language, and asked Ms. Marks to elaborate on that discussion
48 and whether the Board needs to modify this language based on provisions contained in Section
49 1397.67(b).
50

1 Ms. Marks stated that this particular reference may need to be revised. Ms. Marks stated that
2 she and Ms. Kassis had a conversation about whether requiring CE after a license is cancelled
3 puts somebody in a different position than somebody who is applying for a license for the first
4 time. Ms. Marks stated that this is a policy issue for the Board to decide. Mr. Thomas noted that
5 this topic was on the agenda (Agenda Item 5(h)) for discussion yesterday and was tabled for
6 discussion at the August Board Meeting. Ms. Marks asked what the status of this proposal is.
7 Ms. Kassis reported that the Board held a public hearing in November and at that time the Board
8 voted to modify the language; the Board issued a 15-day notice and modified the language to
9 increase the reportable fine threshold from \$300.00 to \$500.00; and at the February Board
10 Meeting the Board motioned staff to proceed with the rulemaking process. Ms. Kassis stated that
11 because Dr. Faltz had mentioned at the last meeting his concern about the CE requirement for
12 cancelled licensees, and Ms. Marks had noted this language was included in this package, staff
13 further reviewed the language to make sure the Board has the language needed to proceed or
14 whether there is need for further modification.
15

16 Ms. Marks stated that Dr. Rodolfa reported yesterday that we would table this issue, potentially
17 without realizing that the language was included in this package. Ms. Marks stated that she is
18 unsure whether Dr. Faltz would want to continue with this proposal, prior to determining if the
19 Board has sufficiently addressed the questions and whether the policy has been reviewed and
20 agreed upon. Ms. Marks asked Dr. Faltz if he had any questions regarding this language. Dr.
21 Faltz responded no.
22

23 Ms. Marks stated that from a staff perspective, and this being a new requirement, there is a
24 question of whether or not this puts somebody who has let their license be cancelled in a
25 different status than somebody who is applying initially for the first time by requiring them to
26 complete CE. Ms. Marks stated that staff is asking for confirmation that this is the Board's policy.
27 Ms. Kassis also asked whether the language should be modified to read "consistent with" section
28 1397.67(b) rather than "pursuant to" because Section 1397.67(b) pertains to delinquent or
29 inactive license renewals and the requirement to complete continuing education. Ms. Marks
30 stated that this would be a technical change as to whether or not it is referring to the right
31 section. Ms. Kassis asked whether this change would require a 15-day notice. Ms. Marks stated
32 she would have to take a look at the language to see if it needs to be changed and determine
33 whether a 15-day notice would be required and that the Board can delegate the authority to the
34 Executive Officer to make those changes.
35

36 Mr. Thomas stated that he is still confused with the language in Section 1397.67(b). Dr. Rodolfa
37 agreed. Mr. Thomas reported that Section 1397.67(b) doesn't speak to any CE requirement for a
38 cancelled license; it only speaks to CE for those licensees who are renewing within the allowed
39 three year period. Ms. Marks stated that is why there was discussion about changing the
40 language from "pursuant to" to "consistent with", essentially saying what is required in this
41 section would be the same as what would be required for anyone applying for licensure who
42 previously held a psychologist license in California and let their license be cancelled after three
43 years, and that it is not referencing this section as the authority or the mandate to do so. Mr.
44 Thomas stated that he still believes this language is confusing because 1397.67(b) refers to both
45 those renewing within the three years and those that are cancelled, so if we are saying that it is
46 "consistent with" he is not sure that it will be apparent that it is consistent with those that are
47 renewing within the three year time limitation.
48

49 Mr. McGhee asked if the Board needed to refer this back for further review. Ms. Marks stated
50 that the Board can confirm whether the policy the Board is pursuing is if somebody's license has
51 been cancelled after being delinquent for three years, the Board wants to impose a CE

1 requirement. Ms. Marks stated that if this is the case, then the Board can delegate the authority
2 to staff to make the changes and issue a 15-day notice if required.

3
4 Dr. Rodolfa asked how much CE this would be imposing. Ms. Kassis stated that if the
5 requirement is consistent with section 1397.67, thirty-six hours would be required. Ms. Kassis
6 emphasized that what this proposal would do is create two different standards for licensure: one
7 for initial applicants, and one for applicants who were previously licensed in California and let
8 their license lapse. Mr. Thomas further clarified this proposal would not impose the same
9 requirement for an applicant coming from another state which may or may not have CE
10 requirements. Ms. Kassis stated that additionally this would require that the qualification
11 requirements in our database be updated and re-programmed to define the new requirements.
12 Mr. McGhee stated that further discussion is needed and requested that the matter be brought
13 back to the Credentials Committee for further review. Ms. Marks clarified that further discussion
14 would be to determine whether this is the policy the Board wants to pursue in regards to
15 requiring CE for applicants who were previously licensed in California.

16
17 **c) Proposed Amendments to Title 16, California Code of Regulations Sections 1397.60 –**
18 **1397.71 – Continuing Education Provider System**

19
20 Ms. Kassis reported that this package is to amend the continuing education regulations. Ms.
21 Kassis reported that this proposal has not been set for hearing and at the February Meeting the
22 Board directed staff to proceed with the rulemaking process. Ms. Kassis stated that there wasn't
23 sufficient time to get this package noticed in time for this meeting and that staff would try to get it
24 on the August agenda.

25
26 Ms. Kassis reported that Ms. Marks worked with the Department's legal assistant to determine
27 the best way to incorporate when the current regulations would end and the new requirements
28 would begin. Ms. Kassis stated that the language in the Board package includes both existing
29 regulations and proposed regulations reflecting that the current regulations would expire
30 December 31, 2011, and the new proposed regulations would become operative January 1,
31 2012.

32
33 Ms. Kassis stated that a few other minor changes were made to the language including deleting
34 Section 1397.66 since it deals with audit requirements for providers and the Board will no longer
35 be involved in the approval or auditing of providers based on this proposal. Ms. Kassis asked the
36 Board if they accept these changes; the Board responded yes. Ms. Kassis reported that staff
37 omitted the existing requirement in Section 1397.61(c) that "encourages" licensees to complete
38 training in the subject of matter geriatric pharmacology; the characteristics and methods of
39 assessment and treatment of HIV disease; and issues of human diversity. Ms. Kassis reported
40 that this language is already included in statute with the exception of the human diversity
41 requirement. Ms. Kassis stated that other than these changes, the language is the same as what
42 the Board approved for notice at the February Meeting, and as long as the Board accepts these
43 changes the language is ready to notice for public hearing.

44
45 It was M (Sherman)/S(Rodolfa) to approve the draft language for proposed changes to
46 Continuing Education Provider System Regulations Sections 1397.60-1397.71.

47
48 Dr. Rodolfa stated that this proposal has gone through many iterations and he would like to
49 thank everyone who has worked on this, including CPA and staff, and he believes this will bring
50 the Board more in line with where other States are nationally.

1 Dr. Jo Linder-Crow stated that she wanted to clarify if this package would be noticed for August,
2 and what then happens. Ms. Kassis explained that it can take one year to complete the
3 rulemaking process and implement a regulation. Ms. Kassis stated that the package gets noticed
4 for hearing which begins the 45 day comment period; the Board holds a public hearing at which
5 time they consider any comments received; if no further modifications are necessary, staff
6 completes the rulemaking file. Once the rulemaking file is complete it gets reviewed by staff
7 counsel, then it goes through an internal review process which takes approximately 30 days,
8 upon approval from the Department the package gets filed with the Office of Administrative Law
9 (OAL) and they have 30 days to review, approved regulations take effect 30 days after OAL files
10 with the Secretary of State. Mr. Thomas stated that in regards to the public hearing, staff will
11 make an effort to meet the deadlines to notice this for the August meeting however there are
12 deadlines that we required to meet, and we may not have sufficient time to notice it.
13

14 Dr. Linder-Crow asked about the implementation date of January 1, 2012 included in the
15 language. Dr. Linder-Crow stated that at least one year is needed to implement these changes.
16 Mr. Thomas stated that this date can be changed at the public hearing.
17

18 VOTE: 5-0
19

20 Ms. Kassis stated that she wanted to go back to agenda item 12 b, Disclosure of Discipline and
21 Criminal Convictions, which are the fingerprint regulations. Ms. Kassis stated that the same
22 concern raised by Dr. Linder-Crow regarding the implementation date for the CE regulations,
23 applies here as well. Ms. Kassis reported that the language for this proposal states that the
24 effective date is for a license or registration that expires after June 30, 2010. Ms. Kassis asked
25 that since this package has been tabled, and it is unlikely that it will be approved prior to June
26 30th, Ms. Kassis asked Ms. Marks if this implementation date needs to be modified.
27

28 Ms. Marks stated that we should probably do two separate motions to modify the previous
29 motion and to re-adopt Section 1381.7 with a new effective date & 1381.8, and then refer
30 Section 1381.9 back to the Credentials Committee for further review. Ms. Kassis stated that
31 1381.9(b) would be referred back to the Committee and 1381.9(a) would move forward.
32

33 Dr. Sherman asked if the date should be changed from June 30th to January 1, 2011. Ms. Kassis
34 stated that she has been waiting for the match report since February and it was just received this
35 past Thursday, therefore the data will need to be reviewed so that a determination can be made
36 as to the number of licensees who will be impacted by these regulations so that we can inform
37 our licensees.
38

39 It was M(Sherman)/S(Vazquez) to reconsider the adoption of 1381.7, 1381.8 and 138.19(a).
40

41 VOTE: 5-0
42

43 It was M(Rodolfa)/S(Sherman) to adopt Section 1381.7 with a new effective date of January 1,
44 2011, and adopt Sections 1381.8 and Section 1381.9 to include just the language currently in
45 subsection(a).
46

47 VOTE: 5-0
48

49 **Agenda Item #13 –Board Member Ethics Training by Norine Marks, Senior Staff Counsel**
50

51 This agenda item is being tabled until the August Board meeting.
52

1 **Agenda Item #14 –Election of Officers**
2

3 Mr. McGhee commended Mr. Kahane for his work during his tenure as Board President for his
4 openness to criticism, his ability to find answers and his prioritization skills. Mr. McGhee stated
5 that the Board’s faith in Mr. Kahane has proven to be an asset to the Board.
6

7 **a) President**

8 Mr. McGhee nominated Dr. Sherman as President.
9

10 **b) Vice-President**

11
12 Mr. McGhee nominated Dr. Rodolfa as Vice-President.
13

14 It was M(Vazquez)/S(Acquaye-Baddoo)/C to elect Dr. Sherman as President and Dr. Rodolfa as
15 Vice-President of the Board of Psychology
16

17 Vote: 5 – 0
18

19 Dr. Linder-Crow congratulated Dr. Sherman and Dr. Rodolfa. She thanked Mr. McGhee for his
20 service as President. Dr. Linder-Crow stated that oftentimes, the relationship between a state
21 licensing agency and the professional association representing the profession are not always
22 strong and are sometimes adversarial. She indicated that this is not the case here. Mr. McGhee
23 has attended many CPA events during his tenure as President which he was not required to do.
24 She stated that this demonstrates that the Board has a connection with the California
25 Psychological Association and is interested in working closely with it.
26

27 **Agenda Item #15 - Public Comment on Items Not on the Agenda**
28

29 None.
30

31 **Agenda Item #16 – Recommendations for Agenda Items for Future Board Meetings**
32

33 None.
34

35 It was M(Sherman)/S(Rodolfa)/C to adjourn the open session meeting.
36

37 Vote: 5 – 0
38

39 The open session meeting adjourned at 12:46 p.m.
40
41
42
43
44

45 _____
46 James L. McGhee
President

Date