STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
BOARD OF PSYCHOLOGY
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DRAFT

BOARD MEETING MINUTES

DRAFT

Hilton Long Beach
701 West Ocean Boulevard
Long Beach, CA 90831

Thursday, February 23, 2012

The open session meeting was called to order by the President, Richard Sherman, Ph.D., at 9:12 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:
Richard Sherman, Ph.D., President
Emil Rodolfa, Ph.D., Vice-President
Lucille Acquaye-Baddoo
Barbara Cadow, Ph.D.
Michael Erickson, Ph.D.
Gail Evans
Miguel Gallardo, Psy.D.

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 Coordinator
Denise Russell, Continuing Education/Probation Coordinator

Agenda Item #1 – Approval of November 18-19, 2011 Minutes

It was M(Rodolfa)/S(Gallardo)/C to approve the November 18-19, 2011, open session minutes.

Vote: 7 – 0

Agenda Item #2 – Petitioner Administrative Hearing

9:15 A.M. – TILLERY, Amy, Ph.D.- Petition for Termination of Probation

Administrative Law Judge David B. Rosenman presided. Deputy Attorney General Doug Knoll was present and represented the people of the State of California. Amy Tillery, Ph.D. was present and represented herself.

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

11:00 A.M. – OPEN SESSION

Agenda Item #3 – President's Report

a) Professional Psychology Organization Listserv Postings

Dr. Sherman stated that he was surprised by a series of recent postings about the Board on listserves that contain inaccurate information. He said that one posting criticized the Board regarding the high income of Board members. Dr. Sherman clarified that Board members serve to give back to the profession and receive $100 for each day they work on Board business and receive limited meal and travel reimbursements. He reported that some individuals were not aware that some of the Board members are licensed psychologists. He stated that the Board strives to achieve transparency and that Board members do not discuss Board business between Board meetings. Dr. Sherman stated that some of the postings complained about the delay in receiving communications back from the Board. He emphasized that Board staff strives to keep up with applications and correspondence to maintain as low a response time as possible.

Dr. Sherman reported that the Board is one of approximately 30 entities within the Department of Consumer Affairs and that when it is at full strength, it consists of nine members, five licensed members and four public members and that each Board member can serve a maximum of two four-year terms. He stated that the Board is funded completely through application, examination and renewal fees, and that it does not have the authority to spend its funds without prior authorization. He stated that the Board advocates for the highest level of competency within the profession of psychology and empowers consumers through its enforcement and outreach efforts to ensure that psychologists do not exploit consumers. He stated that he believes that is the job of professional associations to act and advocate on behalf of licensees. He stated that many professional associations regularly attend Board meetings and have a great relationship with the Board.

To achieve the highest level of transparency, Dr. Sherman encouraged licensees to attend Board meetings, review Board meeting minutes, and watch the live and archived webcasting of the Board's meetings.

He stated that Board staff has demonstrated reliability and dependability through furloughs and salary cuts and remain motivated and continue to do a great job despite the limitations faced. He reported that due to hiring freezes, staff has been operating at 59% capacity although the number of licensees and registrants continue to increase annually. Dr. Sherman thanked Board staff for doing such a great job under less than optimal circumstances.

b) Weekly Call with Executive Officer

Dr. Sherman stated that he continues to have contact almost every day by phone or email with the Executive Officer.

c) DCA Monthly Conference Call

Dr. Sherman reported that there have been many changes due to new executive staff at the Department of Consumer Affairs. He stated that Denise Brown is the new Director and Reichel Everhart is the new Deputy Director of Board/Bureau Relation. He stated that it is their goal to meet with all Executive Officers within the Department and to attend Board meetings. During the most recent conference call, he stated that Ms. Brown spoke about travel reimbursements and staff vacancies and that some boards are barely meeting quorum, therefore, filling board vacancies is a top priority. Dr. Sherman stated that the Board of Psychology is currently down by two public members.

d) Other Informational Items

Dr. Sherman encouraged staff to put out more detailed information to clear up some of the confusion around the new fingerprinting procedures such as who needs to get it done and how to get it done.

He also reported that he and some of the Board's senior staff will be attending the California Psychological Association convention in April and will be conducting a workshop regarding the myths and realities of the Board. Due to travel limitations, not as many staff will be attending as he had hoped.

Agenda Item #4 – Executive Officer's Report

a) Board Operations

Mr. Kahane reported that we have been able to interview for our vacant positions. As a result, we have hired one Office Technician for Enforcement who begins on March 8, 2012. We have also offered the Receptionist position. The Board will soon fill all positions upon acceptance of our job offers. Executive staff will be interviewing six candidates upon our return Tuesday and Wednesday for the Staff Service Analyst position in licensing.

The Board has also been authorized by the Department of Consumer Affairs (DCA) to complete the hiring for all the other positions acquired through the CPEI program yet were never allowed to be filled. Those interviews are to come as we work with personnel.

b) Budget Update

Mr. Kahane reported that the Board's current budget remains within projected limits with a more than reasonable reserve. There has been a somewhat continual discussion of reducing fees, based on the 2003 reduction which never materialized. This was the beginning of our current fiscal emergency. Mr. Kahane referred to the Board's projected budget for the next 4-6 years. He stated that a reduction in fees would not be advisable within the near future. The Board is charged with maintaining our function, in spite of the General Fund loan. Our reserves in three years would be almost non-existent with all things remaining status quo. The Board is not permitted to do anything that would contribute to our own financial demise, earlier than any budget estimates. Our regulations state fees are $400.00 and also states a cap of $500.00. As Mr. Thomas has stated previously, this would entail a regulation change.

c) Other Informational Items

Mr. Kahane noted some important facts about our upcoming move to DCA Headquarters One. As our hires continue, we are out of physical space. We will have to remodel and break through to the suite next door at substantial cost. Upon discussion with a DCA facilities manager, we were offered an outstanding space at DCA headquarters. It is already larger by approximately 1600 square feet and it is within 5-10 cents per square foot of our current lease. This is before the price reduction. Since The Board will be moving there in a few years regardless, since Headquarters Two has been built. This move would be in line with the Administrations' emphasis to reduce the cost for off-site leases. This is an exceptional office for the Board: well lit, professional, good for morale and large enough to accommodate our current staff/space issues, with enough room for the future. There is some minor remodeling to be done. This also makes us visible at DCA headquarters and near all the areas we now deal with offsite.

Mr. Kahane stated we have obtained authorization to go to the California Psychological Association (CPA) Convention this April. Due to current restrictions on travel, we were allowed only with three staff. Unfortunately, not any of the staff we additionally need to man the booth. We had to compromise or no authorization to attend. We will now be able to conduct our Enforcement class.

Mr. Kahane informed the Board we have not received our Sunset Review questions for this year as of now, nor is the date of the hearing actually set. The Board has not received any information as of yet. Mr. Kahane will be in close contact with the Board as soon we are notified by the Senate/BPC staff. Also, we will be meeting with CPA prior to the review.

Agenda Item #5 – Review and Discuss Sunset Review Report

Mr. Kahane reported that the Board has not received the new questions for the Sunset Review process. Mr. Thomas and Ms. Marks discussed the Sunset Review process. Jo Linder-Crow, Executive Director, California Psychological Association (CPA), stated that CPA was asked to provide comment and responses to questions in the Board's prior Sunset Review, and that they will be happy to provide the same services for this process. She stated that CPA has an internal lobbyist, Amanda Levy who has been in touch with the Chief of Staff of the committee and will be in attendance at the Board's hearing. She stated that Ms. Levy is prepared to address the value of the Board. She stated that this issue has been high on CPA's priority list and will be monitoring for any hint of a problem. She also stated that CPA will activate a grass roots network to register strong support to the continuation of the Board and will be happy to provide any necessary resources to the Board.

The Board reviewed and discussed the Final Recommendations for the Board of Psychology from its previous Sunset Review process as follows:

Issue #1: Should the licensing and regulation of psychologists and the psychology profession be continued, and be regulated by an independent board rather than by a bureau under the Department? – The Board discussed using excerpts from the Board's mission and Strategic Plan to address this issue. Dr. Linder-Crow stated that she also has language from the previous Sunset Review as well as from the consolidation efforts that address this issue.

Issue #2: Should Business and Professions Code Section 2909 be clarified regarding "registered psychologists?" – This issue has already been addressed by statute.

Issue #3: Should Business and Profession Code Section 2911 be amended to recognize post-doctoral internships? – This issue has already been addressed by statute.

Issue # 4: Should Business and Professions Code Section 2912 specifically recognize the consumer protection model of U.S. and Canadian licensing of psychologists? – This issue has already been addressed by statute.

Issue #5: Should the Board have control over educational programs offering psychology degrees rather than just schools offering programs leading to those degrees? – The Board discussed expressing concern regarding approved schools and the lack of oversight by BPPVE and the fact that the profession is moving toward an accreditation standard nationwide.

Issue #6: Should Business and Professions Code Section 2936 be updated to specifically reference the APA's Ethical Principles and Code of Conduct? – This issue has already been addressed by statute.

Issue #7: Should Business and Professions Code Sections 2942 and 2946 be amended to reflect the use of computer-administered examination formats? – This issue has already been addressed by statute.

Issue #8: Should the obsolete Business and Professions Code section 2945 be deleted? – This issue has already been addressed by statute.

Issue #9: Should obsolete provisions of Business and Professions Code Section 2983 and 2987 be deleted? – This issue has already been addressed by statute.

Issue #10: Should the term "retirement" be added to Business and Professions Code Section 2988 as a reason for a license to be inactive? – This issue has already been addressed by statute.

Agenda Item #6 – Outreach and Consumer Education Committee

The Outreach and Consumer Education Committee met to discuss and formulate recommendations to the Board. See agenda item 9(a) for the Board's discussion.

Agenda Item #7 – Contemporary & Emerging Issues Committee

The Contemporary and Emerging Issues Committee met to discuss and formulate recommendations to the Board. See agenda item 9(b) for the Board's discussion.

Agenda Item #8 – Continuing Education Committee

The Continuing Education Committee met to discuss and formulate recommendations to the Board. See agenda item 9(c) for the Board's discussion.

Agenda Item #9 – Reconvene Full Board for Committee Reports and Board Action

a) Outreach and Consumer Education Committee Report

Strategic Plan Progress Report

Dr. Cadow reported that Dr. Sherman, Mr. Kahane, Mr. Thomas and Ms. Bayless will be attending the CPA Convention in April and will be conducting a workshop for CE credit. She stated that the timing for this is excellent given Dr. Sherman's report regarding the erroneous listserve postings. She reported that the ASPPB meeting in October 2012 will be held in San Francisco and the Outreach and Consumer Education Committee discussed doing a similar presentation.

Dr. Cadow reported that the committee discussed ways to reach out to various departments and programs that do not involve travel to encourage watching webcasts of the Board's meetings and the review of the Board meeting minutes, such as preparing posters to distribute to psychology departments and different mental health programs to promote the services available on the Board's website.

Public Comment for items not on the Agenda

None.

It was M(Rodolfa)/S(Gallardo)/C to accept the Outreach and Consumer Education Committee's report.

Vote: 7 – 0

b) Committee on Contemporary & Emerging Issues Report

Discussion Regarding Telehealth; AB 415 (Logue) – Healing Arts: Telehealth

Dr. Erickson reported that the Committee on Contemporary and Emerging Issues had a livingly discussion regarding the budget constraints and concerns about getting ahead of ASPPB's efforts on the telehealth issue. He stated that there was a discussion about waiting to see how guidelines on this issue develop nationally. He reminded the Board that

this issue isn't only about licensees, but consumers also have questions on this topic. He stated that he questioned what can we do to further our efforts in this regard. He stated that the committee can meet with staff to obtain guidance, and there is a preliminary meeting set for March 30, 2012 to look at new legislation that was effective at the first of the year to see if there are parts of the legislation that the Board can use to develop rough guidelines. He stated that the process will be accomplished in several stages and he is in hopes of eventually developing guidelines with links to replace the telehealth information that was developed years ago that is currently on our website. -

Discussion Regarding New Board Meeting Calendar and Meeting Format

Dr. Erickson stated that the calendar of three meetings per year instead of four is too new to form an opinion, therefore, this item should be placed on the agenda for the next Board meeting for the committee to review.

Public Comment for Items not on the Agenda

None.

It was M(Cadow/S(Acquaye-Baddoo)/C to accept the Committee on Contemporary and Emerging Issues' report.

Vote: 7 – 0

c) Continuing Education Committee Report

Strategic Plan Progress Report

Dr. Gallardo noted that the most salient issue that was discussed by the Continuing Education Committee was the new continuing education regulations which have passed the final hurdle and were approved by the Office of Administrative Law. He pointed out that this is a huge deal for the Board, and staff now needs to continue to work with CPA to develop a transition plan to ensure a smooth process and proper notification to licensees. He stated that Dr. Rodolfa, Mr. Kahane and Mr. Thomas previously met with Anna Caballero, Secretary, California State and Consumer Services Agency, regarding these regulations and that the meeting went extremely well.

Dr. Gallardo stated that the new regulations will become effective January 1, 2013 and as of that date, the MCEP Accrediting Agency will cease existence. Part of the transition efforts will entail establishing a cut-off date for renewing psychologists between the new system and the old system to ensure an effective transition without creating additional workload.

Continuing Education Statistics

Dr. Gallardo pointed out that there has been a reduction in the non-compliance rates due to the letters that MCEPAA has been sending to licensees. He stated that this will become a non-issue under the new process since we will be changing to a random audit system.

Discussion Regarding Continued Competency (ASPPB Recommendations for Continued Professional Development)

Dr. Gallardo stated that the committee will continue to monitor this issue because we think that the model reflects a model that is advantageous and useful for psychologists in their practice. He stated that the committee receives continued updates from ASPPB and that the committee is in favor of developing a model to replace the CE model currently in place at

some point. He stated that at the last Board meeting, the Board requested ASPPB to develop sample regulations and that this request is currently be considered by ASPPB.

Review Petition from Prescribing Psychologists Register Inc. for recognition as an entity with an accrediting function pursuant to Title 16, C.C.R. Section 1397.61(f)(2)

Dr. Gallardo stated that this agenda item has been on the CE Committee's radar screen for quite some time. He reported that on May 15, 2010, the Board unanimously passed a motion to deny PPR's request for recognition as an entity with an accrediting function. He stated that no additional information has been received from PPR, therefore, he will speak with Dr. Rodolfa to identify the specific issues related to the denial of the request based on the existing documentation submitted to the Board for consideration. He stated that this will be crafted prior to the next Board meeting, however, there is no need to add this issue to the agenda.

Discussion Regarding Requiring Mandatory Continuing Education in Multicultural Issues

Dr. Gallardo reported that this issue was discussed at the last Board meeting, however, the discussion was not completed, therefore, it has been brought back to this meeting to continue the discussion. He referred to an email received by the Board from Fernando Gutierrez, Ed.D., J.D. regarding a recent experience he had while taking a continuing education course. In his email, Dr. Gutierrez made a recommendation to the Board to consider mandating a course in multicultural issues for the renewal of a psychologist's license. Dr. Gallardo stated that the board continues to maintain its stance that mandating specific courses is not direction the Board wants to head, however, one of the solutions that was discussed during the Continuing Education Committee meeting was to require renewing psychologists to indicate on their renewal forms that they have met a multicultural requirement for renewal similar to the Board's law and ethics requirement. He stated that the committee is making this recommendation to the Board for consideration.

Discussion and Consideration of Future Amendments to Proposed Continuing Education Regulations to Establish Criteria for Accepting Entities to Approve CE Providers and Courses

Dr. Gallardo stated that this issue was initially raised when the Board received a request from the Association of Black Psychologists (ABPsi) to perform an accrediting function. He stated that the concern that surfaced during the discussion was that the entities currently approved under the regulations may not represent the only gatekeepers for dissemination of knowledge to psychologists. He stated that the discussion was fruitful and the committee will continue to discuss this topic on future agendas, otherwise, this issue will continue to surface in the future.

Public Comment for Items Not on the Agenda

None.

It was M(Gallardo)/S(Acquaye-Baddoo)/C to accept the Continuing Education Committee's report and the recommendations contained therein excluding the recommendation contained in the report regarding Discussion Regarding Requiring Mandatory Continuing Education in Multicultural Issues.

Vote: 7 – 0

It was M(CE committee)/S(Rodolfa)/C to approve in concept the implementation of a requirement similar to the Board's laws and ethics requirement in the area of multicultural diversity for further discussion.

Vote: 7 – 0

Friday, February 24, 2012

The open session meeting was called to order by the President, Richard Sherman, Ph.D., at 9:03 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:
Richard Sherman, Ph.D., President
Emil Rodolfa, Ph.D., Vice-President
Lucille Acquaye-Baddoo
Barbara Cadow, Ph.D.
Michael Erickson, Ph.D.
Gail Evans
Miguel Gallardo, Psy.D.

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 Coordinator
Denise Russell, Continuing Education/Probation Coordinator

Agenda Item #10 - Regulation Update, Review and Action as Necessary

a) Regulations Status Update

Ms. Kassis provided the Board with a report regarding regulations that are currently pending.

b) Update Regarding Proposed Amendments to Title 16, California Code of Regulations Sections 1397.60 – 1397.7 – Continuing Education Requirements

Ms. Kassis reported that the continuing education regulations were approved by the Office of Administrative Law and become effective January 1, 2013. She stated that staff is currently working with MCEPAA to implement the regulatory changes.

c) Update Regarding Proposed Amendments to Title 16, C.C.R. Sections 1380.4 & 1397.2 – Delegation of Functions & Unprofessional Conduct

Ms. Kassis stated that the Board received a comment from M. Bradley Wishek regarding the proposed delegation of functions and unprofessional conduct regulations at the close of the comment period, however, the Board did not get a chance to review this comment when reviewing the other comments received at the last Board meeting in November. All Board members were provided a copy of the comment.

Ms. Marks advised the Board that the notice of second modified text specifically allowed comments on the proposed modifications that were noticed. She noted that the comment currently being reviewed by the Board does not address the modified text. Therefore, she stated that the Board can ignore the comment, however, it may want to review the comment in case any valid points are raised. Discussion ensued.

It was M(Rodolfa)/S(Acquaye-Baddoo)/C to reject the comment and to delegate to staff to make any nonsubstantive changes to complete the rulemaking file.

d) Update Regarding Proposed Amendments to Title 16, California Code of Regulations, Section 1397.12 – Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

Ms. Kassis informed the Board that she is working on noticing the proposed amendments regarding uniform standards related to substance abuse and disciplinary guidelines for hearing. She stated that the Board approved draft language and reviewed additional information at the last meeting. Ms. Marks indicated that the Legal Office received an opinion from the Office of the Attorney General and that the Legal Office will be reviewing the opinion. She will let the Board know if any changes are required.

e) Update Regarding Proposed Amendments to Title 16, California Code of Regulations, Division 13.1, Article 1 (General Provisions), Article 2 (Applications), Article 3 (Education and Experience), Article 4 (Examination), Article 5 (Registered Psychologists), Article 5.1 (Psychological Assistants) and Article 6 (Fees)

Ms. Kassis stated that the Board approved amended language at the last Board meeting and that she is working on incorporating those changes into the proposed amendments to Articles 1 – 6. She indicated that no action is required at this time.

f) Update Regarding Proposed Amendments to Title 16, C.C.R., Section 1382.6 – Aging and Long-Term Care Training Requirements

Ms. Kassis reported that the draft language regarding aging and long-term care training requirements was previously approved by the Board and is ready to be set for hearing. She indicated that she is getting to them as quickly as she can based on the established priorities.

Agenda Item #11 – Enforcement Committee

The Enforcement Committee met to discuss and formulate recommendations to the Board. See agenda item 13(a) for the Board's discussion.

Agenda Item #12 – Credentials Committee

The Credentials Committee met to discuss and formulate recommendations to the board. See agenda item 13(b) for the Board's discussion.

Agenda Item #13 – Reconvene Full Board for Committee Reports and Board Action

a) Enforcement Committee Report

Strategic Plan Progress Report

Ms. Acquaye-Baddoo thanked staff for doing such a wonderful job. She indicated that the Enforcement Committee's goals and objectives are ongoing. She also thanked staff members for submitting mail ballots in a timely manner.

Enforcement Statistics

Ms. Acquaye-Baddoo reviewed the overview of enforcement activity with the Board. She pointed out that the number of complaints received in fiscal year 2010/2011 were fairly high at 785 which she believes demonstrates a higher awareness of the Board by consumers.

She stated that 21 accusations were filed during that same period which shows that not every complaint ends in a filing. She reported that looking over a three-year period, the enforcement statistics are fairly consistent.

Dr. Rodolfa noted that there were 21 accusations filed last year with 23 already being filed in the first six months of the current year. He asked if this was due to the new fingerprint requirements. Ms. Bayless indicated that the Board has not yet began opening cases based on the fingerprint implementation, therefore, this figure is not related to the new requirement. She stated that the new requirement may impact future enforcement statistics.

Ms. Acquaye-Baddoo referred to the Monthly Enforcement Report to DCA which was provided in the meeting packets. She indicated that DCA uses this information to move forward performance measures for the Board in areas such as complaints received, convictions, desk investigations, field investigations and disciplinary orders. She noted that in November 2011, the average days to completion for the entire enforcement process for cases resulting in formal discipline was 1,382. She explained that the Office of the Attorney General plays an important role in this time period. Ms. Bayless explained that very complex cases take longer at investigation and at the Office of the Attorney General. She also noted that the Office of Administrative Hearings was backlogged during this period which is reflected in these statistics. She stated that staff is working on getting this time period down to the Board's goal of 18 months.

Ms. Acquaye-Baddoo stated that the performance measures for intake and investigation are well below target. She stated that these figures are directly impacted by vacant positions that need to be filled and that investigations requiring a larger amount of time impact the number of days.

Discussion Regarding Established Policy on Time Limitations for Administrative Hearings

Ms. Acquaye-Baddoo reported that staff is working with legal counsel to rework the language regarding guidelines for oral argument and penalty relief proceedings. Ms. Bayless stated that the Enforcement Committee discussed extending the timeframe from 15 to 30 minutes for respondent/petitioner and Deputy Attorney General oral arguments, and to extend the timeframe from 5 to 10 minutes for rebuttals. Ms. Acquaye-Baddoo stated that the guidelines will be revised and brought back to the Board for review.

Public Comment

None.

It was M(Cadow)/S(Erickson)/C to accept the Enforcement Committee's report.

Vote: 7 – 0

b) Credentials Committee Report

Strategic Plan Progress Report

Dr. Rodolfa reported that the Credentials Committee's goals and objectives are ongoing. He stated that psychological assistant and registered psychologist applications are up to date and that licensing applications are currently taking approximately 14 weeks for processing. He explained that the reason for the backlog is due to staffing issues and the new fingerprint requirements. He stated that he is appreciative that Dr. Sherman, Mr. Kahane and staff will be able to attend the CPA Convention as it is very important for the Board to make itself available to the public.

Satisfaction Survey Results

Dr. Rodolfa thanked staff for all the hard work they do on behalf of the Credentials Committee. He stated that although the application process is a very stressful time for candidates, the satisfaction survey results show that staff truly does a terrific job given the percentage of excellent ratings given by the candidates.

Discuss Implementation of Regulations Requiring Electronic Fingerprints pursuant to Title 16, CCR Sections 1381.7, 1381.8 and 1381.9 – Disclosure of Discipline and Criminal Convictions

Dr. Rodolfa reported that Board staff notified approximately 10,000 licensees of the need to comply with the new fingerprint requirements. Of those, approximately 20% have responded and 1,761 received clearances, 201 received rejections and 18 have come back with rap sheets. He stated that this requirement has put additional workload on both the licensing and enforcement staff which may directly impact application processing times.

Discuss Accrual of Clinical Research Hours Toward Supervised Professional Experience

Dr. Rodolfa reported that a question had arisen regarding the percentage of supervised professional experience that can be accrued through clinical research. He stated that there is currently no statute or regulation that limits the number of hours that can be accrued in this manner. Dr. Rodolfa stated that there is a very small percentage of applicants who seek to accrue hours through psychological research, therefore, it is not a problem that needs to be addressed at this time.

Discuss AB 611 (Gordon) – Private Postsecondary Education: Unaccredited Doctoral Degree Program, Statutes of 2011

Dr. Rodolfa stated that this agenda item is being discussed in conjunction with agenda item 12(g).

Discussion Regarding the Association of State & Provincial Psychology Boards (ASPPB) National Register Joint Designation Survey Letter

Dr. Rodolfa reported on the ASPPPB National Register Joint Designation Survey Letter. He stated that ASPPB is requesting information from state psychology licensing boards regarding how they use the designation project in order to provide service to its boards. He stated that the American Psychological Association Committee on Accreditation has changed its policy and is now recognizing broader programs which raises the issue of whether the designation project is needed any longer. He stated that there is a movement in the field that all programs be APA accredited in addition to any other type of accreditation. He stated that the Board does not use this designation to influence its judgment regarding whether programs meet the Board's standards, therefore, there are no plans to use the designation project.

Compare California Laws and Regulations Regarding Educational Requirements for Licensure to the National Educational Standards for Psychologists

Dr. Rodolfa discussed his concerns regarding approved schools. He stated that the students who attend approved schools seem to be inadequately informed of the limitations of receiving a degree from such a school. He stated that AB 611 requires schools to provide information to perspective students regarding the limitations. Business and Professions Code Section 2914(g) requires the Board to accept degrees from approved schools that meet specific criteria. He stated that there are currently seven approved schools that meet this criteria on the list provided by the Bureau of Private Postsecondary Education due to

some approved schools merging with accredited schools and others receiving national accreditation. He mentioned that two of the remaining approved schools will be dropping off the list which will leave a total of five.

Dr. Rodolfa stated that the Credentials Committee had a very interesting discussion on this issue. He stated that the committee would like to develop a letter to ask the Legislature to consider eliminating subsection (g) from Business and Professions Code Section 2914 and to work with the California Psychological Association in this effort. Discussion ensued. Concern was raised regarding the students currently enrolled in these programs. Dr. Rodolfa stated that the Board should consider writing letters to the affected schools encouraging them to seek accreditation and that any legislation should be mindful of those students currently enrolled as well as future students.

Public Comment

None.

It was M(Rodolfa)/S(Erickson)/C to accept the Credential Committee's report and the recommendations contained therein with the exclusion of agenda item 12(g).

Vote: 7 – 0

It was M(Rodolfa)/S(Erickson) for the board to write a letter expressing concern regarding Business and Professions Code Section 2914(g) to the Legislature and offering the option to eliminate item (g) from this section building in specific reasonable timeframes to take into account the students currently enrolled and the schools themselves.

Dr. Linder-Crow asked to whom the letter will be sent and if the Board will be carrying this legislation. Discussion ensued. Dr. Rodolfa stated that it would be better to work with CPA and have CPA carry the bill rather than the Board and that the Board's letter should be addressed to the Executive Director of CPA and ask that this issue be put on their legislative agenda. Dr. Linder-Crow stated that this request would be considered in CPA's Government Affairs Committee and CPA would respond to the Board regarding the potential path they will be taking.

It was M(Rodolfa)/S(Erickson)/C for the Board to write a letter expressing concern regarding 2914(g) to the Executive Director of CPA asking them to put on their legislative agenda the option of eliminating item (g) from Business and Professions Code Section 2914 and building in specific reasonable timeframes to take into account the students currently enrolled and the schools themselves.

Vote: 7 – 0

Agenda Item #14 – Examination Committee

The Examination Committee met to discuss and formulate recommendations to the Board. See agenda item 16(a) for the Board's discussion

Agenda Item #15 – Legislation Committee

The Legislation Committee met to discuss and formulate recommendations to the Board. See agenda item 16(b) for the Board's discussion.

Agenda Item #16 – Reconvene Full Board for Committee Reports and Board Action

a) Examination Committee Report

Strategic Plan Progress Report

Dr. Rodolfa thanked the Examination Committee and the participants of the meeting. He reported that the Examination Committee's goals and objectives are ongoing.

Examination Statistics

Dr. Rodolfa reported that overall, California candidates pass the Examination for Professional Practice in Psychology (EPPP) at approximately 65% compared to approximately 76% nationally. He stated that first-time EPPP takers in California pass at approximately 77-78% compared to approximately 82% nationally.

He stated that the pass rate for the California Psychology Supplemental Examination (CPSE) is fairly consistent at approximately 87%. He stated that he finds it interesting that the pass rate for first-time CPSE takers is fairly consistent compared to the overall CPSE statistics.

Dr. Rodolfa reported that the pass rates for the California Psychology Laws and Ethics Examination (CPLEE) is much lower than the CPSE although the CPLEE is a subset of the CPSE and consists of 50 questions versus 100 questions on the CPSE. He stated that applicants who are licensed in another state or who have a Certificate of Professional Qualification (CPQ) or are credentialed by the National Register qualify to take the CPLEE instead of the CPSE. Since these candidates are experienced in other states, he thinks the reason for the lower pass rate is that these candidates simply do not study for the examination because of their experience.

Review Office of Professional Examination Services (OPES) Audit Reports

Dr. Rodolfa provided a brief history of the Board's licensing examinations. He stated that in the 1990's, the Board had an oral examination along with approximately 20 other states. In the early 2000's, the Board eliminated the oral examination and developed the California Jurisprudence and Professional Ethics Examination (CJPEE) which focused on laws and ethics. In the mid-2000's, the Board revised the CJPEE to become the California Psychology Supplemental Examination by adding three areas of competency. He stated that this examination felt similar to the EPPP and did not effectively cover the areas it was developed to cover. A couple years later, the Board received a complaint from ASPPB due to the agreement the Board has with them that candidates who hold a CPQ do not have to take a competency-based examination, therefore, the California Psychology Laws and Ethics Examination was developed.

Dr. Rodolfa stated that ASPPB conducted a practice analysis in 2009/2010 to look at the validity of the EPPP. ASPPB began revising questions on the EPPP in 2006 to include level two or application type questions. In 2011, the Department of Consumer Affairs' Office of Professional Examination Services conducted an audit to determine the overlap between the EPPP and the CPSE and to make a determination if the CPSE is needed. He stated that Dr. Bob Holmgren with OPES was invited to the meeting to discuss the audit.

Dr. Holmgren stated that OPES conducted two workshops consisting of panels of licensed psychologists serving as subject matter experts back in August and September, 2011. He stated that the first workshop took a list of knowledge statements from the national examination and a list of knowledge and task statements from the occupational analysis and looked for overlap at the examination plan level. He stated that a determination was made that there was sufficient overlap in technical areas, crisis assessment and intervention, clinical intervention and treatment intervention. He stated that the second workshop came

to a different conclusion that the overlap between the California examination and the national examination was very much at the theoretical level, that the types of questions being asked at the national level is different than those being asked at the California level, and that it would be important for the existing examination to stay in place. He stated that he met with Board staff and members to share these findings.

Dr. Holmgren stated that the national examination with a new examination plan based on the new occupational analysis is focused on increasing the number of level two items at the ability level of cognitive processing and that there are questions addressing three content areas. He stated to keep moving on this issue, the Board should move forward with focusing on the occupational analysis for California psychologists based on the laws and ethics examination. He stated that OPES has started a second round of workshops with this focus. He indicated that a lot of the current item bank is usable although the questions need to be refocused.

Dr. Rodolfa stated that due to the overlap between the EPPP and the CPSE, the Examination Committee is recommending to change the regulations to eliminate the CPSE and expand the CPLEE. He noted that when you look at discipline cases that come before the Board, they are not based on the content areas covered by the CPSE, rather they are usually based on laws and ethics issues. He stated that developing a more thorough examination based on laws and ethics would be beneficial to the public. He stated that the process would take approximately one year and that there would be an enhanced CPLEE in place before the CPSE would be eliminated.

It was M(Rodolfa)/S(Acquaye-Baddoo)/C to revise the examination process regulations to eliminate the use of the CPSE and to focus on enhancing and further developing the CPLEE.

Vote: 7 – 0

Public Comment

None.

It was M(Rodolfa)/S(Cadow)/C to accept the Examination Committee's report.

Vote: 7 – 0

b) Legislation Committee Report

Strategic Plan Progress Report

Ms. Evans stated that she has identified a large pool of bills of interest to the profession of psychology and will report on the key bills. She stated that she met with Ms. Kassis and Amanda Levy with CPA a few weeks prior. She stated that in addition to the Board's own process, CPA has an extensive bill list that they watch and that they are an important resource for the Board to use to ensure that it is not missing any bills.

Update regarding AB 1424 (Perea) – Franchise Tax Board; Delinquent Tax Debt, Statutes of 2011

Ms. Evans reported that effective July 1st of this year, this Board along with other boards will suspend the license if a licensee is delinquent in taxes for over $100,000 and are on the top 500 list. The licensee will be given 90 days to pay the delinquent taxes or develop a payment plan. She stated that there are no provisions for the Board to repay any money paid by the licensee to the Board.

Update regarding Legislative Proposal to Amend Business & Professions Code Section 2904.5, Pursuant to AB 415 (Logue)-Healing Arts: Telehealth, Statutes of 2011

Ms. Kassis stated that the Board had directed her to submit a request for omnibus legislation to amend Business and Professions Code Section 2904.5 regarding telehealth. She stated that Business and Professions Code Section 2290.5 was amended by AB 415 which makes the reference to that section in 2904.5 obsolete. She stated that once a bill number is assigned, she will continue to track the bill.

Legislative Status Report on Bills of Interest to the Board & 2012 Legislative Calendar

Ms. Evans stated that AB 625 which would have established tiers of registration for sex offenders has died.

Any Other Bills of Interest

None

Public Comment

None.

It was M(Erickson)/S(Acquaye-Baddoo)/C to accept the Legislation Committee's report.

Vote: 7 – 0

Agenda Item #17 – Public Comment on Items Not on the Agenda

None.

Agenda Item #18 – Recommendations for Agenda Items for Future Board Meetings

None.

The open session meeting adjourned at 2:53 p.m.