

MEMORANDUM

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|---------|----------------------------------------------------------------------------|
| DATE | October 27, 2016 |
| TO | Psychology Board Members |
| FROM | <i>Jacquelin Everhart</i> Jacquelin Everhart CE/Renewals Coordinator |
| SUBJECT | Agenda Item 4 <i>Approval of Minutes: April 4, 2016</i> |

[Approval of Minutes: April 4, 2016](#)

Attached are the draft minutes for the April 4, 2016 Board meeting.

Action Requested:

Approve the attached minutes for the April 4, 2016 Board meeting.

BOARD MEETING MINUTES

Department of Consumer Affairs
1625 N. Market Blvd., Second Floor, El Dorado Room
Sacramento, CA 95834
(916) 574-7720

TELECONFERENCE LOCATIONS

3610 Sacramento Street
San Francisco, CA 94118
(415) 786-3840

8920 Wilshire Boulevard, Suite 334
Beverly Hills, California 90211
(310) 275-4194

Los Angeles Harbor College
1111 Figueroa Place, Suite NEA147
Wilmington, CA 90744
(310) 223-4069

Ronald Reagan State Building
300 South Spring Street, Auditorium
Los Angeles, CA 90013
(213) 897-2241

Monday, April 4, 2016

Stephen Phillips, PsyD, JD, Board President, called the open session meeting to order at 10:27 am. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Stephen Phillips, PsyD, JD, President
Lucille Acquaye-Baddoo, Public Member
Johanna Arias-Bhatia, Public Member
Michael Erickson, PhD
Andrew Harlem, PhD

Jacqueline Horn, PhD
Linda Starr, Public Member

Others Present:

Antonette Sorrick, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Sandra Monterrubio, Enforcement Program Manager
Karen Johnson, Licensing Coordinator
Jason Glasspiegel, Central Services Coordinator
Jacquelin Everhart, Continuing Education/Renewals Coordinator
Norine Marks, Legal Counsel
Jo Linder-Crow, PhD, CEO, California Psychological Association
Sarah Huchel, Principal Consultant, Senate Committee on Business Professions
and Economic Development
David Gaines
Elizabeth Winkelman, PhD
Raymond Trybus, PhD

Agenda Item #2: President's Welcome

Dr. Phillips stated the Board's mission statement and thanked everyone for attending.

Agenda Item #3: Public Comment for Items Not on the Agenda

David Gaines said he had concerns with the psychology licensing law. He asked what was considered psychology and said it was his understanding that the Board has taken opportunities to use the psychology licensing law in enforcement matters involving educational psychologists. Dr. Phillips stated that the Board will review whether to address this concern as a future agenda item.

Agenda Item #4: Review, Consider, and Approve Board Response to the Sunset Background Paper from the Senate Business, Professions, and Economic Development Committee for Submission to the Committee on April 14, 2016

Dr. Phillips reported that on March 14, 2016, he, Ms. Jones and Ms. Sorrick testified before the Senate Committee on Business, Professions, and Economic Development and Assembly Committee on Business and Professions to address seven questions that had been presented to the Board based on the information the Board provided in its Sunset Review Report. ~~The responses were drafted by Dr. Phillips and Ms. Jones. As a~~

78 follow-up, the Board needs to submit formalized responses to the seven Sunset Review
79 questions it received from the Committee.

80
81 Ms. Sorrick said that the Background Paper and the Board's responses are due to the
82 Committees by April 14, 2016.

83
84 Dr. Phillips explained the scope ~~layout~~ of the issues addressed ~~provided~~ in the Board's
85 Background Paper. They included the issues identified by the Committees, background
86 information related to the issue, ~~and~~ staff recommendations and the responses drafted
87 by staff, Ms. Jones, Dr. Horn, and Dr. Phillips.

88
89 The Board proceeded to review each staff recommendation and make changes as
90 needed.

91
92 The Board members made grammatical changes to issues 1 – 5.

93
94 The Board members discussed its response to Issue 2, which addresses the fact that
95 California remains the only state that allows licensure of psychologists from
96 unaccredited schools.

97
98 Dr. Harlem said the regional accreditation arguments in the Board's response are not
99 persuasive in terms of consumer protection.

100
101 Sarah Huchel said that the Committee is looking for changes in Section 2914 of the
102 Business and Professions Code to address staff's recommendation as to Issue 2.

103
104 It was M(Acquaye-Baddoo)/S(Starr)/C to delegate authority to staff and the Sunset
105 Review Committee to draft final language for the Board's response to Issue 2.

106
107 Vote: 7 aye (Phillips, Acquaye-Baddoo, Arias-Bhatia, Erickson, Harlem, Horn, Starr) 0
108 no

109
110 Dr. Jo Linder-Crow asked if the Board's legislative proposal to include specific
111 information on the website such as links to licensees' professional websites and
112 historical enforcement activity is consistent with other boards. She asked if providing
113 links to licensees' websites would be considered advertisement and how the Board
114 planned to maintain this information.

115
116 Ms. Sorrick said this proposed language was taken from Section 2027 of the Medical
117 Board's Practice Act and was then tailored to fit the Board's program. Since the Board

does not recognize specialties, the Board thought it would be best to post a link to the licensee's website in order to assist the public in receiving more information about the licensee.

Dr. Harlem expressed concern that this information will not serve the consumer if the Board does not review the websites. He said it might confuse consumers.

Mr. Gaines expressed dissatisfaction with the Board and Ms. Sorrick said that the Board will be appearing at the Senate Committee Hearing on April 18, 2016 if he would like to provide testimony.

The following language is a draft of the Board's responses to the Committee's issues provided in the Board's Background Paper:

CURRENT SUNSET REVIEW ISSUES

The following are unresolved issues pertaining to the Board, or those which were not previously addressed by the Board, and other areas of concern for the Committee and Assembly Committee on Business and Professions (Committees). There are also recommendations the Committee staff have made regarding particular issues or problem areas which need to be addressed. The Board and other interested parties, including the professions, have been provided this Background Paper and can respond to the issues presented and the recommendations of staff.

ISSUE # 1: Lack of mental health providers in certain communities.

Background: According to the Office of Statewide Health Planning and Development (OSHPD), approximately 16 percent of Californians live in a Mental Health Professional Shortage Area, which is designated based on the availability of psychiatrists and other mental health professionals, including psychologists.

There are several programs administered by OSHPD to encourage licensees to work in these areas:

Mental Health Loan Assumption Program (MHLAP)

MHLAP was created by Proposition 63, the Mental Health Services Act (Act), passed by California voters in November 2004. The Act provided funding to develop a loan forgiveness program in order to retain qualified professionals working within the Public Mental Health System (PMHS). Through the Workforce Education and Training component of the Act, \$10 million is allocated yearly to loan assumption awards. An award recipient may receive up to \$10,000 to repay educational loans in exchange for a 12-month service obligation in a hard-to-fill or retain position within the County PMHS.

Mental Health Practitioner Education Fund

The Board collects a \$10 fee as part of license renewals to support the Mental Health Practitioner Education Fund that is administered by OSHPD. An awardee may receive up to \$15,000 to repay educational loans over a 24-month period in exchange for a 24-month commitment to practicing and providing direct care in a publicly funded or public mental health facility, a non-profit mental health facility, or a mental health professions shortage area.

The Board does not formally track data regarding workforce shortages, but it has many occasions to solicit and communicate opportunities to its licensees.

Staff Recommendation: *The Board should inform the Committee what it is doing to promote service in underserved areas and evaluate whether \$10 is sufficient to fund the Mental Health Practitioner Education Fund.*

Board Response

In February 2015, the Board of Psychology embarked on a two-year access to mental healthcare in the State of California campaign. To date, the Board has done the following:

- Produced an article in the Winter 2015 *Journal* identifying licensed mental health professionals per county, per capita. This *Journal* has a distribution of more than 15,000 per publication. This data has been shared with the Department of Consumer Affairs, the Health Professions Education Foundation, the Senate Business, Professions and Economic Development Committee and other interested Members of the state legislature.
- Produced an article in the Spring 2015 *Journal* entitled, "Educational Loan Opportunities for Mental Health Providers".
- In August 2015, the Health Professions Education Foundation (HPEF) gave the Board an overview of the program at the Board Meeting, an update on the fiscal health of the program, and an overview of the process for application for loan repayment. The Foundation agreed to present to the Board annually.
- Summer 2015 recipient profile of HPEF (Jaseon Outlaw, PhD) in the Board's Summer *Journal*. Going forward, the Board will include a recipient profile in the quarterly *Journal* as awards are given.
- Inserts will be included in all license renewals packets promoting the HPEF. The inserts will instruct licensees how to apply for loan forgiveness and how to contribute additional funds to the program.
- Additionally, the Board plans to do the following:
 - Develop outreach to high schools and community colleges to encourage individuals to enter into the profession.
 - Develop telepsychology regulations that will instruct licensees how to provide telehealth to Californians, giving psychologists additional opportunities to provide care to underserved populations.
 - Engage stakeholders to help the Board promote entering the profession and the availability of the loan repayment program.
 - Increase awareness regarding other loan repayment programs.

According to a recent survey conducted by the American Psychological Association of Graduate Students (APAGS), the median loan debt of a recent graduate of a doctoral program is between \$90,000-200,000 plus (depending on the program and institution from which they graduated)

<http://www.apa.org/monitor/2015/06/datapoint.aspx>. The size of available awards under existing state programs are small by comparison thereby reducing the potential incentive to locate in underserved areas.

- The average award amount varies from \$2,558 to \$13,910 depending on profession of awardee. Renewal fees are authorized for the specified professions listed under the statutory definition of a licensed mental health service provider (LMHSP).

- Per Health and Safety Code section 128454 (1) "Licensed mental health service provider" means a psychologist licensed by the Board of Psychology, registered psychologist, postdoctoral psychological assistant, postdoctoral psychology trainee employed in an exempt setting pursuant to Section 2910 of the Business and Professions Code, or employed pursuant to a State Department of Health Care Services waiver pursuant to Section 5751.2 of the Welfare and Institutions Code, marriage and family therapist, marriage and family therapist intern, licensed clinical social worker, and associate clinical social worker."

- The majority of mental health practitioners who apply for the loan repayment program do not receive any award due to limitations in financial resources. Please see the table below, which reflects the **Licensed Mental Health Services Provider Education** program application numbers. Specifically, the table reflects how many applications were received, eligible, awarded and not awarded in FY 2012-13, 2013-14, and 2014-15.

- The Mental Health Loan Assumption Program (MHLAP) is funded by Proposition 63 funds. Licensees of the Board are also eligible for awards through this program. Applicants can receive up to \$10,000 from this Program.

| Board of Psychology Fund | | | |
|-------------------------------------|-------|-------|-------|
| LMH | 12/13 | 13/14 | 14/15 |
| Total applications received | 31 | 63 | 49 |
| Total eligible applications | 29 | 61 | 40 |
| Did not score high enough for award | NA | 5 | 19 |
| Awarded through Grant funding | NA | 22 | NA |
| Awarded through Board of Psychology | 8 | 7 | 10 |

| | | | |
|-------------------|----|----|----|
| Funding | | | |
| Total not awarded | 21 | 27 | 11 |

It appears that the financial resources of the HPEF fund cannot meet the demands of applicants who wish to work in underserved communities.

ISSUE # 2: California remains the only state that allows licensure of psychologists from unaccredited schools. Should the Psychology Act be amended to require accreditation of institutions offering degrees intended to lead to licensure by the Board?

Background: California is the only state that allows students from unaccredited schools to sit for psychology licensing examinations. Current law requires the Board to accept doctoral degrees in psychology from either accredited or approved institutions. An institution is deemed approved if it is not a franchise, was approved by the BPPVE on or before 1999, and has not moved to a new location since 1999. There are six schools meeting these criteria, and approvals and oversight are conducted solely by the BPPE.

This issue was raised during the previous review of the Board. The Board was concerned that there is little quality control over the schools' operations or curriculum and students have a low pass rate on the national exam, among other issues. At that time, the Board stated that the students from these schools should not be eligible for licensure and expressed their preference for a change in law to prohibit applicants from approved schools. This law was not changed.

In an effort to increase the quality of educational programs in California, the California Private Postsecondary Education Act of 2009 was amended in 2014 (SB 1247, Lieu, Chapter 840, Statutes of 2014) to require degree granting institutions to be accredited by an agency recognized by the U.S. Department of Education by July 1, 2020 in order to receive BPPE approval. AB 2099 (Frazier, Chapter 676, Statutes of 2014) also established requirements for unaccredited degree granting programs participating in Title 38, the program that provides educational awards for eligible active duty military members and veterans.

While the Board recognizes recent Legislative actions as significant progress, there remains a concern that these changes may be insufficient to raise California's psychologists to the national standard. The main barrier is that the ASPPB requires member states to have regionally accredited schools to participate in their Agreement of Reciprocity for licensure – U.S. Department of Education allows national accreditation. Further, California psychologists may not be able to join the American Psychological Association, the largest professional psychology organization in the nation, as full members; participate in certain pre-doctoral or post-doctoral programs necessary for some types of employment, including the U.S. Department of Veterans' Affairs Health and Medical Centers -- the largest employer of psychologists in the U.S; or be eligible for licensure in some states.

Unaccredited degree granting institutions are extremely concerned about the requirement to obtain accreditation and have been working through the legislative process to create exemptions to the new requirements set forth by SB 1247 and AB 2099. It would be helpful for the Committees to better understand the barriers to schools becoming accredited, particularly for schools offering degrees.

Staff Recommendation: *The Committees should remove current language authorizing graduates with degrees from unaccredited institutions to sit for licensure by the Board, and ensure that timeframes for this change accommodate current students. The Board should provide information to the Committees as to whether regional accreditation may be preferable to other types of accreditation, and the Committees should specify the type of accreditation that should be required of institutions offering degrees intended to lead to licensure.*

Board Response

(delegated to sunset review committee for final language)

The Board of Psychology prefers institutions offering degrees intended for licensure to be regionally accredited. A requirement for regional accreditation would ensure the following:

- Protection of the public by ensuring competent and predictable educational standards that would best protect consumers of psychological services in California (e.g. a regionally accredited institution would open more opportunities for training and more closely...
- Protection of students by guaranteeing that they are receiving degrees from institutions that are best suited for providing competent services and providing adequate pathways to licensure
- Protection of the licensee by ensuring increased portability of a California psychology license

The Board looks forward to working with the Committees to amend Business and Professions Code section 2914 to address this issue.

ISSUE # 3: Continuing Education.

Background: Traditional models of CE entail formal learning activities conducted in classroom or workshop settings. As referenced earlier in the report, the Board is considering changes to their CE program to accommodate a broader competency model called continuing professional development (CPD). The model was developed by the ASPPB and provides additional avenues for maintaining competence. These options are meant to expand the ways licensees can increase their learning and to include performance-based assessments of licensees' competence.

The Board is seeking to amend existing continuing education statutes and regulations to accommodate this new approach. Changes should include:

- Redefining "Continuing Education" requirements as "Continuing Professional Development" requirements;
- Removing specific course requirements found in the Business and Professions Code; and,
- Enabling the Board to approve specific organizations that provide continuing professional development activities.

Staff Recommendation: *The Board should provide recommendations to the Committee for updating continuing education statutes.*

Board Response

The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic Development Committee to amend Section 2915 of the Business and Professions Code. This change would redefine continuing education with a continuing professional development model. The Committee has graciously agreed to include this change in the Board's sunset legislation. This model will allow licensees alternative ways to maintain competence, decrease isolation, and enhance the probability that ongoing professional competence can be demonstrated.

ISSUE # 4: Expansion of Psychological Assistant practice areas.

Background: In order to become a licensed psychologist, applicants must accrue 3,000 hours of supervised professional experience. Individuals who have a Master's degree and are admitted into a doctoral program may obtain these hours by registering with the Board as a psychological assistant. A psychological assistant provides psychological services to individuals or groups while under the supervision of a licensed psychologist or a board certified psychiatrist.

Current law requires that a psychological assistant be employed only by a psychological or medical corporation, a California licensed psychology clinic, a Bronzan-McCorquodale contract clinic, a licensed psychologist, or a board certified psychiatrist.

The Board recognizes that these statutes are outdated and do not reflect the employment, contract, or volunteer opportunities available in settings beyond current limitations, such as hospitals, nursing homes, and rehabilitation centers.

Staff Recommendation: *The Board should provide recommendations to the Committee for updating psychological assistant statutes to focus on appropriate supervision, rather than physical setting.*

Board Response

The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic Development Committee to amend Business and Professions Code section 2913. This change would address the following two issues:

1. Eliminating the restrictions of the current work settings required of a psychological assistant.
2. Receiving the application directly from the psychological assistant instead of the supervisor.

ISSUE # 5: Retired license.

Background: The Psychology Act does not authorize a retired license. Under existing law, a retired licensee may choose only between “inactive” status, which costs \$25 per year, or “delinquent” status. These have negative connotations and may not respect a long and honorable career.

The Board is seeking to establish a “retired” licensure category, similar to many other healing arts programs such as the Medical Board, Professional Fiduciaries Bureau, Board of Behavioral Sciences, and Board of Optometry. The creation of this license would require a one-time fee and would provide a means for a retired licensee to return to active status under certain circumstances. Adding this license designation is a consistent request from licensees and is included in the Board’s 2014-2018 Strategic Plan.

Staff Recommendation: *The Board should provide recommendations to the Committee for establishing a retired license.*

Board Response

The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic Development Committee to add a section to the Psychology Licensing Law in the Business and Professions Code creating a retired license category for psychologists.

ISSUE # 6: Web Site information.

Background: The Board has been very active in providing information to consumers, and seeks legislative authority to post historical information on existing and past licensees’ approved graduate and post-graduate education on its Web site. This will enable consumers to make informed decisions when selecting a psychology provider.

Staff Recommendation: *The Board should provide recommendations to the Committee for updating its public information policies.*

Board Response

The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic Development Committee to add a section to the Psychology Licensing Law in the Business and Professions Code establishing a mechanism for posting historical information on existing and past licensees. This information will include:

1. Institutions that awarded the qualifying educational degree and type of degree awarded.

2. A link to the licensee's professional website.

3. Historical enforcement activity including Statements of Issues, Accusations, Proposed Decisions, and Stipulated Settlements.

CONTINUED REGULATION OF THE PROFESSION BY THE

CURRENT MEMBERS OF THE BOARD

ISSUE # 7: Should the licensing and regulation of the practice of psychology be continued and be regulated by the current Board membership?

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

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

Board Response

The Board appreciates the confidence the Committees have demonstrated in recommending the continuance of the regulation of the practice of psychology by the Board in its current configuration. In the next four years the Board is committed to addressing the following issues:

1. Ensuring greater access to mental health care in California.
2. Establishing higher criteria for applicants for licensure to ensure consistency with other licensing jurisdictions across the nation.
3. Establishing continuing professional development to ensure competence for its licensees
4. Redefining the psychological assistant statute to focus on appropriate supervision rather than physical setting.
5. Developing a mechanism to provide licensees an alternative license status at the end of their career.

6. Increasing transparency to the consumers of psychological services in California by providing expanded educational and disciplinary data on its licensees.

7. Continuing to review and amend the statutes and regulations in order to be more transparent, more understandable to consumers and evolve with the field.

It was M(Erickson)/S(Horn)/C to accept the changes made to the Board's responses to the seven issues, excluding Issue 2 due to the specific motion made previously.

Vote: 7 aye (Phillips, Acquaye-Baddoo, Arias-Bhatia, Erickson, Harlem, Horn, Starr) 0 no

Agenda Item #5: Recommendations for Agenda Items for Future Board Meetings

There were no recommendations made.

Agenda Item #6: Closed Session

Closed session was planned for the May 2016 Board meeting.

Agenda Item #7: Closed Session

The Board adjourned at 12:09 p.m.

President

Date