STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR

BOARD OF PSYCHOLOGY
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BOARD MEETING MINUTES
Department of Consumer Affairs
2005 Evergreen Street, 1st Floor Hearing Room
Sacramento, CA 95815-3894

Friday, August 20, 2010

The open session meeting was called to order by the President, Richard Sherman, Ph.D., at 9:04 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
Michael Erickson, Ph.D.
James McGhee
Celinda Vazquez

Others Present:
Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Laura Freedman Eidson, Legal Counsel
Gina Bayless, Enforcement Coordinator
Linda Kassis, Administrative Services Coordinator
Karen Johnson, Licensing/Registration Analyst
Denise Russell, Continuing Education/Probation Coordinator
Deborah Morales, Enforcement Analyst

9:00 A.M. – Open Session

Agenda Item #1 – Approval of May 14-15, 2010 Minutes

It was M(Acquaye-Baddoo)/S(Rodolfa)/C to approve the May 14-15, 2010, open session minutes with minor typographical changes.

Vote: 6 – 0

Dr. Rodolfa and Dr. Sherman requested staff to make the draft meeting minutes available for Board member review sooner in order to allow ample time for review.

Agenda Item # 2– Legislation

a) Strategic Plan Progress Report

Ms. Vazquez stated that the Strategic Plan goals and objectives are ongoing.

b) Sunset Review

- **SB 294 (Negrete McLeod) – Department of Consumer Affairs: Regulatory Boards**

  Ms. Vazquez reported that SB 294 would change the Sunset Review dates for regulatory boards that are scheduled to sunset in 2011. She stated that the amended date for the Board of Psychology would be 2014. Kimberly Kirchmeyer, Department of Consumer Affairs Deputy Director of Board/Bureau Support, clarified that if this bill is enacted, the Board of Psychology's Sunset Review would be in 2013 which means that its report to the Legislature would be due on October 1, 2011. Ms. Kirchmeyer stated that as of August 19, 2010, the Senate confirmed the bill and it went to enrollment. Jo Linder-Crow, Executive Director of the California Psychological Association, commented that the bill went to the Governor's office on that same date.

- **AB 1659 (Huber) – State Government: Agency Repeals**

  Ms. Vazquez reported that AB 1659 would establish the Joint Sunset Review Committee (JSRC) and task that committee with reviewing non-constitutional agencies within the state, except for those agencies related to post-secondary education. She stated that the bill does not establish sunset dates, however, the committee would review any board within the Department which are up for Sunset Review. Ms. Vazquez indicated that the bill is on its third reading, so it will be moving out of legislature soon

- **AB 2130 (Huber) – Professions and Vocations: Sunset Review**

  Ms. Vazquez reported that AB 2130 is a technical bill which goes hand-in-hand with AB 1659. She stated that this bill would abolish the current Sunset Review process and transfer the authority to the JSRC which would be established by AB 1659. Ms. Vazquez indicated that this bill is in its second reading, so it is not up for final vote at this time.

c) Confidentiality of Medical Information: Disclosure & Child Abuse Reporting

- **AB 2339 (Smyth) – Child Abuse Reporting**

  Ms. Vazquez reported that AB 2339 was chaptered on July 15, 2010, therefore, it becomes law effective January 1, 2011. She stated that this bill will allow reports relating to a child with emotional damage to be given to an investigating agency if child abuse is suspected.

- **AB 2380 (Lowenthal) – Child Abuse Reporting**

  Ms. Vazquez reported that AB 2380 was chaptered on July 15, 2010, therefore, it becomes law effective January 1, 2011. She stated that this bill will clarify that a "reasonable suspicion" that a child has been a victim of child abuse or neglect does not require certainty that a child has been abused, and may be based on credible information from other individuals for the purpose of making a report.

- **AB 2028 (Hernandez) - Confidentiality of Medical Information: Disclosure**

  Ms. Vazquez reported that AB 2028 provides more specificity regarding the confidentiality of medical information. Dr. Sherman stated that this bill is a definite

change in policy, allowing the release of much more information than previously allowed. Dr. Candace Young commented that the bill authorizes psychologists to release more information, however, it does not require the release which provides more of a legal protection in the licensee does release the information. Ms. Kassis stated that this bill was been enrolled on August 17, 2010 and is on its way to the Governor who has until September 30, 2010 to review the bill.

d) SB 700 (Negrete McLeod) – Healing Arts: Peer Review

Ms. Vazquez reported that SB 700 modifies disciplinary reporting and peer review policies and procedures under the jurisdiction of the Medical Board of California, Board of Podiatry and the Osteopathic Medical Board. She stated that this bill is on its third reading, however, the bill's status may have changed since she last checked. Ms. Vazquez commented that this bill is similar to a previous bill that was vetoed.

e) AB 2435 (Lowenthal) – Elder and Dependent Adult Abuse

Ms. Vazquez reported that AB 2435 would encourage the Board of Psychology and the Board of Behavioral Sciences to include coursework regarding the assessment and reporting of elder and dependent adult abuse in the required training on aging and long-term care for initial licensure and license renewal. The Board discussed the best way to incorporate this requirement and recommended this item be brought back to the Credentials Committee for further discussion upon passage of the bill.

f) Legislative Update on Other Bills of Interest to the Board

The Board discussed AB 2191, Healing Arts: Behavioral Sciences: Licensure, a bill pertaining to retirement status for the Board of Behavioral Sciences licensees. The Board requested staff continue to monitor this bill and if chaptered they would like to put this issue on the agenda to discuss the possibility of the Board introducing similar legislation.

Agenda Item #3 – Continuing Education

a) Strategic Plan Progress Report

The continuing education Strategic Plan goals and objectives are ongoing. Dr. Rodolfa asked the staff to provide more details when updating the Strategic Plan Progress Reports.

b) Continuing Education Statistics

Dr. Rodolfa stated that the latest compliance report from the MCEP Accrediting Agency reported a 14% non-compliance rate for the most recent renewal period. He indicated that this percentage seems high, and he would like to discuss ways to reduce the non-compliance rate in committee.

Agenda Item #4 - Enforcement

a) Strategic Plan Progress Report

The enforcement Strategic Plan goals and objectives are ongoing.

b) Enforcement Statistics

The Board was provided the enforcement statistics in their meeting packets. Dr. Rodolfa pointed out that the total number of decisions is incorrect. Ms. Bayless stated she will correct that figure.

c) Consumer Protection Enforcement Initiative (CPEI) – Consideration of Regulatory Amendments for Disciplinary Matters and to Define Additional Bases of Unprofessional Conduct (provisions formerly contained in SB 1111)

The Board reviewed proposed changes to section 1395.3 and 1397.2. Dr. Sherman requested that legal counsel review the proposed changes to section 1395.3 to ensure the necessity of the changes as Business and Professions Code section 2964.3 addresses the same issues related to sex offender licensure ineligibility.

Ms. Freedman Eidson stated that the proposed changes to 1397.2 are necessary to further define specific instances of unprofessional conduct.

Dr. Sherman recommended holding the proposed changes to sections 1395.3 and 1397.2 for the next meeting for further discussion.

d) Consideration of Regulatory Amendments to Disciplinary Guidelines

The Board reviewed the proposed changes to the disciplinary guidelines which incorporate the uniform standards related to substance abuse. The Board discussed the guidelines and recommended changes. Dr. Rodolfa recommended that staff make the recommended changes and bring this matter back to the next Board meeting for further review and discussion.

Agenda Item #5 – Director's Report by Department of Consumer Affairs Representative

Kimberly Kirchmeyer, Deputy Director, Board/Bureau Support, appeared before the Board on behalf of the Director. She thanked the Board members for the opportunity to address them. Mr. Kahane thanked Ms. Kirchmeyer for her assistance in getting new Board members appointed. Dr. Sherman also expressed his appreciation for her efforts.

Ms. Kirchmeyer stated that the Director has been conducting monthly meetings with all board Presidents, Executive Officers, and executive staff in an effort to provide more communication between the Director's office and the Boards prior to board meetings. She stated that one issue that has been discussed during these meetings is federal health care reform. She stated that the impact of this on boards is an increase in licensing and enforcement processes. Ms. Kirchmeyer indicated that it would also expand some scopes of practice in order to provide more health care coverage.

Ms. Kirchmeyer also discussed the Consumer Protection Enforcement Initiative (CPEI). She indicated that this is an issue that will probably be discussed at each meeting. She stated that DCA is working on getting 140 positions that were approved through the budget change proposal (BCP) process. She indicated that all healing arts boards are starting the recruitment process. She also stated that DCA is working on obtaining data for eight 8 performance measures which will be on each Board's website beginning in October.

Ms. Kirchmeyer informed the Board about the BREEZE project which is merging the existing antiquated systems and merging them into one integrated system. She stated that Debbie Balaam, DCA's Chief Information Officer, would be more than happy to come to a Board meeting to explain the new system.

Ms. Kirchmeyer discussed DCA's licensing reform efforts. She stated the importance of licensing individuals in a timely manner in order to get them into the workforce. She indicated that DCA is almost done with statistics gathering on such data as the number of pending applications, how many applications are received, how many applications are processed, and how many applications are moved forward to licensure. She stated that DCA will be looking at the licensing process, identifying statutory/regulatory changes, and establishing performance measures.

Ms. Kirchmeyer stated that DCA is encouraging all boards to post meeting materials on their websites.

Agenda Item #6 – Credentials

a) Strategic Plan Progress Report

Dr. Rodolfa pointed out that one of the Board's strategic objectives is to attend relevant conferences regularly, returning to the Board with information concerning advances in national trends, technology and licensing updates. He stated that Board members should not only be allowed, but encouraged to attend such conferences and meetings to see what's going on in other jurisdictions.

b) Satisfaction Survey Results

Dr. Rodolfa referred to the statistics provided in the Board packets and pointed out that the number of positive responses seem to have gone up as the year progressed, despite furloughs and other issues that staff has been faced with. He stated that the furloughs greatly impacted the Board's ability to serve the public. He thanked staff for all their hard work during these difficult times.

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

Dr. Rodolfa reminded the Board that the amendments to these articles were discussed fairly extensively at the last Board meeting, therefore, he doesn't see a need to review them to that extent again. Dr. Rodolfa recommended several additional changes to this proposal. Discussion ensued.

It was M(Rodolfa)/S(McGhee)/C to amend the articles with the changes discussed.

Vote – 6 – 0

d) Status Report on Applicant Credentials Reviewed by the Credentials Committee Since the May 14 - 15, 2010 Board Meeting

Dr. Rodolfa reported on the statistics on psychological assistant plans for supervised professional experience in private practice settings provided in the Board packets.

Agenda Item #7 – Examination

a) Strategic Plan Progress Report

Dr. Rodolfa reported that most strategic objectives are ongoing

b) Examination Statistics

Dr. Rodolfa reported that approximately two thirds of all California candidates pass the Examination for Professional Practice in Psychology (EPPP). He stated that the pass rate goes up to almost 80% for first-time candidates. He indicated that these statistics are pretty similar to the national statistics for the EPPP.

Dr. Rodolfa reported that the pass rate for the California Psychology Supplemental Examination (CPSE) is about 90% for all candidates and about 95% for first-time candidates.

Dr. Rodolfa reported that the pass rate for the California Psychology Laws and Ethics Examination (CPLEE) was poor for the first three months of the year. He stated that the pass rate starting improving in April. Dr. Rodolfa stated that at the last Board meeting, he was concerned about the low pass rate, so he met with staff at DCA's Office of Professional Examination Services (OPES). He indicated that OPES staff were very helpful in explaining the process of the development of the CPSE and CPLEE. They had no explanation, however, as to why candidates scored so poorly on CPLEE considering that the CPLEE is derived from the CPSE questions except that perhaps since the candidates who take the CPLEE are experienced, they may not have felt a need to study. Dr. Rodolfa stated that he intends on sitting in on some examination development sessions for the CPSE and the CPLEE.

c) Discussion Regarding California Psychology Laws and Ethics Examination (CPLEE)

Dr. Rodolfa stated that ASPPB's practice analysis has just been accepted by the ASPPB Board of Directors and will be distributed at the October ASPPB meeting. He explained that OPES will be conducting another review of practice of psychology in California. Dr. Rodolfa stated that he is concerned about the overlap between the EPPP and the CPSE. He stated that he feels that the Board should be focusing on testing in the areas of laws and ethics. He explained that ASPPB did a practice analysis nationally and formulated the EPPP accordingly and that the Board tried to establish competency-based examination with the CPSE. He stated that he feels that a strengthened CPLEE would be a better examination since when we discipline a licensee, it is for violation of the laws and ethics.

d) Review of Request for Reasonable Accommodation Form

Dr. Rodolfa stated that the review of the Request for Accommodation form is being tabled until the next Board meeting.

Agenda Item #8 – Closed Session

The Board adjourned into closed session at 3:35 p.m.

Saturday, August 21, 2010

The open session meeting was called to order by the President, Richard Sherman, Ph.D., at 9:02 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
Michael Erickson, Ph.D.
James McGhee
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
Karen Johnson, Licensing/Registration Analyst
Denise Russell, Continuing Education/Probation Coordinator
Deborah Morales, Enforcement Analyst

Agenda Item #9 –Board Member Ethics Training by Norine Marks, Senior Staff Counsel

Dr. Sherman reported that the Board member ethics training is being postponed since some of the Board members are absent.

Agenda Item #10 – President's Report – Dr. Sherman

a) Monthly Meeting with Executive Officer

Dr. Sherman stated that he continues to meet with Mr. Kahane on a monthly basis, either in Sacramento, or in Burbank to keep up with the day-to-day operations and to keep apprised of any upcoming issues. He stated that he is also in frequent email contact with Mr. Kahane.

b) Additional Members for Board of Psychology

Dr. Sherman stated that he is thrilled to have three new members appointed to the Board. He stated that Dr. Erickson is in attendance at this meeting, and that Dr. Cadow and Dr. Gallardo will both be in attendance at the next Board meeting.

c) CalATERS Training

Dr. Sherman stated that he is required to attend CalATERS training since in his role as President, he is required to approve Mr. Kahane's travel requests and expenditures via the CalATERS system.

d) New Monthly DCA Director and Board Chairs/Committee Communication Teleconference

Dr. Sherman stated that DCA is conducting monthly teleconference meetings to facilitate communication between DCA and the various boards and committees. Discussions during these meetings include such things as budget issues, best practices and licensing reforms. He indicated that one of the things he has learned as a result of these meetings is to allow public comment before taking a vote when entertaining a motion before the Board.

e) Attendance at Recent DCA Board Member and Advisory Committee Training

Dr. Sherman reported that he and Mr. Kahane attended the DCA Board Member and Advisory Committee training. He stated that DCA is aiming for all boards to be at a certain standard, and while some boards are not yet at that standard, the Board of Psychology is ahead of the curve. Dr. Sherman stated that there was a presentation regarding a future focus on establishing continuing competency levels. He indicated that Dr. Rodolfa, through his involvement with ASPPB, is currently addressing this issue. He also stated that some committees, such as the Committee on Contemporary and Emerging Issues, have taken a back seat due to the fact that there were not enough members appointed to the Board to support meeting in a committee format. Dr. Sherman stated that given the recent appointments to the Board, we will be moving back to the committee format.

f) Executive Officer Performance Review

Dr. Sherman stated that the Executive Officer Performance Review form is being revised. He reported that the all Board members will be completing the review form, and hopefully, Mr. Kahane will get a well-deserved raise.

g) Other Informational Items

Dr. Sherman reported that he and Dr. Rodolfa attended the American Psychological Association Convention the previous weekend in San Diego. He stated that he attended several presentations that addressed the issue of telehealth and the interjurisdictional issues that go along with it. He expressed interest in establishing a work group to focus on this very important issue once the Committee on Contemporary and Emerging Issues is reestablished. Dr. Linder-Crow, Executive Director of the California Psychological Association, commended the Board for addressing the issue of telehealth, as more and more of their members are inquiring about this topic.

Dr. Sherman stated that Mr. Kahane was also supposed to attend the convention, however, his request to attend was not approved by the administration. He stated that the denial of this request is a travesty, especially since the Board has the funds to support it.

Dr. Sherman stated that if any Board members have any strong wishes to be on a particular committee to let him know so that he can take these requests into consideration when making committee appointments.

Agenda Item #11– Executive Officer's Report – Mr. Kahane

a) Staff Update

Mr. Kahane started his report concerning staffing and possible upcoming changes. He reported that Monica Meyer has resigned from the Board and our Licensing Coordinator/Lead Ms. Snyder is still out on leave with no expected date of return as of yet.

Mr. Kahane noted the Consumer Protection Enforcement Initiative (CPEI) position is scheduled to begin in October with the addition of an AGPA in the Enforcement area under Gina's direction. The other positions involved with the CPEI are scheduled to begin in 2011, as of this time.

b) Budget Update

Mr. Kahane stated the Board budget is good with about a 5 months reserve in operating expenses. He stated that the Department may take more money, in addition to the 2.4 million they diverted from our fund to the general fund again this year.

c) Board Operations

Mr. Kahane discussed the impact of furloughs that the Board has managed to incorporate. Licensing times are increasing due to staff absence and the inability to fill the temporary positions because of issues in the DCA Personnel Department.

Mr. Kahane noted that the Enforcement is still doing well with new procedures and reporting our enforcement times to DCA.

Mr. Kahane told the Board that the office reconfiguration is scheduled in September to accommodate the new positions.

Mr. Kahane discussed the possible rescheduling of the November Board meeting in lieu of no budget or spending authority.

d) Outreach Update

Mr. Kahane spoke of the extremely limited outreach the Board has been able to accomplish due to Department (DCA) constraints and limitations in travel, spending and time for reimbursement if personal monies forwarded.

Mr. Kahane stated that he and Mr. Thomas will be giving a talk at The Wright Institute in Berkeley in October.

Mr. Kahane discussed submitting for attendance at ASPPB as regular trip, not under blanket, providing there is a budget passed by that time and pending approval.

e) Other Informational Items

Mr. Kahane reported that the BOP Update was sent to DCA. He stated that one article is being redone and checked by Ms. Marks. He stated that we will then send requested fillers for space. Mr. Kahane reported that there will be a delay at each part of the process as each area within DCA has similar personnel/hiring restrictions, and therefore, lesser service and timeliness in Board requests and issues.

Mr. Kahane reminded the Board about providing timely responses to all Board requests, especially concerning enforcement actions.

Mr. Kahane stated this would be a standard for audit and Board evaluation in the upcoming Sunset review.

Mr. Kahane thanked staff, especially Ms. Kassis and Mr. Thomas, for managing and guiding staff through extreme computer problems, lack of response by other areas, the inability of those to solve the problems of our PC's, for over a month.

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

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

Ms. Kassis reported that this rulemaking file is currently in the process of being reviewed by DCA's Executive Office. Once the Director approves the file, it will be returned to Board staff for filing with the Office of Administrative Law (OAL). OAL then has 30 working days to review the file, then, if approved, the regulation change becomes effective 30 days after filing with the Office of the Secretary of State.

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

Ms. Kassis referred the Board to the modified text in the meeting packets. Ms. Kassis stated that the Board received three procedural questions in response to the modified text and explained that upon implementation the Board would provide information on its web site and at the time of renewal explaining the procedures and how to comply with the "electronic" fingerprint requirement.

It was M(Acquaye-Baddoo)/S(Vazquez)/C to adopt the language in the second modified text and authorize the Executive Officer to make any necessary nonsubstantive technical changes.

Vote: 6 – 0

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

Ms. Kassis reported that due to the Office of Administrative Law's filing deadline being so close to the date of the last Board meeting, staff was unable to notice the proposed changes for hearing at this meeting. Staff is waiting for the date and location to be finalized in order to notice the regulation changes for hearing at the next meeting.

Agenda Item #13 - Public Comment on Items Not on the Agenda

None.

Agenda Item #14 – Recommendations for Agenda Items for Future Board Meetings

None.

The open session meeting adjourned at 10:11.

Richard Sherman, Ph.D.
President

12-2-10
Date