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

Thursday, August 18, 2011

Agenda Item #1 – Credentials Committee

The Credentials Committee met to discuss and formulate recommendations to the Board. See agenda item 10(a) for the Board's discussion.

Agenda Item #2 – Continuing Education Committee

The Continuing Education Committee met to discuss and formulate recommendations to the Board. See agenda item 10(b) for the Board's discussion.

Friday, August 19, 2011

The open session meeting was called to order by the President, Richard Sherman, Ph.D., at 9:05 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.
Miguel Gallardo, Psy.D.

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

Agenda Item #3 – Approval of May 20-21, 2011 Minutes

It was M(Rodolfa)/S(Cadow)/C to approve the May 20-21, 2011, open session minutes.

Vote: 5 – 0 (Ms. Acquaye-Baddoo was not present for vote)

Agenda Item #4 – Committee Assignments

Dr. Sherman reported that Dr. Cadow has been assigned as the Chairperson of the Outreach and Consumer Education Committee.

Agenda Item #5 – Petitioner Administrative Hearing

9:00 A.M. – SIEGEL, Joel, Ph.D., Petition for Reinstatement

The petition for reinstatement was continued to the November 2011 Board meeting.

Agenda Item #6(a) – Presentation by G. V. Ayers, Consultant, Senate Committee on Business Professions & Economic Development Regarding Sunset Review Report

Mr. Ayers made a presentation to the Board regarding the Sunset Review process. He stated that all boards have a statute that sunsets the board on a date certain unless legislation is enacted to extend the existence of the board. He stated that the Board has received a request for completion of a Sunset Report to answer questions regarding the need to regulate the profession, the population regulated, backgrounds of Board members, vacancies on Board, enforcement and licensing issues as well as issues raised in the last Sunset process.

Mr. Ayers stated that the Board's report must be completed and submitted by November 1, 2011, and that the hearings will be held in February or March, 2012. He stated that the Committee will be reviewing the Board's report and will more than likely come back to the Board with additional questions and clarifications. He stated that following the hearings, presumably the Committee will introduce legislation to extend the Board's sunset date and to make any additional necessary changes. He stated that approximately eight boards were reviewed last year, and legislation has been introduced to extend all of their Sunset dates. He reported that all of the bills are currently at the Assembly Appropriations Committee.

Agenda Item #6(b) – Director's Report by Department of Consumer Affairs Representative

Erica Eisenlauer from the Department of Consumer Affairs' Office of Legislative and Policy Review stated that Mr. Stiger was in meetings at the Capitol, therefore, there will be no Director's report.

Agenda Item #7 – Legislation Committee

The Legislation Committee met to discuss and formulate recommendations to the Board. See agenda item 10(c) for the Board's discussion.

Agenda Item #8 – Examination Committee

The Examination Committee met to discuss and formulate recommendations to the Board. See agenda item 10(d) for the Board's discussion.

Agenda Item # 9 – Outreach and Consumer Education Committee

The Outreach and Consumer Education Committee met to discuss and formulate recommendations to the Board. See agenda item 10(e) for the Board's discussion.

Agenda Item #10 – Reconvene Full Board for Committee Reports and Board Action

a) Credentials Committee Report

Strategic Plan Progress Report

Dr. Rodolfa reviewed the Strategic Plan goals and objectives. He indicated that goal L-1 (Ensure accurate and timely processing of all applications) is ongoing, but as the satisfaction survey results that will be reviewed later will show, staff is doing very well. He stated that there were significant discussions held regarding goal L-2 (Review qualifications for licensure) and that this issue will be discussed further later in the report. Dr. Rodolfa expressed the importance of continuing efforts regarding goal L-3 (Clearly communicate the required qualifications for licensure through publications, web updates and outreach). With regard to goal L-4 (Enhance communication for all applicant and consumer inquiries), he stated that the data shows that staff is doing a good job responding to these inquiries.

Satisfaction Survey Results

Dr. Rodolfa stated that the percentage of good to excellent responses received on the surveys is extremely good, indicating up to 95% satisfaction in some areas. He stated that the results indicate that the responders are very satisfied with staff and the licensure process and thanked staff for their efforts on behalf of board and public to help applicants move through process of licensure.

Dr. Sherman requested staff to add a percentage column on the next report.

Discuss Similarities and Differences of Education Requirements of APA and ASPPB Model Licensing Acts

Dr. Rodolfa reported that the Credentials Committee's discussion of the model licensing acts lead to a discussion regarding the acceptance of approved schools in California which is significantly different than either model. He stated that California law requires the acceptance of degrees from approved schools. He stated that there are currently between seven and twelve approved schools that meet the criteria, and that a more exact number will be provided at the next Board meeting.

Dr. Rodolfa expressed concern about the quality of training received from approved schools since approved schools cannot become members of national training associations and there are no collaboration between the schools. He further stated that students from approved schools cannot participate in the national psychology match. He also stated that students who graduated from approved schools have a 33% pass rate compared to a 52% pass rate for graduates from the lowest 13 accredited programs and that students from non-accredited programs nationally pass in the 40% range.

Dr. Rodolfa also stated that graduates from approved schools cannot join the American Psychological Association, cannot become a member of the National Register, cannot become a member of the American Board of Professional Psychology, cannot be employed in the Veterans Affairs system, and cannot become licensed as a psychologist in any other state.

Dr. Rodolfa stated that at the end of the discussion, it was determined that the Board needs to receive and review more information and that additional material will be made available at the November Board meeting. He indicated that while the Board is not an overseer of approved schools, it is an overseer of services provided by psychologists to a vulnerable public and that the goal that came out of this discussion was to decide whether the Board wants to work with the Legislature to take action to no longer allow students from approved schools to sit for licensure.

Review Supervised Professional Experience (SPE) Plan Requirements Pursuant to Title 16, California Code of Regulations Section 1387(b)(10-11)

Dr. Rodolfa reported that the Board has received applications that revealed that the supervisors and trainees did not comply with the SPE plan requirement pursuant to section 1387(b)(10) and (11) which resulted in the Board denying the hours of SPE. He stated that applicants are allowed to appeal the denial of the hours by submitting evidence of how this requirement has been met and that staff is being as lenient as possible by accepting various forms of documentation of compliance when the form itself cannot be produced. He reported that applicants can continue to submit supporting documentation if the appeal is denied. Based on comments received requesting that the Board be more clear regarding the reasoning behind the denial of appeals, Dr. Rodolfa stated that staff is now providing more detailed information about why an appeal is being denied so that the applicant can provide appropriate documentation. He stated that to date, staff has approved approximately 90 appeals, but approximately 10 appeals have been denied for a variety of reasons.

Dr. Rodolfa reported that he recently met with Mr. Kahane, Mr. Thomas and Ms. Snyder to review the appeal process and saw how thoughtful they have been in moving through this process. He stated that staff has been fair in their decision making and that they interpret the submissions with leniency as demonstrated by approval of approximately 90% of the appeals received.

Discussion ensued. One of the suggestions to the Board was to remove the requirement for an SPE plan from section 1387 which defines supervised professional experience to section 1387.1 which defines the qualifications and responsibilities of primary supervisors which puts the onus on the supervisor rather than the trainee. Another suggestion to the Board was to further define the coursework required to be taken by primary supervisors every two years which would provide more structure to the training received by primary supervisors.

Ms. Marks provided the Board with draft proposed language incorporating these recommendations. Further discussion ensued.

It was M(Rodolfa)/S(Gallardo)/C to approve the draft language as discussed and to bring it back to the November meeting.

Vote: 6 - 0

Discuss Substantial Compliance Criteria for Out-of-State Experience Pursuant to California Code of Regulations Section 1387.4

Dr. Rodolfa stated that there has been some confusion regarding the substantial compliance language contained in section 1387.4(a) regarding out-of-state supervised professional experience. He suggested that subsection (a) be revised to remove number 3 which reads "in substantial compliance with all the supervision requirements of section 1387." He indicated that he feels that this will eliminate the confusion as we would no longer need to apply substantial compliance standards, which is a fairer way to review out-of-state experience.

It was M(Rodolfa)/S(Cadow)/C to accept the proposed amendment to this language and to bring it back to the November meeting.

Vote: 6 – 0

Discuss Accrual of Clinical Research Hours Towards Supervised Professional Experience

Dr. Rodolfa stated that the Credentials Committee did not have time to review this item and that it will be placed on the agenda for the November meeting. He also requested that any documentation regarding this issue also be put in the meeting packets.

It was M(Rodolfa)/S(Erickson)/C to approve the Credential Committee's report and the recommendations contained therein.

Vote: 6 – 0

b) Continuing Education Committee Report

Strategic Plan Progress Report

Dr. Gallardo reviewed the Strategic Plan goals and objectives. With regard to goal CE-1 (Develop cohesive continuing education guidelines), he reported that the proposed regulation changes are moving forward in the rulemaking process. He also stated that we are working with the MCEP Accrediting Agency (MCEPAA) to educate psychologists and providers regarding the upcoming changes and that they have offered their assistance in this process by providing information to licensees via their website and mailings. With regard to goal CE-2 (Ensure licensee compliance with continuing education requirements), Dr. Gallardo reported that the Continuing Education Committee continues to monitor the MCEPAA non-compliance reports. He also stated that under the new regulations, we will be shooting for a 10% audit of licensees' continuing education as opposed to the 100% audit provided under the current regulations. He reported that in terms of outreach, we are doing the best we can given the current circumstances. He stated that Mr. Kahane, Mr. Thomas and

Karen Johnson, one of the Board's Licensing Analysts, attended the CPA convention in April, Mr. Thomas will be attending the Los Angeles County Psychological Association convention on October 22, 2011, and Mr. Kahane and Mr. Thomas will be attending a meeting of the Iranian Psychological Association in January.

Continuing Education Statistics
Dr. Gallardo referred to the continuing education statistics that were included in the Board meeting packets. He indicated that the non-compliance rate has been cut in half in recent months due to letters that are being sent out in advance by MCEPAA. He indicated that this greatly reduced Board staff time and is a very positive change.

Review Draft Regulation Language – Continuing Education Provider System (Title 16, California Code of Regulations Section 1397.60 – 1397.7.71) -
Dr. Gallardo reported that the Continuing Education Committee held a lengthy discussion regarding the continuing education regulations. He stated that the proposed changes are moving forward in the rulemaking process. He indicated that one point of discussion was regarding the entities that have been designated as serving as accrediting bodies and if the national standard that has been put forth in new regulations sufficiently addresses appropriate demographics. Discussion ensued. Dr. Gallardo stated that the Continuing Education Committee's recommendation that would make the most sense at this time is to support and continue to move forward with the proposed regulations but also to continue the discussion regarding the addition of additional language to establish criteria to allow for other entities to be recognized by the Board once the new regulations are in effect.

It was M(Gallardo)/S(Acquaye-Baddoo)/C to approve the Continuing Education Committee's report and the recommendations contained therein.

Vote: 6 – 0

c) Legislation Committee Report

Strategic Plan Progress Report
Dr. Erickson reported that the Strategic Plan goals and objectives are ongoing. He reported that at the last Board meeting, Mr. Stiger stated that enforcement is the highest priority of the Department of Consumer Affairs. In support of this priority, Dr. Erickson reported that the Consumer Protection Enforcement Initiative regulations are moving forward.

SB 33 (Simitian and Wolk) – Elder and Dependent Adult Abuse
Dr. Erickson reported that this bill extends the current legislation and is at its third reading and is ready for full Assembly floor vote.

AB 40 (Yamada) – Elder Abuse: Reporting
Dr. Erickson reported that this bill is not active as it did not get out of policy committee.

SB 718 (Vargas) – Elder and Dependent Adult Abuse: Mandated Reporting
Dr. Erickson reported that this bill is in appropriations and has been ordered to the consent calendar which suggests a general agreement on the bill. He stated that absent of any significant controversy, the bill should move forward rather easily.

SB 48 (Leno) – Public Instruction: Prohibition of Discriminatory Content
Dr. Erickson reported that this bill was signed by the Governor and will be in place as current law effective January 1, 2012.

SB 105 (Yee) – Public Safety: Snow Sport Helmets
Dr. Erickson reported that this bill has widespread support including the Board and CPA. He stated that it passed the Legislature and is in route to Governor for review. He stated that the likelihood that it will be signed appears to be strong, however, an argument against the bill is that it would create another crime.

AB 201 (Butler) – Veterans Courts
Dr. Erickson reported that this bill was vetoed by the Governor.

AB 415 (Logue) – Healing Arts: Telehealth
Dr. Erickson reported that this bill got as far as the Appropriations Committee, but has been placed in a suspense file due to the cost. He stated that there is a good chance that this will move forward next year, and that it has gone as far as it has this year is good news. Dr. Gallardo and Dr. Rodolfa expressed interest in supporting this bill when it comes back next year. Dr. Erickson requested that Mr. Kahane contact the author's office to express the Board's interest in this bill.

SB 541 (Price) – Contractors' State License Regulatory Boards; Expert Consultants
Dr. Erickson reported that this bill would simplify the contracts by which we contract with enforcement and examination experts. He stated that it is currently in appropriations and hopes that it will move forward.

AB 584 (Fong) – Workers' Compensation: Utilization Review
Dr. Erickson reported that this bill is in appropriations, however, it is in the suspense file and probably will not move forward this year.

AB 611 (Gordon) – Private Postsecondary Education: Unaccredited Doctoral Degree Program
Dr. Erickson reported that this bill was signed by the Governor and will be in place as current law effective January 1, 2012.

AB 625 (Ammiano) – Sex Offender Registration
Dr. Erickson reported that this bill is in inactive status.

SB 747 – (Kehoe) – Continuing Education: Lesbian, Gay, Bisexual and Transgender Patients
Dr. Erickson reported that this bill is in suspense, so it probably will not progress. He stated that the Board previously voted to oppose this bill based on its policy to allow licensees to determine which continuing education courses best suit their areas of practice.

Legislative Status Report & 2011 Legislative Calendar
Dr. Erickson referred to the Legislative update report on bills of interest to the Board and the Legislative Calendar which were included in the meeting packets.

Any Other Bills of Interest
None.

It was M(Acquaye-Baddoo)/S(Erickson)/C to approve the Legislation Committee's report and the recommendations contained therein.

Vote: 6 – 0

d) Examination Committee Report

Strategic Plan Progress Report
Dr. Rodolfa reported that the Strategic Plan goals and objectives are ongoing. He stated that OPES is reviewing our examinations based on the practice analysis validating the EPPP. He stated that OPES is having trouble finding non-mental health psychologists to participate in this review and requested that if any Board or audience members know of any non-mental health psychologists to have them contact Ms. Snyder if they are interested in participating. He stated that he has contacted CPA's Division of Industrial/Organizational Psychology and they will hopefully send a notice out on their listserve to let licensed industrial/organizational psychologists know about these workshops. Dr. Rodolfa stated that this is an intense process to look at how the state examination compares with the national EPPP and that he is hoping that they will find significant overlap between the EPPP and the CPSE so that the CPSE can focus primarily on laws and ethics rather than being a broader examination.

Examination Statistics
Dr. Rodolfa reported that the California pass rate on the EPPP is approximately 83% for first-time takers and approximately 71% overall which is relatively similar to the national data. He reported that the pass rate of the CPSE is approximately 87% for first-time takers and almost 87% for all candidates. He commented that this is a very high pass rate. Dr. Rodolfa reported that the pass rate for the CPLEE, which is taken in lieu of the CPSE by qualifying candidates who have been licensed for at least five years in another jurisdiction, is dishearteningly low with a pass rate of approximately 48% for first-time takers and approximately 51% overall. He stated that he feels this is due to the lack of studying by these candidates.

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

Vote: 6 – 0

e) Outreach and Consumer Education Committee Report

Strategic Plan Progress Report
Dr. Cadow reviewed the Strategic Plan goals and objectives. She stated that with regard to goal EO-1 (Publish the "BOP Update"), staff has been publishing the BOP Update on the Board's website. Regarding goal EO-2 (Increase use of electronic and internet media for gathering and disseminating information to consumers, licensees, applicants, registrants and stakeholders), she stated that the Executive

Officer is considering consolidating a short video greeting and the EO Corner into one section on the Board's home page. She stated that staff continues to post Board documents on the website and conduct surveys.

Regarding goal EO-3 (Increase visibility and awareness of the BOP's functions and activities), she stated that the Outreach and Consumer Education Committee discussed the possibility of posting podcasts on its website regarding Board members and Board activities. She stated that the Board's request to attend the ASPPB meeting in Chicago was denied, but that we will be able to attend and will be making a presentation at the CPA convention in April in Monterey. She also stated that Mr. Thomas will be attending the LACPA convention on October 22, 2011. She reported that the committee discussed having a meeting of Northern California training directors. Dr. Rodolfa stated that California State University, San Jose may allow the Board to have the meeting there.

With regard to goal EO-4 (Provide information to psychologists and trainees about opportunities to offer psychological services to underserved communities), Dr. Cadow indicated that no progress has been made due to cost restrictions.

Dr. Cadow reported that goals EO-5 (Monitor and update the BOP website) and EO-6 (Inform key stakeholders about the role, activities and purpose of the BOP) are ongoing.

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

Vote: 6- 0

Saturday, August 20, 2011

The open session meeting was called to order by the President, Richard Sherman, Ph.D., at 9:06 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.
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
Denise Russell, Continuing Education/Probation Coordinator
Deborah Morales, Enforcement/Investigations Analyst

Agenda Item #11 - Regulation Update, Review and Action as Necessary

a) Regulations Status Report

Ms. Kassis reported that the rulemaking file for the amendments to sections 1387.1, 1381.8 and 1381.9 (Renewal of License – Disclosure of Discipline and Criminal Convictions) was approved by the Office of Administrative Law and became effective on March 4, 2011. Board staff has been working with DCA to implement the new regulations and anticipates letters will be sent to affected licensees within four to six weeks.

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

Ms. Kassis stated that she needs a motion from the Board to issue a 15-day notice to include the underlying data previously reviewed by the Board into the rulemaking file. She stated that she does not anticipate receiving any negative comments on this notice, however, if any are received, they must be brought back to the Board for review and consideration.

It was M(Gallardo)/S(Acquaye-Baddoo)/C to issue a 15-day notice to include the underlying data previously reviewed by the Board into the rulemaking file.

Vote: 5 – 0

c) Adoption of Amendments to Title 16, California Code of Regulations, Sections 1380.4 & 1397.2 – Delegation of Functions & Unprofessional Conduct – Review Comment(s) received in response to 15-day Notice

Ms. Marks stated that the Board is not required to address comments that are not related to the modified text as noticed on August 3, 2011, however, the Board can decide to entertain any comments made. The Board reviewed a written comment received from Dr. Linder-Crow and Dr. Faltz on behalf of the California Psychological Association. Concerns were raised regarding the provisions in section 1380.4 which delegates duties to the Board's Executive Officer, including the authority to order an examination and the ability to approve a settlement agreement for the revocation, surrender, or interim suspension of a license or registration. CPA also raised concerns regarding the provisions of section 1397.2, specifically the addition of failure to provide lawfully requested certified copies of documents within 15 days of receipt of the request from the Board, failure to cooperate and participate in any Board investigation pending against the licensee or registrant, and failure to report to the Board within 30 days the bringing of an indictment or information charging a felony against the licensee or registrant, or the arrest of the licensee or registrant, as actions constituting unprofessional conduct. Discussion ensued.

It was M(Rodolfa)/S(Gallardo)/C to adopt the modified language for section 1380.4 as noticed.

Vote: 4 – 1

It was M(Gallardo)/S(Rodolfa)/C to issue a 15-day notice of proposed changes to delete subsections (1) and (2) from section 1397.2(d) to eliminate the requirement for a licensee or registrant to disclose, within 30 days, the bringing of an indictment or information charging a felony against the licensee or registrant, or the arrest of the licensee or registrant, and to delegate the authority to the Executive Officer to adopt the language of 1397.2 in absence of any negative comments during the 15-day comment period.

Vote: 4 – 0 - 1

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

Ms. Kassis reported that the Board previously approved draft language to be noticed for a regulation hearing, and, given the priority of enforcement, Board staff will try to have it noticed for hearing at the November Board meeting.

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)

The Board voted to approve a change to the proposed revisions to sections 1387 and 1387.1 and to bring revised draft language to the next Board meeting for review by the Credentials Committee.

f) Update regarding Proposed Amendments to Title 16, California Code of Regulations, Section 1382.6 – Aging and Long-Term Care Training Requirements

The Board previously approved draft language to be noticed for a regulation hearing. Board staff will have it noticed for a future Board meeting based on its priority.

g) Update regarding Approved Amendments to Title 16, California Code of Regulations Sections 1381.7, 1381.8 and 1381.9 – Disclosure of Discipline and Criminal Convictions

Ms. Kassis reported that the rulemaking file was approved by the Office of Administrative Law and became effective on March 4, 2011. Board staff has been working with DCA to implement the new regulations and anticipates letters will be sent to affected licensees within four to six weeks.

Agenda Item #12 – Enforcement Committee

The Enforcement Committee met to discuss and formulate recommendations to the Board. See agenda item 14(a) for the Board's discussion.

Agenda Item #13 – Contemporary & Emerging Issues Committee

The Contemporary and Emerging Issues Committee met to discuss and formulate recommendations to the Board. See agenda item 14(b) for the Board's discussion.

Agenda Item #14 – Reconvene Full Board for Committee Reports and Board Action

a) Enforcement Committee Report

Strategic Plan Progress Report
Ms. Acquaye-Baddoo reported that the Strategic Plan goals and objectives are ongoing.

Enforcement Statistics
Ms. Acquaye-Baddoo referred to the enforcement statistics that were included in the meeting packets. She noted that the number of complaints received for Fiscal Year 2010/2011 was 785 which shows a steady increase over the years. She also noted that the number of formal disciplinary actions is down slightly to 17 this year compared to 21 last year.

Ms. Acquaye-Baddoo referred to the Monthly Enforcement Report to DCA that was included in the meeting packets. She stated that the focus of this report is the processing times and the volume of cases. Ms. Bayless explained that under the investigation section of the report, the investigations are broken down between desk investigations and sworn investigations and then are combined into a table that shows all investigations. She reported that the average number of days to complete all investigations is 93 days. She stated that similar statistics are available for discipline orders as well. Ms. Acquaye-Baddoo stated that staff follows up on all cases at least once a month in order to keep the cases moving.

Ms. Acquaye-Baddoo referred to the Performance Measures report that was included in the meeting packets. She stated that this is an ongoing, annual report that focuses on processing times and lists accomplishments.

Ms. Acquaye-Baddoo thanked the enforcement staff for a wonderful job.

It was M(Acquaye-Baddoo)/S(Rodolfa)/C to approve the Enforcement Committee's report.

Vote: 5 – 0

b) Committee on Contemporary & Emerging Issues Report

Discussion regarding Telehealth
Dr. Erickson explained that the purpose of the Committee on Contemporary and Emerging Issues is to take new issues as they arise and package them so that they can be expeditiously referred to the appropriate committee to further work on the issue.

Dr. Erickson reported that AB 415 (Logue) regarding telehealth probably will not go any further this year, but he is hopeful for next year. He explained that the bill would

remove current restrictions from telehealth services provided by email and telephone and would require insurance to pay for services provided by telehealth as well as remove onerous requirements of having written consent in advance of providing service. Dr. Erickson discussed a report by the Center for Connected Health Policy titled Advancing California's Leadership in Telehealth Policy which was included in the meeting packets. He stated that this report provides a great overview of where things could be headed. He reported that at a national level, efforts are being made by ASPPB to develop guidelines that could be useful for all jurisdictions within the country. He stated that there are many issues at a practical level such as the use of Skype to talk to patients and to provide services and the provision of treatment to patients located in another state and who would have a duty to regulate in that situation. Dr. Rodolfa stated that this is an area in which all boards nationally are behind since there are people who are currently practicing telehealth, and he hopes that ASPPB comes through and that the Board adopts regulations to address this issue..

Discussion regarding Continued Competency

Dr. Erickson stated that continued competency is a relatively new concept which looks at how a psychologist can demonstrate competency beyond continuing education. He stated that DCA has an interest in continued competency. Dr. Rodolfa stated that ASPPB is focusing on continued competency and he has gathered some information from them on this subject. He stated that most states are looking at continuing education where continued competency is broadening the concept of continued professional development by broadly defining what activities can be included. Dr. Erickson recommended that this topic be referred to the Continuing Education Committee.

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

Vote: 5 – 0

Agenda Item #15 – President's Report

a) Monthly Meeting with Executive Officer

Dr. Sherman reported that he continues to meet with Mr. Kahane on a monthly basis and has telephone and/or email contact with him almost daily. He stated that he was working on a DCA taskforce for the new Executive Officer performance evaluation process and as a result of the recent Board review, Mr. Kahane was given a salary increase. He also reported that DCA will be working on modernizing and upgrading the salary steps for all executive officers since there is a cap placed on potential raises.

b) DCA Monthly Conference Call

Dr. Sherman stated that he participates in a monthly conference call with other board/bureau officers, chairpersons, presidents, and DCA staff to keep apprised of changes within DCA. He stated that topics discussed include staff changes within DCA and the Department of Finance, budget issues travel restrictions, hiring freeze and other issues that affect all government, including special fund agencies. He commented that the Board of Psychology has done an amazing job given the current restraints.

c) Other Informational Items

Dr. Sherman reported on a workgroup spearheaded by the Board of Behavioral Sciences regarding consumer complaints involving child custody evaluations. He stated that the first meeting was held on August 3, 2011. He reported that an issue that came up regarding patient complaints about 730 evaluations and that there is nothing in the law to allow for records to be released in these situations. He stated that he would like to see this issue on the agenda for the Enforcement Committee and the Legislation Committee.

Dr. Sherman congratulated Ms. Acquaye-Baddoo on her reappointment to the Board. He stated that Ms. Celinda Vazquez was not able to be here for this meeting and that her term will be expiring on September 1, 2011 and that a new Board member will be attending the next meeting.

Agenda Item #16 – Executive Officer's Report

a) Staff Update

Mr. Kahane stated that the hiring freeze is still in effect which has left the Board with vacant positions. As a result of these vacancies, the Board's coordinators' workloads have increased since they have to absorb the additional workload created by the staffing shortages. He thanked the Board's coordinators, Ms. Bayless, Ms. Kassis, Ms. Russell, Ms. Snyder and Ms. Morales, the newest coordinator, for their efforts during these difficult times.

b) Budget Update

Mr. Kahane stated that the Department of Finance implemented a 5% budget cut across DCA. He stated that every agency within DCA was required to reduce their budgets by 5%, and he thanked Ms. Kassis for her assistance in this process.

c) Board Operations

Mr. Kahane stated that the staff is doing well and that operationally, the Board is moving along nicely.

d) 2012 Board Calendar

Mr. Kahane stated that staff will be providing a suggested revised calendar for 2012 at the November meeting which will reflect three meetings per year instead of four since many issues are having to be deferred to future meetings due to the short amount of time between meetings currently. He reported that the Board is in agreement to conducting meetings on Thursday/Friday as opposed to Friday/Saturday.

e) Sunset Review

Mr. Kahane discussed the presentation made by G. V. Ayers, Consultant, Senate Committee on Business Professions & Economic Development regarding the Sunset Review process the previous day. He stated that a lot of the narrative that is required in the report has been done on previous Sunset Review reports which should assist in preparing this year's report.

f) Other Informational Items

Mr. Kahane reported that the trip to attend the ASPPB meeting in Chicago has been denied. He stated that the Board is working on a possible presentation regarding Board myths and realities at the CPA convention in April and will be submitting the proposal to CPA by the deadline.

Agenda Item #17 – Acknowledgement and Recognition of Board Member Whose Term of Service on the Board Expires June 1, 2011

Dr. Sherman stated that staff will be sending Ms. Vazquez' plaque recognizing her service to the Board since she was not able to attend this meeting.

Agenda Item #18 – Public Comment on Items Not on the Agenda

None.

Agenda Item #19 – Recommendations for Agenda Items for Future Board Meetings

Dr. Linder-Crow requested the Board to consider that the month of October is extremely busy for the state association and its chapters when planning the Board's calendar for next year.

The open session meeting adjourned at 11:55 a.m.

Richard Sherman PhD

Richard Sherman, Ph.D.
President

12-8-11

Date