



BOARD OF PSYCHOLOGY – Administration
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BOARD MEETING MINUTES

Department of Consumer Affairs
1625 N. Market Blvd., Trinity Room
Sacramento, CA 95834

13 **Tuesday, June 17, 2014**

14
15 Michael Erickson, PhD called the open session meeting to order at 1:05p.m. A quorum
16 was present and due notice had been sent to all interested parties.

Board Members

17
18 Michael Erickson, PhD, President
19 Lucille Acquaye-Baddoo, Public Member (Via Teleconference)
20 Johanna Arias-Bhatia, Public Member (Via Teleconference)
21 Andrew Harlem, PhD (Via Teleconference)
22 Jacqueline Horn, PhD
23 Nicole J. Jones, Public Member (Via Teleconference)
24 Stephen Phillips, PsyD (Via Teleconference)
25

Others Present

26
27 Antonette Sorrick, Executive Officer
28 Jeffrey Thomas, Assistant Executive Officer
29 Sandra Monterrubio, Enforcement Manager
30 Jonathan Burke, Administrative Coordinator
31 Robin Davis, Staff Volunteer
32 Norine Marks, DCA Legal Counsel
33 Jo Linder-Crow, PhD, Chief Executive Officer, California Psychological Association
34 (CPA)
35 Melody Schaeffer, PhD, CPA
36 Pamela McCrory, PhD, Los Angeles County Psychological Association (LACPA)
37 Raymond Trivus, PhD, CPA
38 Justin Paddock, Assistant Deputy Director, Department of Consumer Affairs (DCA)
39 Rosanne Helms, Legislative Analyst, Board of Behavioral Sciences (BBS)
40 Gina Bayless, Enforcement Manager, BBS
41

Agenda Item #1: President's Welcome

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44
45 Dr. Erickson thanked those in attendance and stated the purpose of the meeting was to
46 review legislation.

Agenda Item #2: Legislation Update, Review and Action, as Necessary

47
48
49

1 Items were taken out of Agenda order.

2
3 **a) AB 186 (Maienschein) - Professions and Vocations: Military Spouses:**
4 **Temporary Licenses.**

5
6 Dr. Erickson introduced AB 186 and Mr. Burke discussed the intent and expected
7 impact of the legislation on the Board of Psychology. The bill would create a temporary
8 license category for military spouses. Mr. Burke recommended an “oppose” position
9 since military spouses are already accommodated through expedited applications and a
10 180 day grace period.

11
12 Ms. Marks requested clarification regarding the language used in the staff memorandum
13 under “Continuity of Care” and recommended the use of the word “deny” rather than
14 “expire” for greater accuracy. Ms. Marks stated that it is unlikely that there is a large
15 population of people who would be affected by this bill and agreed with the analysis.

16
17 Ms. Sorrick stated in the past year DCA enacted an expedited licensing process for
18 military spouses. Dr. Harlem commented that the intent of the bill is admirable, but
19 mentioned that there is already a mechanism in place to serve military spouses. Dr.
20 Phillips commented that adding a temporary license category would be a bad idea and
21 would be difficult to implement given the Board’s existing processes.

22
23 Dr. Erickson invited a motion and asked for public comments. Hearing none, the Board
24 voted on the motion.

25
26 It was M (Acquaye-Baddoo)/S (Erickson)/C to adopt an “oppose” position regarding AB
27 186.

28
29 Vote by roll call: 7-0

30
31 **b) AB 790 (Gomez) – Child Abuse Reporting**

32
33 Mr. Burke introduced AB 790 as a bill being watched by the Board. The bill will make
34 changes to the duties of a mandated reporter. Specifically, the report of abuse would
35 have to be made in writing. Since the last Board meeting, this bill had been held in
36 committee. Mr. Burke recommended that the Board proceed to the next agenda item.
37 Ms. Marks sought clarification on whether the bill could progress during the current
38 session and Mr. Burke indicated that it could not.

39
40 **c) AB 809 (Logue) – Healing Arts: Telehealth**

41
42 Mr. Burke introduced AB 809. The bill would allow a patient to provide verbal consent at
43 the initial use of telehealth and that the consent is logged in the patient’s medical file.
44 Mr. Burke recommended the Board adopt a “support” position. Dr. Harlem
45 recommended a “support” position as the existing law has problems which could prove
46 problematic for licensees.

47
48 Ms. Marks asked whether or not the provider needs to be present at the originating site
49 the first time treatment occurs. Ms. Sorrick suggested a position to “support if amended”
50 in order to clarify the language used in the bill. Dr. Erickson commented that the bill can

1 be interpreted in multiple ways and that the language is ambiguous and expressed
2 surprise that the authors intent is for the provider to be present at the originating site.
3 Dr. Horn commented that the language should be clarified and notes that the telehealth
4 guidelines promulgated by American Psychological Association (APA) state that
5 telehealth should not be provided without correctly identifying and verifying the identity
6 of the patient.

7
8 Dr. Erickson requested clarification regarding the legislative timeframes. Mr. Burke
9 responded that there is time to seek clarification if a “support if amended” position is
10 taken. Dr. Erikson asked for public comment.

11
12 Dr. Linder-Crow stated that CPA’s understanding is that the bill’s purpose is to make
13 initial verbal consent good for every subsequent session.

14
15 Dr. Phillips suggested mandating consent from all patients. This would remove the
16 confusion regarding consent for treatment. Dr. Horn agreed and mentioned that the bill
17 does not take psychology into account. Ms. Jones clarified that the purpose of the bill is
18 focused on the consent process and further pushes for clarification of the language. Dr.
19 Harlem noted that the existing law is even further from the current reality and asked
20 about an alternative bill to get involved with.

21
22 Ms. Helms from the Board of Behavioral Sciences (BBS) mentioned that their Board
23 was also unclear on the language, but BBS had adopted a “support” position regarding
24 the bill despite the unclear language.

25
26 Ms. Acquaye-Baddoo asked whether the concept of consent would be an issue and
27 whether two consents would be needed. Ms. Jones clarified that it is a matter of a
28 standard form of consent including “telehealth” that should be part of the patients’
29 records.

30
31 It was M (Erickson) /S (Harlem)/C to “support AB 809 if amended” to remove the phrase
32 “at the originating site” which would decrease ambiguity in Business and Professions
33 Code Section 2290.5(b).

34
35 Vote by roll call: 7-0

36
37 **d) AB 1505 (Garcia) – Child Abuse: Mandated Reporters**

38
39 Mr. Burke introduced AB 1505. The bill would make instances of sodomy or oral
40 copulation only reportable as abuse if the minors involved were younger than 16 years
41 old. The Board had taken an “oppose unless amended” position, but Mr. Burke stated
42 this bill was pulled at the author’s request and is not progressing. Therefore, this bill
43 does not require any further action by the Board.

44
45 **e) AB 1702 (Maienschein) – Professions and Vocations: Incarceration**

46
47 Mr. Burke introduced AB 1702. The Board took an “oppose” position at the May Board
48 meeting. Mr. Burke stated this bill is in the Senate and was available for hearing where
49 he testified to the Board’s opposition. This bill would prohibit the Board of Psychology
50 from delaying the application solely on the grounds that the applicant is incarcerated.

1 Mr. Burke explained the opposition is due to the fact that the Board would only delay
2 and possibly deny an application based on conviction, rather than incarceration. The
3 main concern is the confusion that would ensue in the licensing process. The bill is still
4 in committee; therefore, no action is required at this time.
5
6

7 **f) AB 1758 (Patterson) – Healing arts: License Renewal Fees (Position)**
8

9 Mr. Burke introduced AB 1758. The staff suggested an “oppose” position, but the Board
10 agreed to “watch” the bill. The amount of revenue that the Board of Psychology would
11 lose is not significant and any loss would be due to the pro-ration of the licensing fees
12 as required by the bill.
13

14 **g) AB 1843 (Gordon/Jones) – Child Custody Evaluations (Position)**
15

16 Mr. Burke introduced AB 1843. This bill would allow the licensing entity of a child
17 custody evaluator the ability to access the child custody report to investigate
18 unprofessional conduct of a licensee. It would also require the licensing entity to take
19 steps to ensure the confidentiality of the information is upheld.
20

21 Mr. Burke introduced Ms. Helms from BBS to give insight into how their Board views
22 this bill. Ms. Helms stated that BBS stakeholder meetings had a consensus that
23 confidentiality and accountability was of high importance. It was recommended that the
24 law be amended to specifically include licensing boards as parties who are able to
25 access reports, as well as additional specific confidentiality language to add protection.
26

27 Dr. Erickson thanked the staff from the Board of Behavioral Sciences and proceeded to
28 ask for additional comment from Board members.
29

30 Dr. Phillips expressed concern in relation to confidentiality. In this situation, there are
31 confidentiality issues in regards to not only the child, but also of the spouse. He
32 commented that the complaining party could push to get records along with the
33 licensing boards. Based on the current law, there have only been two instances of
34 difficulty in trying to obtain the report. Dr. Philips stated that he does not find the bill
35 justified due to the undermining of confidentiality and there are rights being “skated
36 over.” Dr. Philips also stated this bill should not be supported and the courts have the
37 best knowledge and understanding of the situation and are, therefore, the most qualified
38 to determine whether the reports should be given.
39

40 Ms. Jones thanked the Board members for the explanation of the situation. Ms. Jones
41 commented that the language changes are beneficial and concluded that she is in favor
42 of this bill.
43

44 Dr. Phillips reiterated that the consumer may feel like he or she is not protected, which
45 should be of great importance.
46

47 Mr. Burke clarified that that parents may release a report to the licensing board, but
48 such an action is illegal. Ms. Helms mentioned that that topic is not in dispute. She also
49 mentioned that the language in the bill makes it only possible for the licensing Boards’
50 enforcement staff to use the report.

1
2 Ms. Jones suggested that although not all members will agree unanimously, the voting
3 process should proceed.

4
5 Dr. Linder-Crow, Chief Executive Officer of the California Psychological Association
6 (CPA), stated there was concern about confidentiality and did not believe that creating
7 an easier path for these evaluations to be released is beneficial. Dr. Linder-Crow
8 commented on the duty to protect minors and is not sure that it will always be the case
9 that minors' best interest will be given highest priority. Dr. Linder-Crow stated the CPA
10 agreed with the amendments and the current position they have taken is to "oppose
11 unless amended", although they will probably not shift to a "support" position even if bill
12 was amended. Dr. Linder-Crow also expressed concern for the different advice given to
13 the different mental health boards.

14
15 Dr. Melody Schaffer with Division 2 of the CPA expressed concern that the bill could
16 impede the openness for what is shared during a child custody evaluation. Dr. Schaffer
17 commented that this would not serve the child well.

18
19 It was M (Acquaye-Baddoo)/S (Jones)/C to "support" AB 1843.

20
21 Vote by roll call: 5-2

22
23 **h) AB 2041 (Jones) – Developmental Services: Regional Centers (Position)**

24
25 Mr. Burke introduced AB 2041. Staff did not recommend a position and presented that
26 the bill should continue to be a "watch". This bill has to do with the access to insurance
27 by people who provide behavioral health treatment through regional centers. Ms. Arias-
28 Bhatia sent Mr. Burke the opposition letter from the Association of Regional Centers,
29 but no further information about the opposition has been provided.

30
31 There was no public comment.

32
33 Mr. Burke stated Applied Behavioral Analysis is a topic that the Board of Psychology is
34 watching very closely and is currently putting together a task force to look into the
35 matter.

36
37 Dr. Linder-Crow requested that the Board communicate with the CPA because they are
38 closely watching the development of this issue.

39
40 **i) AB 2058 (Wilk) – Open Meetings (Position)**

41
42 Mr. Burke introduced AB 2058. The Board recommended a continued "watch" position
43 in regards to this bill. This bill will amend the definition of 'state body' to exclude an
44 advisory body with less than three individuals, except for certain standing committees.
45 The Board will not be affected.

46
47 Ms. Marks commented on the DCA Boards that have executive committees with
48 Presidents and Vice Presidents. She suggested that if the Board would like to have an
49 Executive Committee, the Board would want to take a position on this bill. Ms. Sorrick

1 replied that the two Task Forces that the Board has established are two member
2 committees and therefore not affected by the proposed legislation.

3
4 Mr. Burke stated that this bill is important and something to be aware of, but at the
5 present, does not directly affect the Board, hence the recommended “watch” position.

6
7
8
9 **j) AB 2198 (Levine) – Mental Health Professionals and Suicide Prevention**
10 **(Position)**

11
12 Mr. Burke introduced AB 2198. This bill would mandate that a psychologist complete
13 fifteen hours of contact coursework in suicide prevention, or six hours of continuing
14 education in suicide prevention, depending upon the beginning date of his or her
15 graduate study. The Board recommended a “watch” position in regards to this bill after a
16 very in-depth conversation at the May meeting. CPA has adopted an “oppose” position.

17
18 Dr. Erickson stated that he was initially opposed to the bill; however, now that he has
19 personally thought about the bill, he stated that many people may need additional
20 training in suicide prevention and the bill could be seen as beneficial.

21
22 Dr. Phillips stated that the justification for opposing this bill is based on the idea that
23 most graduate programs already cover suicide prevention in their curriculum. Dr.
24 Phillips then stated that he has taught several graduate programs and sees very little
25 suicide prevention in the programs. However, Dr. Phillips expressed opposition to
26 additional CE requirements being mandated by the legislature.

27
28 Dr. Horn stated that she is opposed to the bill and understands the position to “support”,
29 but suggested that special training be given to people who work in specialized mental
30 health programs. Dr. Horn disagreed with Dr. Phillips and stated she believed that
31 suicide prevention is included and taught in APA-accredited graduate programs. Dr.
32 Horn did not agree that suicide prevention is necessary for all psychologists and should
33 be based on what field of psychology the licensee pursues.

34
35 Dr. Erickson suggested maintaining the “watch” position.

36
37 Ms. Sorrick then suggested a letter could be written to the governor in August if the
38 Board decided to change their position at a later date.

39
40 Dr. Harlem stated that he is opposed to the bill and did not think the solution was
41 appropriately addressed via legislation.

42
43 Mr. Thomas explained that typically when there is a new prerequisite course via statute,
44 the topic commonly becomes included in the curriculum to avoid requiring extra course
45 work outside of existing psychology programs.

46
47 Dr. Linder-Crow stated that CPA was opposed to this bill. Dr. Linder-Crow further stated
48 that CPA has been working to understand all perspectives and did not see the
49 significant effect of a short course. Dr. Linder-Crow also commented the bill could result
50 in a psychologist feeling competent in suicide prevention, when in reality, it would be

1 much better to have continuing education in suicide prevention in comparison to the
2 short course. Dr. Linder-Crow then suggested a new idea that would prevent individual
3 topics like this from arising by amending the bill to create a group of experts to develop
4 education in regards to this and other issues. Dr. Linder-Crow communicated CPA's
5 request that the Board adopt an "oppose" position.
6

7 Ms. Acquaye-Baddoo commented on the negative effect that would result in the Board
8 taking a strong "oppose" position. Dr. Harlem stated the benefits of taking an "oppose"
9 position outweigh the possible negative effects of taking the strong position of "oppose."
10 Dr. Phillips stated he did not think it is a logical, research-based bill and is instead more
11 emotionally-based. Dr. Erickson stated he generally agrees with Ms. Acquaye-Baddoo,
12 but expressed concern for the amount of time that is available to "watch" the bill.
13

14 Dr. Linder-Crow stated there are many problems with the bill, such as the exclusion of
15 important groups of people such as psychiatrists, nurses, and physicians.
16

17 Dr. Erickson suggested an "oppose" position and a letter that conveys the Board's
18 reason for the opposition.
19

20 It was M (Phillips)/S (Harlem)/C to adopt an "oppose" position on AB 2198.
21

22 Vote by roll call: 7-0
23

24 **k) AB 2396 (Bonta) – Convictions: Expungement: Licenses (Position)**
25

26 Mr. Burke introduced AB 2396. This bill would deprive the Board of the ability to deny a
27 license based solely on an expunged conviction. The Board took an "oppose" position
28 on this bill at the May meeting and recommended that the position continue. Mr. Burke
29 explained that the bill would require the Board to license the applicant, or reargue the
30 original case before an administrative judge, in order to deny licensure to a candidate
31 with an expunged conviction.
32

33 Ms. Sorrick stated the Board had sent a letter of opposition on the bill and Mr. Burke
34 had planned to provide testimony regarding the Board's "oppose" position in the Senate
35 Business, Professions, and Economic Development Committee.
36

37 **l) SB 570 (DeSaulnier) – Advanced Alcohol and Drug Licensing Act**
38 **(Position)**
39

40 Mr. Burke introduced SB 570. This bill would create a new licensing board that would be
41 managed by the Department of Health Care Services. The new Board would license
42 and regulate advanced alcohol and drug counselors. Mr. Burke explained that the
43 problem with the existing law is that it does not require criminal background checks. The
44 Board recommended a "support if amended" position and would like two clarifications:
45 1) request clarification regarding the scope of practice of a Licensed Advanced Alcohol
46 and Drug Counselor (LAADC) and, 2) recommend an amendment that would require an
47 advanced degree for licensure regardless of the time previously spent practicing as an
48 LAADC.
49

1 Dr. Linder-Crow stated CPA had taken an “oppose unless amended” position. Dr.
2 Linder-Crow explained that CPA is looking to increase the mental health training in the
3 requirements and believes this should be under the Department of Consumer Affairs
4 rather than the Department of Health Care Services.

5
6 Dr. Horn commented that many people who are substance abusers often have other
7 mental issues and it is often impossible to treat someone’s substance abuse alone. Dr.
8 Horn agreed that an advanced degree should be required for licensure.

9
10 Dr. Erickson commented that unless a person has had training in mental disorders, he
11 or she cannot make a distinction between where alcohol and drug dependency
12 treatment ends and mental health treatment begins. Ms. Marks commented there is
13 nothing currently in place to regulate or license the people that would be affected by this
14 bill.

15
16 Dr. Erickson suggested compiling the concerns and amendments from both the CPA
17 and the Board into one letter. Dr. Erickson then suggested appointing a Board member
18 to work with staff to craft the letter that would represent the combined concerns.

19
20 It was M(Erickson)/S(Arias-Bhatia)/C to “support if amended” via a letter drafted by staff
21 with the assistance of Dr. Horn.

22
23 Vote by roll call: 5-0 (Dr. Harlem and Dr. Phillips were not present for the vote)

24
25 **m) SB 1159 (Lara) – License Applicants: Federal Tax Identification (Position)**

26
27 Mr. Burke introduced SB 1159. This bill would require DCA boards to submit a federal
28 tax ID number or a social security number to the Franchise Tax Board. Staff
29 recommended a “watch” position. Mr. Burke stated that there are many legal issues
30 surrounding the bill, but complying with the bill’s terms would not be burdensome for
31 existing processes.

32
33 **n) SB 1466 (Senate BPE Committee) – Omnibus Bill (Position)**

34
35 Mr. Burke introduced SB 1466. This bill now includes the language the Board of
36 Psychology approved at the February Board meeting which changes the address,
37 contact information, delinquency fees, and eliminates the category of fictitious name
38 permits. Mr. Burke stated the Board supports the bill and recommended the “support”
39 position be maintained.

40
41 **o) 2014 Legislative Calendar**

42
43 There was no comment on this agenda item.

44
45 **Agenda Item #3: Recommendations for Agenda Items for Future Board Meetings**

46
47 There was no comment on this agenda item.

48
49 **Agenda Item #4: 2015 Meeting Calendar**

50

1 There was no comment on this agenda item.

2

3 **Agenda Item #5: Public Comment for Items Not on the Agenda**

4

5 There was no comment on this agenda item.

6

7 **Agenda Item #6: Adjournment**

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9 The meeting was adjourned 4:45pm.

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President

Date

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