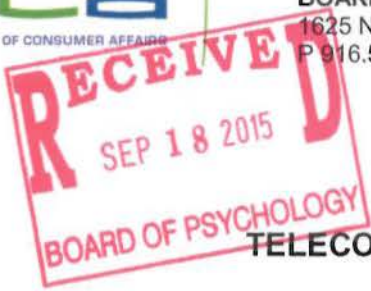




BOARD OF PSYCHOLOGY
1625 N. Market Blvd., N-215, Sacramento, CA 95834
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TELECONFERENCE BOARD MEETING MINUTES

Department of Consumer Affairs
1747 N. Market Blvd., Hearing Room
Sacramento, CA 95834
(916) 574-7720

Tuesday, June 23, 2015

Michael Erickson, PhD, Board President, called the open session meeting to order at 10:00 a.m. A quorum was present and due notice has been sent to all interested parties.

Members Present:

- Michael Erickson, PhD, President
- Nicole J. Jones, Public Member, Vice-President
- Lucille Acquaye-Baddoo, Public Member
- Johanna Arias-Bhatia, Public Member (via teleconference)
- Miguel Gallardo, PsyD (via teleconference)
- Jacqueline Horn, PhD
- Stephen Phillips, PsyD
- Linda Starr, Public Member

Others Present:

- Antonette Sorrick, Executive Officer
- Jeffrey Thomas, Assistant Executive Officer
- Sandra Monterrubio, Enforcement Program Manager
- Karen Johnson, Licensing Coordinator
- Jonathan Burke, Administrative Coordinator
- Jacquelin Everhart, Continuing Education and Renewals Coordinator
- Norine Marks, DCA Legal Counsel
- Kurt Heppler, DCA Legal Counsel

Agenda Item #2: President's Welcome

Dr. Erickson welcomed the public, Board members, and Board staff, and thanked everyone for their attendance. Board members Dr. Horn and Ms. Arias-Bhatia, having been reappointed to the Board by Governor Jerry Brown, were sworn into office by Dr. Erickson.

44 **Agenda Item #3: Public Comment for Items not on the Agenda**

45

46 No public comments were received.

47

48 **Agenda Item #4: ASPPB Mid-Year Meeting Report**

49

50 Dr. Horn reported on her attendance and participation in the Association of State and
51 Provincial Psychology Boards' (ASPPB) 30th Midyear Meeting held April 16 through 19,
52 2015, in Atlanta, Georgia. The topic of the meeting was "Competency is Not Forever -
53 Maintaining Professional Competence and Avoiding Professional Incapacity." She
54 stated that the speakers addressed the need to make distinctions between incapacity
55 and incompetency, and reviewed the types of actions regulators may take when
56 addressing actions involving an impaired licensee versus an incompetent licensee. She
57 indicated that the question of whether or not licensees should have to demonstrate their
58 continued competency to practice was discussed, and methods of how that could be
59 achieved were considered.

60

61 **Agenda Item #5: Legislation Update and Review**

62

63 A-N) Mr. Burke reported that the staff recommends that the Board maintains a watch
64 position on the following bills: Assembly Bills 12 (Cooley), 19 (Chang), 259
65 (Dababneh), 483 (Patterson), 507 (Olsen), 611 (Dahle), 618 (Maienschein), 848
66 (Stone), 1279 (Holden), and Senate Bills 52 (Walters), 128 (Wolk), 130 (Roth), 259
67 (Bates) and 272 (Hertzberg). He indicated that there have been no substantive changes
68 to these bills, and the Board's watch position is still on record.

69

70 **O) Senate Bill 468 (Hill) Bureau of Security and Investigative Services**

71

72 Mr. Burke reported that the Board took an oppose unless amended position in May
73 2015. The Board proposed amendments to section 7583.23(e) of the Business and
74 Professions Code, which was sent to the author and the Senate Committee. Both the
75 stakeholders and the Committee members agreed to add the language to the bill. The
76 staff's recommendation is to take a neutral if amended position. Dr. Horn says that
77 because the proposed changes by the Board have not been officially added, the Board
78 should remain oppose unless amended.

79

80 It was M(Horn)/S(Jones)/C to remain opposed unless amended, and delegate authority
81 to staff to report a neutral if amended position once the Board's requested amendments
82 have been incorporated.

83

84 Vote: 7 aye (Erickson, Jones, Acquaye-Baddoo, Arias-Bhatia, Gallardo, Horn, Phillips) 1
85 abstain (Starr) 0 nay

86

87 **P) AB 705 (Eggman) Exempt Settings (Business and Professions Code Sections 2909,**
88 **2909.5, 2910)**

89

90 Mr. Burke reported that AB 705 is scheduled for hearing with the Senate Appropriations
91 Committee on June 29, 2015.

92

93 Q) AB 773 (Baker) Expiration of License/Birth Date Renewal

94

95 Mr. Burke reported that AB 773 is on suspense.

96

97 R) AB 750 (Low) Business and professions: licenses

98

99 Mr. Burke reported that AB 750 is on suspense.

100

101 S) AB 832 (Garcia) Child Abuse: Reportable Conduct

102

103 Mr. Burke reported that the Board's requested amendment to AB 832 was accepted by
104 the author, however, the bill is being held until next legislative session.

105

106 It was M(Starr)/S(Acquaye-Baddoo)/C to support AB 832.

107

108 Vote: 8 yay (Erickson, Jones, Acquaye-Baddoo, Arias-Bhatia, Gallardo, Horn, Phillips,
109 Starr) 0 nay

110

111 T) AB1374 (Levine) – Submission of Supervised Professional Experience/Fee

112

113 Mr. Burke reported that AB 1374 is scheduled for hearing with the Senate
114 Appropriations Committee on June 29, 2015.

115

116 U) SB 800 (Senate Business, Professions, and Economic Development Committee)
117 Healing Arts Omnibus Bill

118

119 Mr. Burke reported that SB 800 is scheduled for Assembly Business and Professions
120 Committee meeting on July 7, 2015.

121

122 V) SB 479 (Bates) Healing Arts: ABA

123

124 Mr. Burke reported that staff recommended the Board consider a proposed amendment
125 that the new board member position be a licensed psychologist who is certified in ABA
126 and that subsequent board member appointments should be licensed as a psychologist
127 as well as a licensed Applied Behavioral Analyst.

128

129 It was M(Arias-Bhatia)/S(Erickson)/C to seek an amendment to SB 479 to accept staff
130 recommendation that the appointed board member, licensed as a psychologist, must be
131 certified in ABA and subsequent appointments must be licensed psychologists who are
132 also licensed as an ABA practitioner.

133

134 Vote: 7 aye (Erickson, Jones, Acquaye-Baddoo, Arias-Bhatia, Gallardo, Horn, Phillips,
135 Starr) 1 nay (Jones)

136
137 It was M(Erickson)/S(Starr)/C that the public board member position not be required to
138 be a consumer of applied behavioral analysis.
139
140 Vote: 6 aye (Erickson, Acquaye-Baddoo, Gallardo, Horn, Phillips, Starr) 2 nay (Jones,
141 Arias-Bhatia)
142
143 It was M(Jones)/S(Erickson)/C to create a registration classification for persons
144 performing paraprofessional services at the direction of an Applied Behavioral Analyst.
145
146 Vote: 8 aye (Erickson, Jones, Acquaye-Baddoo, Arias-Bhatia, Gallardo, Horn, Phillips,
147 Starr) 0 nay
148
149 It was M(Horn)/S(Acquaye-Baddoo)/C to delete section 2999.37(f) of the proposed
150 language as unnecessary in light of the requirement to be registered.
151
152 Vote: 8 aye (Erickson, Jones, Acquaye-Baddoo, Arias-Bhatia, Gallardo, Horn, Phillips,
153 Starr) 0 nay
154
155 It was M(Erickson)/S(Acquaye-Baddoo)/C to direct staff to work with legal counsel to
156 amend sections 2999.33(b) and (d) to clarify that applicants must provide verification to
157 the Board that they meet licensure qualifications, and proof of supervision.
158
159 Vote: 8 aye (Erickson, Jones, Acquaye-Baddoo, Arias-Bhatia, Gallardo, Horn, Phillips,
160 Starr) 0 nay
161
162 It was M(Horn)/S(Jones)/C to accept staff recommendations to amend section 2999.44
163 (renewals), to make amendments throughout the bill where appropriate to permitting
164 licensed psychologists to supervise assistant behavioral analysts, and to specify the
165 percentage of time consistent with BACB requirement that a licensed behavioral analyst
166 and licensed psychologist can supervise an assistant behavioral analyst.
167
168 Vote: 8 aye (Erickson, Jones, Acquaye-Baddoo, Arias-Bhatia, Gallardo, Horn, Phillips,
169 Starr) 0 nay
170
171 It was M(Starr)/S(Acquaye-Baddoo)/C to accept staff recommendations to amend
172 section 2999.44 establishing continuing education requirements for licensed behavior
173 analysts and assistant behavioral analysts.
174
175 Vote: 7 aye (Erickson, Jones, Acquaye-Baddoo, Gallardo, Horn, Phillips, Starr) 0 nay
176 1 abstain (Arias-Bhatia)
177
178 Mr. Burke reported that the Board's current position on SB 479 is support if amended.
179 Staff recommended the Board consider an opposed unless amended position
180 considering some issues of concern relative to consumer protection.
181

182 It was M(Jones)/S(Erickson)/C to support SB 479 if amended.

183

184 Vote: 8 aye (Erickson, Jones, Acquaye-Baddoo, Arias-Bhatia, Gallardo, Horn, Phillips,
185 Starr) 0 nay

186

187 W) AB 85 (Wilk) Open Meetings

188 The Board did not discuss this agenda item.

189

190 X) AB 333 (Melendez) Healing Arts: Continuing Education

191

192 Mr. Burke reported that the Board previously took an oppose position on AB 333. The
193 bill was amended in the Senate Business and Professions Committee but the language
194 has not yet been amended.

195

196 It was M(Phillips)/S(Erickson)/C to delegate authority to staff to amend the Board's
197 position to neutral once the language has been amended.

198

199 Vote: 7 aye (Acquaye-Baddo, Phillips, Horn, Jones, Erickson, Arias-Bhatia, Starr) 0 nay

200

201 Y) AB 796 (Nazarian) Health Care Coverage: Autism and Pervasive Developmental
202 Disorders

203

204 The Board did not discuss this agenda item.

205

206 Z) AB 2198 (Levine) Suicide Prevention - Update

207

208 The Board did not discuss this agenda item.

209

210 AA) Update Regarding the California Child Abuse and Neglect Reporting Act (CANRA)
211 and Mandated Reporting – Penal Code Sections 261.5, 288, and 11165.1

212

213 The Board did not discuss this agenda item.

214

215

216 **Agenda Item #6: Regulation Update and Review**

217

218 a) Title 16, CCR, Sections 1388, 1388.6, 1389, 1392 – Examinations, License
219 Requirements and Waiver of Exemption, Reconsideration of Examinations,
220 Psychologists Fees

221

222 Mr. Burke reported that the Office of Administrative Law (OAL) approved the
223 regulatory proposal regarding examinations; in part, effective July 1 the CPSE will be
224 eliminated and the CPLEE will be in place.

225

226

227 b) Title 16, CCR, Sections 1397.60, 1397.61, 1397.62, 1397.67 – Definitions,
228 Continuing Education Requirements, Continuing Education Exemptions and
229 Exceptions, Renewal after Inactive or Delinquent Status – Consideration of
230 Committee Recommendation to Adopt with the Modified Text and Consider all
231 Comments Provided to the Board since January 21, 2015

232

233 Dr. Erickson provided a chronology of the history of the proposed regulatory
234 amendments. The Board reviewed and discussed the public comments.

235

236 It was M(Starr)/S(Phillips) to adopt the modifications as noticed.

237

238 Vote: 4 aye (Phillips, Horn, Starr, Gallardo) 4 nay (Jones, Erickson, Acquaye-Baddoo,
239 Arias-Bhatia). The motion did not carry.

240

241

242 It was M(Horn)S(Arias-Bhatia)/C to modify the proposed language maintaining the 27
243 hour cap and extending the effective date of the proposed regulations to January 2017,
244 to notice the modifications for a 15-day public comment period, and, in the absence of
245 any adverse comments, to delegate authority to the executive officer to prepare the
246 rulemaking file and submit it to the Office of Administrative Law.

247

248 Vote: 7 aye (Arias-Bhatia, Phillips, Horn, Jones, Erickson, Acquaye-Baddoo, Starr) 0
249 nay

250

251 c) Title 16, CCR, Section 1397.12 – Uniform Standards Related to Substance Abuse
252 and Disciplinary Guidelines

253

254 Mr. Burke reported that the Uniform Standards Related to Substance Abuse and
255 Disciplinary Guidelines have been submitted again.

256

257 d) Title 16, CCR, Section 1380.5 – Filing of Addresses

258

259 Mr. Burke reported that the proposed amendment regarding the filing of addresses
260 has been noticed and is currently in the 45-day comment period. The hearing will be
261 held in August.

262

263 **Agenda Item #7: Budget Report**

264

265 Mr. Burke reported that the most recent budget documents were provided in the
266 meeting package. He stated he would have further details relative to the Governor's
267 Budget at the August Board meeting.

268

269 Dr. Erickson stated that those items that were not addressed due to the time constraint
270 at this meeting would be on the August Board meeting agenda for review and
271 discussion.

272

273 **Agenda Item #8: Enforcement Report**

274

275 Ms. Monterrubio gave a performance measures overview of enforcement activities with
276 the Board members.

277

278 **Agenda Item #9: Enforcement Committee Update Regarding Recommendations to**
279 **Amend the Disciplinary Guidelines – Title 16, CCR, Section 1397.12**

280

281 Mr. Burke reported that this matter can be carried over to the August Board meeting.

282

283 **Agenda Item #10: Sunset Review Committee Report**

284

285 Dr. Erickson reported that the committee is scheduled to meet on July 16.

286

287 **Agenda Item #11: Telepsychology Committee Report and Consideration of Draft**
288 **Regulatory Language to Address Standards for Telepsychology**

289

290 Dr. Philips reported that the committee is working on refining regulations defining issues
291 of Telepsychology for psychologists.

292

293

294 **Agenda Item #12 President's Report**

295

296 **a) 2015 Meeting Calendar and Locations**

297

298 Ms. Sorrick reported that the August Board meeting will be held in Berkeley at The
299 Wright Institute, the Enforcement Committee will meet on July 6, 2015, the Licensing
300 Committee will meet on July 14, 2015, the Sunset Review Committee will meet on July
301 16, 2015 and the Telepsychology Committee will meet on October 13, 2015.

302

303 **Agenda Item #13: Executive Officer's Report**

304

305 Ms. Sorrick reported that DCA appointed a new Assistant Deputy Director of Legislative
306 and Regulatory Review, Mr. Adam Quinonez of Sacramento.

307

308 She also reported that Ms. Jacquelin Everhart joined the BOP as the Continuing
309 Education/Renewals Coordinator and that Taylor Hattersley left the administration unit
310 as she was accepted to University of California, Berkeley.

311

312 She indicated that DCA Public Affairs Unit received awards from the State Information
313 Officers Counsel; four silver medals for design and seven gold awards for video
314 production. They received a gold award for the Board of Psychology's website and
315 Piece of Mind publication, the Winter 2015 Newsletter, and the Board's Strategic Plan.

316

317 Dr. Jo Linder-Crow reported that the location for its 2016 convention from April 14 – 17
318 will be held at the Hotel Irvine in Irvine, California. She hopes the Board can participate
319 by attending the convention and reaching out to the licensed community.
320

321 **Agenda Item #14: Recommendations for Agenda Items for Future Board Meetings**

322
323 None.
324

325 **Agenda Item # 15: Closed Session**

326
327 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to
328 discuss and voted on disciplinary matters including stipulations and proposed decisions.
329

330 **Agenda Item #16: Adjournment**

331
332 The Board adjourned at 6:13 p.m.
333

334
335 

336 _____
337 President

335 9-12-15

336 _____
337 Date

338
339
340
341