

BOARD MEETING MINUTES

Marriott San Diego – Mission Valley
8757 Rio San Diego Drive, Meeting Room Sierra 5 & 6
San Diego, CA 92108
(619) 692-3800

Thursday, November 12, 2015

Michael Erickson, PhD, Board President, called the open session meeting to order at 9:05 a.m. A quorum was present and due notice had 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
Miguel Gallardo, PsyD
Jacqueline Horn, PhD
Stephen Phillips, PsyD
Linda Starr, Public Member

Others Present:

Antonette Sorrick, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Kurt Heppler, DCA Legal Counsel
Ravi Kapoor, DCA Legal Counsel
Karen Johnson, Licensing/Registration Program Coordinator
Jo Linder-Crow, PhD, California Psychological Association
Hugh Pates, PhD, San Diego Psychological Association (SDPA)
Darlene Hoyt, PhD, Law Enforcement Consultants
Raymond Trybus, PhD, Walden University & SDPA
Steven Tess, PhD, SDPA
Patrice Darlin, USD School of Law
Julie Hayden, Southern California Seminary
Penny McAlmond-Ross, PsyD, Sacramento Valley Psychological Association
Melody Schaefer, PhD, CPA-Division II, CAPIC

Agenda Item #2: President's Welcome

Dr. Erickson welcomed those in attendance, read the Board's mission statement, and advised that the mission statement is a lens through which the members can look at the work they are doing and be reminded of what their mission is. He announced that the Board would first consider agenda items 1 through 6 and that Item 7, Enforcement

46 Division Overview and Presentation, would be deferred until the February 2016 Board
47 meeting. Dr. Erickson reported that Enforcement Program Manager, Sandra
48 Monterrubio, would not be in attendance at today's meeting due to a death in her family.
49 He extended condolences to Ms. Monterrubio and her family on behalf of the Board. He
50 stated that agenda items 8, 9, 12, 16 and 19 would be considered prior to the lunch
51 break.

52

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

54

55 Hugh Pate, a member of the San Diego Psychological Association, welcomed and
56 thanked the Board for holding its meeting in San Diego. He acknowledged the Board
57 Members for the enormous effort and energy they put into the significant decisions and
58 challenges they faced this year.

59

60 **Agenda Item #4: Approval of Minutes: May 14 - 15, 2015**

61

62 Dr. Horn requested lines 304 and 305 be corrected by changing "assistant
63 psychologists" to "psychological assistant." She referred the Board to line 340 stating
64 that the language following 4) was unclear. Mr. Heppler recommended inserting the
65 word "education" after "continuing" on line 342. Dr. Horn submitted a number of
66 grammatical corrections.

67

68 It was M/(Starr)/S(Acquaye-Baddoo)/C to approve the minutes of the May 14 and 15,
69 2015, Board meeting as amended.

70

71 Vote: 8 - Aye (Starr, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Horn, Acquaye-
72 Baddoo) 0- No

73

74 **Agenda Item #5: Approval of Minutes: August 13-14, 2015**

75

76 Dr. Horn requested line 331 be corrected by changing Daniel Shabani's title from "Mr."
77 to "Dr."

78

79 Dr. Erickson commented that information on line 456 was not accurate. He
80 recommended the minutes be amended to read "Dr. Erickson said he and Dr. Harlem
81 will discuss options including the creation of a task force to discuss action with the
82 Board in the future."

83

84 It was M(Acquaye-Baddoo)/S(Horn)/C to approve the minutes of the August 13 and 14,
85 2015, Board meeting as amended.

86

87 Vote: 8 - Aye (Starr, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Horn, Acquaye-
88 Baddoo) 0- No

89

90 **Agenda Item #6: Budget Report**

91

92 Mr. Jeffrey Thomas reported that the Governor's Budget for Fiscal Year (FY) 2015/2016
93 includes a \$4,863,000 budget for the Board of Psychology. He shared an analysis of the
94 fund condition with the Board Members reflecting 9.7 months in reserve for
95 FY2015/2016. Due to anticipated general fund loan repayments in FY's 2016/2017 and
96 2017/2018, the months in reserve are anticipated to be 24.9 and 25.1 respectively. The
97 Department of Consumer Affairs' Budget Office and Board staff will monitor the
98 reserves closely and will recommend licensing fee reductions if and when necessary to
99 reduce high reserves. Mr. Thomas reviewed FY 2015/2016 expenditure projections with
100 the Board Members.

101

102 **Agenda Item #8: ASPPB 2015 Annual Meeting Synopsis**

103

104 Dr. Horn reported on her attendance at the Association of State and Provincial
105 Psychology Boards' (ASPPB) Annual Meeting held October 7 through 11, 2015, in
106 Tempe, Arizona. The topic of the meeting was 'Five Decades of Change in Psychology,'
107 acknowledging Arizona's 50th year regulating the profession of psychology.

108

109 Keynote Speaker David Swankin, President and CEO of Citizens Advocacy Center, a
110 national consumer advocacy organization and provider of training to assist and guide
111 public board members in their roles as such, informed attendees that the public has four
112 concerns regarding the practice of psychology: 1) demonstrating current competence in
113 clinical practice, 2) telehealth/telepsychology, 3) consequences of the U.S. Supreme
114 Court decision in the North Carolina case as it affects public member composition of
115 regulatory boards, and 4) a need for better consumer education by regulatory boards.
116 Dr. Horn reported that these are all issues that California has been addressing.

117

118 Mr. Swankin informed attendees that the public believes regulatory boards *require*
119 licensees demonstrate continued competence. He stated that research shows
120 mandatory continuing education is not sufficient to guarantee competence. It is not
121 sufficient for licensees to demonstrate knowledge of subject matter; they need to
122 demonstrate applied knowledge.

123

124 Dr. Horn mentioned that Mr. Swankin lauded ASPPB's support of the telepsychology
125 state-to-state compact, and its importance in helping consumers in underserved and
126 rural areas that lack adequate practitioners to meet public needs. He was hopeful that
127 regulators would develop guidelines and regulations to allow practitioners to practice
128 telepsychology.

129

130 Mr. Swankin discussed the issue of public versus licensed board member composition,
131 stating that California is one of the only states with such a rich combination of licensees
132 and public members. The majority of other states have one public member and up to 9
133 licensed members. He informed attendees that the California model should be the
134 future direction for other states.

135

136 Dr. Horn stated that Mr. Swankin also discussed the dismal lack of consumer
137 information on regulatory board's websites, and the lack of ease of navigation of those

138 sites by consumers. The ASPPB midyear meeting in May 2016 will include a discussion
139 on the use of social media. After learning from Dr. Horn that the Board has been
140 utilizing social media as part of its outreach activities, ASPBB requested someone from
141 the Board speak at the meeting on this subject.

142
143 Dr. Phillips reported that he too attended a portion of the meeting and was surprised to
144 learn that other state's regulatory staff consisted of one individual, and that some of
145 those board's members are appointed by the regulated profession/association.

146
147 Dr. Phillips also reported that Dr. Horn was awarded Fellow status in ASPPB in
148 recognition of her dedicated work and former role as President of the ASPPB.

149
150 Ms. Jones stated that the information reported by Dr. Horn could make a great article for
151 the Board's newsletter. Dr Horn stated she would ask Mr. Swankin to write an article for
152 the Journal.

153
154 Ms. Arias-Bahtia asked if the Board Members could attend Mr. Swankin's training for
155 public board members as referenced on his biography. She offered to contact him to
156 learn any particulars of future course offerings.

157
158 Dr. Erickson reported that Dr. Horn was asked by ASPPB to be a part-time staff
159 member with the responsibility of the national licensing examination (EPPP) program,
160 membership meeting program, and education and training program. She will serve as a
161 liaison between ASPPB and the education and training community.

162
163 **Agenda Item #9: Executive Officers Report**

164
165 Ms. Sorrick reported on the following:

166
167 a) Organization Update

168
169 Evan Gage, Enforcement Analyst, will begin employment with the Board on
170 November 16, 2015. Licensing Analysts Julie Brown and Liezel McCockran accepted
171 promotional positions outside the Board. Jonathan Burke, Administrative Services
172 Coordinator, also accepted a promotional position. Vacant positions should be filled by
173 the end of the calendar year.

174
175 b) CPS Program Analysis Update

176
177 Ms. Sorrick stated that the second phase of the CPS contract has begun but is pending
178 awaiting the outcome and effect of the Applied Behavioral Analysts legislation and
179 Sunset Review. The contract will be amended to allow CPS to provide the Board with
180 Succession Planning.

181
182 c) Annual Report to the State Legislature

183 Ms. Sorrick reviewed the Annual Report with the Board members. Dr. Gallardo
184 questioned why an increase in enforcement complaints was reported as a major
185 accomplishment. Ms. Sorrick responded that reporting it in this manner was considered
186 an accomplishment in increased public awareness. Dr. Gallardo expressed concern that
187 the information may not have been made clear and requested it be conceptualized
188 better. Ms. Sorrick informed him the report had already been submitted, but if it could be
189 amended, his concerns would be addressed.

190
191 d) Other Informational Items

192
193 Ms. Jones commented that while congratulations have been expressed to those
194 departing staff members receiving promotions, she wanted to personally express on
195 behalf of the Board her appreciation of the hard work and assistance provided by those
196 staff.

197
198 **Agenda Item #12: Outreach and Education Committee Report and Consideration**
199 **of Committee Recommendations**

200
201 **#12 a) Strategic Plan Update**

202
203 Ms. Sorrick reviewed the Updated Action Plan with the Board Members, reporting that
204 objective timelines are currently met or exceeded.

205
206 **#12 b) Communications Plan Update**

207
208 Ms. Sorrick reviewed the Communications Plan with the Board Members, reporting that
209 the goals and objectives of the plan are currently met or exceeded.

210
211 **#12 c) Social Media Update**

212
213 Mr. Thomas reviewed statistical data from the Board's Facebook, Twitter and YouTube
214 sites.

215
216 Ms. Jones requested that future updates include data on webcast committee meetings.

217
218 **#12 d) Website Update**

219
220 Mr. Thomas reviewed statistical data from the Board's Website.

221
222 Dr. Gallardo commented that the Board's website needs to be reviewed to ensure the
223 site is easier to navigate. Dr. Phillips agreed that while the website has improved,
224 further enhancement is warranted. Mr. Thomas reported that comments from
225 stakeholders are considered when Board staff regularly reviews and updates the
226 website.

227 Dr. Gallardo questioned whether consumers know that the "consumer" tab is the best
228 selection for consumer information. He requested the Board consider a better option for

229 that tab. Drs. Erickson and Horn suggested that the "consumer" tab be changed to
230 "public." Ms. Star commented that most Boards use the term "consumer." Mr. Thomas
231 responded that the formatting of the website is based upon a template approved by the
232 Governor's Office. Dr. Gallardo asked that Mr. Thomas research the Board's ability to
233 change the format of the existing template used by boards within the Department of
234 Consumer Affairs.

235
236 **#12 e) Newsletter**

237
238 Ms. Sorrick reviewed the Summer Journal with the Board Members, and reported that
239 the Fall Journal is scheduled to be published prior to the February 2016 Board meeting.
240

241 **#12 f) Outreach Activities Update**

242
243 Ms. Sorrick reported that she and Mr. Burke, Ms. Johnson and Ms. Arias-Bhatia
244 attended a stakeholder meeting at the Capitol to discuss SB 479 (Bates) regarding
245 licensure of Applied Behavior Analysts.

246
247 Ms. Jones asked if Doctors Horn and Phillips were attending the ASPPB meeting as
248 official Board representatives, and if so, why that was not reflected in this update.
249

250 Dr. Phillips stated it is mission critical that the Board's Executive Officer be in
251 attendance at ASPPB meetings.

252
253 **#12 g) Access to Mental Healthcare in the State of California Campaign Update**

254
255 Dr. Gallardo reviewed the activities undertaken thus far in the Board's two-year
256 campaign to improve access to mental healthcare in California, including a presentation
257 from the Health Professions Education Foundation (HPEF) at the Board's August 2015
258 meeting, and a Journal article highlighting a recipient of the Mental Health Loan
259 Assumption Program.

260
261 Dr. Gallardo reported that in an effort to encourage licensees to contribute to the HPEF
262 to support licensees who serve in underrepresented areas, a license renewal
263 informational insert was recommended. Ms. Sorrick reported that the HPEF is designing
264 and producing the insert that the Board can use for inclusion with renewal applications
265 mailed to all licensed psychologists.

266
267 Dr. Gallardo questioned how this informative insert could be incorporated into BreEZe
268 on-line renewals. Mr. Thomas reported that BreEZe is a standardized program for all
269 boards and bureaus and may not be able to be customized to provide informational
270 materials specific to individual boards and bureaus.

271
272 **#12 h) Outreach to Encourage Continuing Education Courses in Geriatric**
273 **Pharmacology, Psychopharmacology, and Biological Basis of Behavior Courses**
274 **Pursuant to Business and Professions Code Sections 2914.1 and 2914.2**

275
276 Dr. Gallardo reported that the Board is mandated to encourage licensed psychologists
277 to take a continuing education course in geriatric pharmacology, psychopharmacology
278 and biological basis of behavior as a part of his or her continuing education. He stated
279 the Board is further mandated to encourage institutions that offer a doctorate degree
280 program in psychology to include in their biobehavioral curriculum, education, and
281 training in psychopharmacology and related topics including pharmacology and clinical
282 pharmacology.

283
284 Ms. Sorrick informed the Board that recent compliance action included two articles
285 published in the Board's Journal encouraging licensee participation in the referenced
286 coursework.

287
288 Dr. Gallardo reported that the Outreach and Education Committee recommended the
289 Board send an updated letter to graduate training programs encouraging them to
290 include education and training in psychopharmacology coursework in their bio-
291 behavioral curriculum, as well as the related topics of pharmacology and clinical
292 pharmacology. However, at the Committee meeting, California Psychological
293 Association (CPA) stated it was going to identify which graduate programs are already
294 doing this and report back to the Committee.

295
296 Dr. Gallardo stated the Outreach and Education Committee's recommendation was
297 premature as the decade-old guidelines have been referred to the Licensing Committee
298 to review for current relevance, and CPA has not yet reported back to the Committee its
299 findings regarding graduate program course offering.

300
301 It was M(Gallardo)/S(Starr)/C to accept the Committee's report.

302
303 Vote: 8- Aye – Starr, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Horn, Acquaye-
304 Baddoo) 0 – No

305
306 **Agenda Item #16: Enforcement Committee Report and Consideration of**
307 **Committee Recommendations**

308
309 Ms. Acquaye-Baddoo reported that the Committee met and the next meeting will be
310 held on January 22, 2016.

311
312 Ms. Sorrick reported that the Committee met in September and began its review of the
313 disciplinary guidelines that will continue as an agenda item for the next Committee
314 meeting.

315
316 Dr. Phillips reported that the Committee was considering the process by which experts
317 are chosen, retained, and how they are evaluated throughout that process to ensure the
318 Board uses consistently best experts.

319
320 **Agenda Item #19: Election of Officers**

321
322 Dr. Erickson reported that not all Board Members were in attendance at today's meeting
323 and asked the Board if the election of officers should proceed as agendized or be
324 postponed to a future meeting.
325
326 Conversation ensued between members regarding appropriateness of public versus
327 licensed members for Board President.
328
329 It was M(Erickson)/S(Starr)/C to hold the election this date as agendized.
330
331 Vote: 8 – Aye (Starr, Phillips, Horn, Gallardo, Jones, Erickson, Arias-Bhatia, Acquaye-
332 Baddoo) 0 – No
333
334 Dr. Erickson requested that Mr. Heppler proceed with accepting nominations for the
335 election of officers.
336
337 Mr. Heppler explained the procedure for nomination of officers and voting protocols.
338
339 Ms. Arias-Bhatia nominated Ms. Jones for President. Ms. Acquaye-Baddoo seconded
340 the nomination. Dr. Gallardo nominated Dr. Phillips for President. Dr. Erickson
341 seconded the nomination.
342
343 Mr. Heppler called for the vote for the nomination of Ms. Jones for president. 4 – Aye
344 (Starr, Arias-Bhatia, Jones, Acquaye-Baddoo) 4 – No (Phillips, Gallardo, Erickson,
345 Horn). Mr. Heppler announced there were an insufficient number of affirmative votes.
346
347 Mr. Heppler called for the vote for the nomination of Dr. Phillips for president. 4 – Aye
348 (Phillips, Gallardo, Erickson, Horn) 4 – No (Starr, Arias-Bhatia, Jones, Acquaye-
349 Baddoo). Mr. Heppler announced there were an insufficient number of affirmative votes.
350
351 Ms. Jones requested Mr. Heppler call the vote again.
352
353 Mr. Heppler called for the vote for the nomination of Ms. Jones for president. 2 – Aye
354 (Arias-Bhatia, Acquaye-Baddoo) 4 – No (Phillips, Gallardo, Erickson, Horn) 2 – Abstain
355 (Jones, Starr). Mr. Heppler announced there were an insufficient number of affirmative
356 votes.
357
358 Mr. Heppler called for the vote for the nomination of Dr. Phillips for president. 4 – Aye
359 (Phillips, Gallardo, Erickson, Horn) 1 – No (Acquaye-Baddoo) 3 – Abstain (Starr, Arias-
360 Bhatia, Jones). Mr. Heppler announced there were an insufficient number of affirmative
361 votes.
362 Ms. Jones requested to change her vote for Dr. Phillips to aye.
363
364 Mr. Heppler announced that Dr. Phillips was elected Board President.
365

366 Ms. Arias-Bhatia nominated Ms. Jones for Vice President. Dr. Gallardo seconded the
367 nomination. There were no further nominations.

368
369 Mr. Heppler called for the vote for the nomination of Ms. Jones for vice president. 7 –
370 Aye (Acquaye-Baddoo, Horn, Erickson, Gallardo, Arias-Bhatia, Phillips, Starr) 1 –
371 Abstain (Jones) 0 - No

372
373 Mr. Heppler announced that Ms. Jones was elected Vice President.

374
375 **Agenda Item #13 a – ii:**

376
377 Ms. Jones reported that Assembly Bills 333, 705, 773, 1352, and 1374, and Senate Bills
378 272 and 800 were approved by the Governor. Assembly Bills 85, 483, 1351 and 1542
379 were vetoed by the Governor. The Committee will continue to watch Assembly Bills 12,
380 19, and 259, and Senate Bills 52, 128, 130, and 259.

381
382 Ms. Jones reported that Assembly Bill 750 was held in committee, 796 was suspended,
383 and 832 went to the inactive file. Senate Bill 468 is inactive and 479 was not heard.

384
385 The Committee will report should there be any activity on Assembly Bills 507, 611, 618,
386 848, and 1279, in the upcoming legislative session.

387
388 Dr. Erickson requested that the subject of vetoed AB1542 – Worker's Compensation;
389 Neuropsychologists, be revisited by the Policy and Advocacy Committee.

390
391 **Agenda Item #13 iii: Legislation Update and Review; Update regarding the**
392 **California Child Abuse and Neglect Reporting Act (CANRA) and Mandated**
393 **Reporting – Penal Code Sections 261.5, 288 and 11165.1**

394
395 Mr. Thomas reported that the requested legal opinion from the Attorney General
396 inquiring whether oral copulation and sodomy between minors of like age is reportable
397 is delayed due to pending litigation that is closely related to issues raised in the Board's
398 request for the legal opinion.

399
400 At the end of this agenda item, Ms. Arias-Bhatia thanked Dr. Erickson for his service as
401 Board President.

402
403 **Agenda Item #10: Petition for Early Termination/Modification of Probation –**
404 **Timothy Beach, PsyD**

405
406 Administrative Law Judge Kimberly Belvedere presided. Deputy Attorney General
407 Joseph McKenna was present and represented the people of the State of California.
408 Timothy Beach, PsyD was present and represented himself.

409 The Board adjourned into closed session at the conclusion of the hearing pursuant to
410 Government Code section 11126(c)(3) to discuss and vote on disciplinary decisions,
411 including the above petition.

412
413 The Board recessed at 5:30 p.m.

414
415 **Friday, November 13, 2015**

416 The Board reconvened at 9:00 a.m.

417
418 Board Members Linda Starr and Andrew Harlem PhD, were recorded as absent.

419
420
421 Dr. Jo Linder-Crow, Chief Executive Officer, California Psychological Association (CPA),
422 asked the outcome/follow-up of Agenda Item 12(h) from yesterday's meeting.

423
424 Dr. Gallardo responded that the Board issued a couple of newsletter articles regarding
425 the subject, and the Board will encourage people to take referenced courses. He further
426 stated the Board understood that CPA was going to compile a list of graduate training
427 programs that offer any potential courses, and the Board would then follow up with a
428 letter to graduate training programs. Additionally, the Guidelines will be reviewed by the
429 Licensing Committee.

430
431 **Agenda Item #13 iv a – e: Legislation Update and Review; Legislative Proposals**

432
433 Mr. Thomas reported that the proposed amendments to Business and Professions
434 Code section 2913 were recommended to simplify the application process for the
435 psychological assistant.

436
437 Ms. Jones asked if it was premature to consider this proposal as no committee reviewed
438 the proposed recommendation. Ms. Sorrick responded that psychological assistant
439 applicants have difficulty obtaining a registration due to the lack of clarity in the existing
440 law, and this issue was raised in the Board's Sunset Review Report.

441
442 It was M(Horn)/S(Phillips)/C to seek a legislative amendment to Business and
443 Professions Code Section 2913 as follows:

444
445 §2913. A person other than a licensed psychologist ~~may~~ shall be supervised in
446 accordance with the Board's regulations ~~employed by a licensed psychologist, or by a~~
447 ~~licensed physician and surgeon who is board certified in psychiatry by the American~~
448 ~~Board of Psychiatry and Neurology, by a clinic which provides mental health services~~
449 ~~under contract pursuant to Section 5614 of the Welfare and Institutions Code, by a~~
450 ~~psychological corporation, by a licensed psychology clinic as defined in Section 1204.1~~
451 ~~of the Health and Safety Code, or by a medical corporation to perform limited~~
452 ~~psychological functions provided that all of the following apply:~~

453 (a) The person is termed a "psychological assistant."

454 (b) The person (1) has completed a master's degree in psychology or education with
455 the field of specialization in psychology or counseling psychology, or (2) has been
456 admitted to candidacy for a doctoral degree in psychology or education with the field of
457 specialization in psychology or counseling psychology, after having satisfactorily

458 completed three or more years of postgraduate education in psychology and having
459 passed preliminary doctoral examinations, or (3) has completed a doctoral degree
460 which qualifies for licensure under Section 2914, in an accredited or approved
461 university, college, or professional school located in the United States or Canada.

462 (c) The person is at all times under the immediate supervision, as defined in
463 regulations adopted by the board, of a licensed psychologist, or board certified
464 psychiatrist, who shall be responsible for insuring that the extent, kind, and quality of the
465 psychological services he or she performs are consistent with his or her training and
466 experience and be responsible for his or her compliance with this chapter and
467 regulations duly adopted hereunder, including those provisions set forth in Section
468 2960.

469 (d) The licensed psychologist, board certified psychiatrist, contract clinic,
470 psychological corporation, or medical corporation, has registered the psychological
471 assistant with the board. The registration shall be renewed annually in accordance with
472 regulations adopted by the board.

473 No licensed psychologist may register, employ, or supervise more than three
474 psychological assistants at any given time unless specifically authorized to do so by the
475 board. No board certified psychiatrist may register, employ, or supervise more than one
476 psychological assistant at any given time. No contract clinic, psychological corporation,
477 or medical corporation may employ more than 10 assistants at any one time. No
478 contract clinic may register, employ, or provide supervision for more than one
479 psychological assistant for each designated full-time staff psychiatrist who is qualified
480 and supervises the psychological assistants. No psychological assistant may provide
481 psychological services to the public for a fee, monetary or otherwise, except as an
482 employee of a licensed psychologist, licensed physician, contract clinic, psychological
483 corporation, or medical corporation.

484 (e) The psychological assistant shall comply with regulations that the board may, from
485 time to time, duly adopt relating to the fulfillment of requirements in continuing
486 education.

487 (f) No person shall practice as a psychological assistant who is found by the board to
488 be in violation of Section 2960 and the rules and regulations duly adopted thereunder.

489
490 Vote: Aye – 7 (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-
491 Baddoo). No - 0

492
493 Dr. Horn reported that the Licensing Committee recommended an amendment to
494 Business and Professions Code section 2915 to broaden the concept of continuing
495 education to continuing professional development.

496
497 It was M(Phillips)/S(Erickson)/C to direct staff to correct the numbering and lettering
498 sequence in the proposed language, to ensure consistency in references to continuing
499 education, and to seek a legislative amendment to Business and Professions Code
500 Section 2915 as follows:

501
502 **§2915.** (a) Except as provided in this section, ~~on or after January 1, 1996, the board~~
503 ~~shall not issue any renewal license unless the applicant submits proof that he or she~~

504 has completed no less than 18 hours of approved continuing education in the preceding
505 year. On or after January 1, 1997, except as provided in this section, the board shall
506 issue renewal licenses only to those applicants who have completed 36 hours of
507 approved continuing education professional development in the preceding two years.

508 (b) Each person ~~renewing~~ applying for renewal or reinstatement of his or her license
509 issued pursuant to this chapter shall submit certify under penalty of perjury that he or
510 she is in compliance with this section and retain proof of compliance with this section for
511 submission to the board upon request. False statements submitted pursuant to this
512 section shall be a violation of Section 2970.

513 (c) ~~A person applying for relicensure or for reinstatement to an active license status~~
514 ~~shall certify under penalty of perjury that he or she is in compliance with this section.~~

515 (d) (1) ~~The continuing education requirement shall include, but shall not be limited to,~~
516 ~~courses required pursuant to Sections 25 and 28. The requirement may include courses~~
517 ~~pursuant to Sections 32 and 2014.1.~~

518 (12) (A) The board shall require a licensed psychologist who began graduate study
519 prior to January 1, 2004, to take a continuing education course during his or her first
520 renewal period after the operative date of this section in spousal or partner abuse
521 assessment, detection, and intervention strategies, including community resources,
522 cultural factors, and same gender abuse dynamics. Equivalent courses in spousal or
523 partner abuse assessment, detection, and intervention strategies taken prior to the
524 operative date of this section or proof of equivalent teaching or practice experience may
525 be submitted to the board and at its discretion, may be accepted in satisfaction of this
526 requirement.

527 (B) Continuing education courses taken pursuant to this paragraph shall be applied to
528 the 36 hours of approved continuing education professional development required
529 under subdivision (a).

530 (C) ~~A licensed psychologist whose practice does not include the direct provision of~~
531 ~~mental health services may apply to the board for an exemption from the requirements~~
532 ~~of this paragraph.~~

533 (23) Continuing education instruction courses approved to meet the requirements of
534 this section ~~shall be completed within the State of California, or shall be approved for~~
535 ~~continuing education credit by the American Psychological Association or its equivalent~~
536 ~~as organizations approved by the board.~~

537 (ce) The board may ~~establish a policy for exceptions~~ grant exemptions or extensions
538 from the continuing education professional development requirement of this section.

539 (f) ~~The board may recognize continuing education courses that have been approved~~
540 ~~by one or more private nonprofit organizations that have at least 10 years' experience~~
541 ~~managing continuing education programs for psychologists on a statewide basis,~~
542 ~~including, but not limited to:~~

543 (1) ~~Maintaining and managing related records and data.~~

544 (2) ~~Monitoring and approving courses.~~

545 (dg) The board shall adopt regulations as necessary for implementation of this
546 section.

547 (h) ~~A licensed psychologist shall choose continuing education instruction that is~~
548 ~~related to the assessment, diagnosis, and intervention for the client population being~~
549 ~~served or to the fields of psychology in which the psychologist intends to provide~~

550 ~~services, that may include new theoretical approaches, research, and applied~~
551 ~~techniques. Continuing education instruction shall include required courses specified in~~
552 ~~subdivision (d).~~

553 ~~(i) A psychologist shall not practice outside his or her particular field or fields of~~
554 ~~competence as established by his or her education, training, continuing education, and~~
555 ~~experience.~~

556 ~~(ej) The administration of this section may be funded through professional license fees~~
557 ~~and continuing education provider and course approval fees, or both. The fees related~~
558 ~~to the administration of this section shall not exceed the costs of administering the~~
559 ~~corresponding provisions of this section.~~

560 ~~(fk) Continuing education professional development credit may be approved for those~~
561 ~~licensees who serve as commissioners on any examination pursuant to Section 2947,~~
562 ~~subject to limitations established by the board selected participants in any examination~~
563 ~~development or enforcement-related function for the board.~~

564 ~~(l) This section shall become operative on January 1, 2004.~~

565
566 Vote: Aye – 7 (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-
567 Baddoo). No - 0

568
569 Ms. Sorrick reported that Business and Professions Code section 2947 is obsolete and
570 should be deleted.

571
572 It was M(Phillips)/S(Erickson)/C to seek a legislative amendment of Business and
573 Professions Code Section 2947 as follows:

574
575 ~~§2947. The board may appoint qualified persons to give the whole or any portion of any~~
576 ~~examination provided for in this chapter, who shall be designated as commissioners on~~
577 ~~examination. A commissioner on examination need not be a member of the board but~~
578 ~~he or she shall have the same qualifications as a member of the board, including those~~
579 ~~set forth in Chapter 6 (commencing with Section 450) of Division 1. The board may also~~
580 ~~appoint occasional professional commissioners for short-term specified periods to assist~~
581 ~~in its nonpolicy workload.~~

582 ~~Public commissioners may examine and evaluate candidates in areas of knowledge~~
583 ~~such as the law, ethics, and awareness of community resources.~~

584
585 Vote: Aye – 7 (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-
586 Baddoo) No - 0

587
588 Ms. Sorrick reported that she attended an ASPPB meeting at which states and
589 jurisdictions discussed information currently being posted regarding licensed
590 psychologists. It was her recommendation that the Board consider the proposed
591 statutory language defining the information that may be posted to the Board's website.

592
593 It was M(Horn)/S(Phillips)/C to seek a legislative amendment to Business and
594 Professions Code Section 2934.1 as follows:

595

596 §2934.1 Website Information on Psychologists
597 (a) The board may post on its website the following information on the current status of
598 the license for all current and former licensees:
599 (1) Whether or not the license is presently in good standing.
600 (2) Any of the following enforcement actions or proceedings to which the licensees
601 actively subjected:
602 (A) Temporary restraining orders.
603 (B) Interim suspension orders.
604 (C) Revocations, suspensions, probations, or limitations on practice ordered by the
605 board or the board of another state or jurisdiction, including those made part of a
606 probationary order or stipulated agreement.
607 (D) Current accusations filed by the Attorney General, including those accusations that
608 are on appeal. For purposes of this paragraph, "current accusation" means an
609 accusation that has not been dismissed, withdrawn, or settled, and has not been finally
610 decided upon by an administrative law judge and the board unless an appeal of that
611 decision is pending.
612 (E) Citations issued that have not been resolved or appealed within 30 days.
613 (b) The board may post on its website all of the following historical information in its
614 possession, custody, or control regarding all current and former licensees:
615 (1) Institutions that ordered the qualifying educational degree and type of degree
616 awarded.
617 (2) Any final revocations and suspensions, or other equivalent actions, taken against
618 the licensee by the board or the board of another state or jurisdiction or the surrender of
619 a license by the licensee in relation to a disciplinary action or investigation, including the
620 operative accusation resulting in the license surrender or discipline by the board.
621 (3) Probation or other equivalent action ordered by the board or the board of another
622 state or jurisdiction, completed or terminated, including the operative accusation
623 resulting in the discipline by the board.
624 (4) Any felony convictions. Upon receipt of a certified copy of an expungement order
625 granted pursuant to Section 1203.4 of the Penal Code from a licensee, the board shall,
626 within six months of receipt of the expungement order, post notification of the
627 expungement order and the date thereof on its website.
628 (5) Misdemeanor convictions resulting in a disciplinary action or accusation that is not
629 subsequently withdrawn or dismissed. Upon receipt of a certified copy of an
630 expungement order granted pursuant to Section 1203.4 of the Penal Code from a
631 licensee, the board shall, within six months of receipt of the expungement order, post
632 notification of the expungement order and the date thereof on its website.
633 (6) Other information designated by the board in regulation.

634
635 Dr. Jo Linder-Crow commented that the word "specialty" has a particular connotation;
636 there are designated specialty areas that are different than someone declaring their own
637 areas of practice. This language requires further review and clarification.
638

639 Dr. Melody Schafer encouraged the Board to consider the vernacular being used.
640 Insurance companies have various unrelated definitions of specialties.
641

642 Vote: Aye – 7 (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-
643 Baddoo). No - 0

644

645 It was M(Arias-Bhatia)/S(Horn)/C to seek a legislative amendment to add Business and
646 Professions Code Section 2988.5 follows:

647

648 **§2988.5**

649 (a) The board may establish, by regulation, a system for a retired category of licensure
650 for persons who are not actively engaged in the practice of psychology.

651 (b) The regulation shall contain the following:

652 (1) The holder of a retired license issued pursuant to this section shall not engage in
653 any activity for which a license is required.

654 (2) The holder of a retired license shall not be required to renew that license.

655 (3) In order for the holder of a retired license issued pursuant to this section to restore
656 his or her license to an active status, the holder of that license shall meet all the
657 following:

658 (A) Pay a fee established by regulation.

659 (B) Certify, in a manner satisfactory to the board, that he or she has not committed an
660 act or crime constituting grounds for denial of licensure.

661 (C) Comply with the fingerprint submission requirements established by regulation.

662 (D) If the board requires completion of continuing education for renewal of an active
663 license, complete continuing education equivalent to that required for renewal of an
664 active license, unless a different requirement is specified by the board.

665 (E) Complete any other requirements as specified by the board by regulation.

666 (F) The board may upon its own determination, and shall upon receipt of a complaint
667 from any person, investigate the actions of any licensee, including a person with a
668 license that either restricts or prohibits the practice of that person in his or her
669 profession or vocation, including, but not limited to, a license that is retired, inactive,
670 canceled, revoked, or suspended.

671

672 Vote: Aye – 7 (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-
673 Baddoo). No - 0

674

675 **Agenda Item #14. Closed Session – Licensing Committee**

676

677 The Licensing Committee met in closed session pursuant to Government Code section
678 11126(c)(2) to consider and make recommendations regarding the following:

679 a) Request from J.M. for an extension of the 30-consecutive month requirement to
680 accrue 1500 hours of post-doctoral supervised professional experience pursuant
681 to section 1387(a) of the California Code of Regulations

682 b) Request from J.B. for an extension of the 30-consecutive month requirement to
683 accrue 1500 hours of post-doctoral supervised professional experience pursuant
684 to section 1387(a) of the California Code of Regulations

685 c) Request from V.W. for an extension of the 30-consecutive month requirement to
686 accrue 1500 hours of pre-doctoral supervised professional experience pursuant
687 to section 1387(a) of the California Code of Regulations

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RETURN TO OPEN SESSION – FULL BOARD MEETING

Agenda Item #15: Licensing Committee Report and Consideration of Committee Recommendations

a) Licensing Report

Ms. Johnson reported the following:

Licensing Analysts Liezel McCockran and Julie Brown accepted promotional positions with other agencies. Rob Loyola, Enforcement Program, has been helping with licensing backlogs. Interviews for the two licensing analyst vacant positions should be concluded by the end of November.

BreEZe will be adding the second phase of Boards to the system in January. BreEZe will not be available from January 14 to 19, 2016, due to this implementation. A notice was placed on the Board's website to notify the public of the outage.

Survey results received since July 1, 2015, were reviewed with the Board Members. The two week timeline to review new applications is generating a higher number of satisfactory responses. Quicker responses to emails and telephone calls are reflected in the 64% overall rating of "very good" to "excellent".

AB 705 will be enacted January 1. The revised law requires that unlicensed salaried employees who are practicing psychology in an exempt setting are properly supervised and working towards licensure. Such employees must be supervised by a California-licensed psychologist and primarily be earning supervised professional experience hours towards licensure within a given timeframe of five (5) years from the date of employment or from January 1, 2016 if already employed in an exempt setting. Such employees may only practice psychology in accredited or approved academic institutions, public schools or governmental agencies to qualify for the temporary exemption.

AB 773 will be enacted January 1, specifying that initial licenses will expire two (2) years from the date of issuance.

Examination statistics were reviewed with the Board Members.

Dr. Horn announced that the next Licensing Committee meeting would be held on January 11 & 12, 2016, in Sacramento and will be available for teleconference. The Committee will be discussing continuing professional development, pathways to licensure, and fingerprinting procedures.

b) Continuing Education Report

734 Ms. Johnson reviewed continuing education renewal audit statistics with the Board
735 Members.

736

737 c) Review and Revision of Business and Professions Code Section 2915: Continuing
738 Education Requirements; Practice Outside Fields of Competence

739

740 Dr. Horn stated this item was reviewed and discussed during the Policy and Advocacy
741 Committee report.

742

743 d) Review and Revision of Proposed CE/CPD Regulations

744

745 Dr. Horn informed the Board that the Committee should complete its review of the
746 proposed CE/CPD regulations at the January 2016 Licensing Committee meeting.

747

748 Dr. Linder-Crow asked if the Committee would be discussing psychopharmacology at its
749 January meeting. She was informed that the subject of psychopharmacology is not on
750 the agenda for the January meeting, but would be discussed at a future meeting, date
751 yet to be determined.

752

753 It was M(Horn)/S(Phillips)/C to accept the Licensing Committee report thus far.

754

755 Vote: Aye - 6 (Horn, Phillips, Arias-Bhatia, Gallardo, Erickson, Acquaye-Baddoo
756 No - 0

757

758 e) Consider Licensing Committee Recommendation Regarding Request from J.M. for
759 an Extension of the 30-consecutive Month Requirement to Accrue 1500 Hours of Post-
760 doctoral Supervised Professional Experience Pursuant to Section 1387(a) for the
761 California Code of Regulations

762

763 Dr. Horn stated that the Committee considered JM's request and voted unanimously to
764 recommend approval of the request.

765

766 It was M(Horn)/S(Phillips)/C to adopt the committee's recommendation and grant the
767 requested extension.

768

769 Vote: 7 Aye (Horn, Phillips, Gallardo, Jones, Arias-Bhatia, Acquaye-Baddo, Erickson)
770 No - 0

771 f) Consider Licensing Committee Recommendation Regarding Request from J.B. for an
772 Extension of the 30-consecutive Month Requirement to Accrue 1500 Hours of Post-
773 doctoral Supervised Professional Experience Pursuant to Section 1387(a) for the
774 California Code of Regulations

775

776 Dr. Horn stated that the Committee considered JB's request and voted unanimously to
777 recommend approval of the request.

778

779 It was M(Horn)/S(Acquaye-Baddoo)/C to adopt the committee's recommendation and
780 grant the requested extension.

781
782 Vote: 7 Aye: (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-Baddoo)
783 No - 0

784
785 g) Consider Licensing Committee Recommendation Regarding Request from V.W. for
786 an Extension of the 30-consecutive Month Requirement to Accrue 1500 Hours of Pre-
787 doctoral Supervised Professional Experience Pursuant to Section 1387(a) for the
788 California Code of Regulations

789
790 Dr. Horn stated that the Committee reviewed V.W.'s request and voted unanimously to
791 recommend approval of the request.

792
793 It was M(Horn)/S(Phillips)/C to adopt the committee's recommendation and grant the
794 requested extension.

795
796 Vote: 7 Aye: (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-Baddoo)
797 No - 0

798
799 **Agenda Item #17: Sunset Review Committee Report and Consideration of**
800 **Committee Recommendation**

801
802 a) Proposed Sunset Review Report – Due to the Senate Business, Professions and
803 Economic Development Committee on December 1, 2015

804
805 Dr. Erickson presented the draft Sunset Report.

806
807 Ms. Sorrick asked the Board to allow staff to make non-substantive changes to
808 complete the report by the December 1, 2015, deadline for submission. She gave an
809 overview of the Sunset Review process.

810
811 Concern was expressed that only a small committee was assigned and had access to
812 this report to date, not allowing the Board an opportunity to thoroughly review the
813 document.

814
815 Mr. Heppler suggested the Board defer this matter to a Board meeting to be held prior
816 to the December 1, 2015, deadline, allowing staff to complete the changes and make
817 the deadline of December 1, 2015.

818
819 Dr. Linder-Crow stated that in the past, stakeholders were given an opportunity to
820 provide comments. She asked if there was follow-up on comments from the last Sunset
821 Report in 2011, particularly with the subject of approved schools. She also asked what
822 the Board was doing to address any changes that were brought up from the last report.
823

824 It was M/(Acquaye-Baddoo)/S(Erickson)/C to direct staff to complete non-substantive
825 changes to the report, and to hold a Board meeting on Saturday, November 28, 2015, at
826 10:00 a.m. for final review and consideration of the approval of the Sunset Report.
827

828 Dr. Linder-Crow stated that she cannot attend the meeting on November 28 and asked
829 how she could reserve the opportunity to make comment.
830

831 Dr. Erickson suggested she submit any oral comment she is prepared to present at this
832 time and submit written comment as part of the November 28 meeting.
833

834 Dr. Raymond Trybus commented that language on page 66 switches back and forth
835 from accredited schools to accredited programs. He suggested changing accredited
836 programs to accredited schools, consistent throughout this section. Dr. Horn affirmed
837 the intent was to refer to schools, not programs.
838

839 Vote: 7 Aye: (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-Baddoo)
840 No - 0
841

842 **Agenda Item #18: President's Report**

843 844 **a) NC Dental Board Examiners Case Update**

845
846 Dr. Erickson reported that in North Carolina, non-dentists were performing teeth-
847 whitening procedures in malls. The North Carolina Dental Board took the position that
848 this practice required licensure, and legal action was initiated against the unlicensed
849 practitioners. A complaint was filed with the Federal Trade Commission; the matter
850 ultimately heard by the Supreme Court that ruled there needed to be changes in the
851 way licensing boards are comprised. Importantly in this opinion, the NC dental board's
852 members are elected by a professional association with only one public member and
853 the remainder members being licensed dentists.
854

855 Mr. Heppler commented that in California, all parties are currently engaged in
856 discussion of this ruling and the concern that boards are comprised of active market
857 participants who may be in control of making non-competitive marketing decisions.
858 From these discussions, possible future recommendations may be forthcoming.
859

860 Dr. Schaefer requested that related documents be made available to the public on the
861 Board's website.
862

863 **b) 2016 Meeting Calendar and Locations**

864
865 Dr. Erickson presented the Board meeting calendar for the next calendar-year.
866

867 Ms. Jones asked if Committee rosters will be made available before the February
868 meeting. Dr. Phillips stated that he will review the Committees assignments, consult
869 with the Board's Vice President, and then make that information public.

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c) Other Informational Items

No other informational items were reported.

Agenda Item #20: Recommendations for Agenda Items for Future Board Meetings

Dr. Horn requested the Licensing Committee agenda include an item to discuss the possibility of licensing staff taking more responsibility when receiving requests for extensions, etc. She also requested that the Licensing Committee consider the matter of the responsibility of supervisors being informed enough to help guide supervisees in the process of accumulating Supervised Professional Experience hours.

Ms. Jones requested the Enforcement Committee agenda include an item to discuss the way cases are reviewed; for example, can they be batched, etc. She also requested that the Board be provided a presentation on taking positions as a Board to assist the Policy and Advocacy Committee.

Dr. Linder-Crow stated that most supervisors do not understand the regulations, sometimes resulting in supervisees losing hours earned. She questioned what the Board's role is relative to the supervisor that has caused such an egregious consequence. Dr. Horn thanked her for the comment. Mr. Heppler stated this subject could be placed on a future agenda.

CLOSED SESSION – FULL BOARD

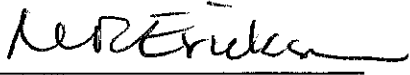
Agenda Item #21: The Board will Meet in Closed Session Pursuant to Government Code Section 11126(a)(1) to conduct its annual evaluation of its Executive Officer

The Board met in closed session to conduct its yearly evaluation of the Executive Officer.

RETURN TO OPEN SESSION

Agenda Item #22: Adjournment

Dr. Erickson adjourned the meeting at 3:00 p.m.



President

Date