

BOARD MEETING MINUTES

**State Capitol, Room 112
Sacramento, CA 95815
(916) 324-0333**

Thursday, February 25, 2016

Stephen Phillips, PsyD, JD, Board President, called the open session meeting to order at 9:41 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Stephen Phillips, PsyD, JD, President
Nicole J. Jones, Public Member, Vice-President
Lucille Acquaye-Baddoo, Public Member
Johanna Arias-Bhatia, Public Member
Michael Erickson, PhD
Andrew Harlem, PhD
Jacqueline Horn, PhD
Linda Starr, Public Member

Others Present:

Antonette Sorrick, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Sandra Monterrubio, Enforcement Program Manager
Karen Johnson, Licensing Coordinator
Jason Glasspiegel, Central Services Coordinator
Jacquelin Everhart, Continuing Education/Renewals Coordinator
Norine Marks, DCA Legal Counsel
Mark Ito, Programs DCA Budget Analyst
Melodie Schaefer, CPA-Division II, CAPIC
Matt McAlear, MA, BCBA, CalABA

Agenda Item #2: President's Welcome

Dr. Phillips welcomed those in attendance, read the Board's mission statement, and thanked Senator Bates for sponsoring the Board to have its meeting at the State Capitol.

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

No public comments were received.

Agenda Item #4: Approval of Minutes: November 12-13, 2015

46 Dr. Horn requested minor changes to the minutes.

47
48 It was M(Acquaye-Baddoo)/S(Starr)/C to approve the November 12-13, 2015 Board
49 Meeting minutes as amended.

50
51 Vote: 8 aye (Arias-Bhatia, Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Starr, Harlem)
52 0 no

53
54 **Agenda Item #5: Approval of Minutes: November 28, 2015**

55
56 Dr. Horn requested some minor changes be made to the minutes.

57
58 It was M(Starr)/S(Arias-Bhatia)/C to approve the November 28, 2015 Board Meeting
59 minutes as amended.

60
61 Vote: 8 aye (Arias-Bhatia, Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Starr, Harlem)
62 0 no

63
64 **Agenda Item #6: Budget Report**

65
66 Mark Ito, the Board's DCA Budget Analyst, presented the Board's budget report. He said
67 that all programs within DCA participate in incremental budgeting, which means that the
68 starting point for billing each year's budget is the prior year's Budget Act approved by the
69 Governor. From there they make various current end-year and budget-year adjustments.
70 The result is the Board's current year appropriations figure, which is included in the
71 Governor's budget.

72
73 Dr. Horn asked if the budget was created with the assumption that no new programs are
74 going to be added. Mr. Ito said that as a result of AB 1715, he would be working with Board
75 staff to create a fiscal analysis of the bill and once it is approved, he can present it to the
76 Board members.

77
78 Dr. Erickson asked how sure the Board members could be in getting repaid for the loans
79 given to the General Fund. Mr. Ito said that it is his understanding that the Governor has
80 directed the Department of Finance to repay the loans.

81
82 Dr. Phillips inquired about items that the Board had spent more money on than was
83 allocated. He said it is important to track items to understand why the Board is spending
84 more than the amount allocated. Mr. Ito said that he can provide a breakdown of the
85 Board's expenditures in the past three to five years so that the budget can be structured
86 based upon those expenditures.

87
88 Dr. Horn agreed that if the Board knows where the money is going, it helps the Board
89 moving forward if they decide to reallocate money.

90
91 Dr. Horn thanked Mr. Ito for taking the Board through the report step-by-step and Dr.
92 Phillips thanked him for all of his hard work.

93 **Agenda Item #7: Enforcement Report**

94
95 Ms. Monterrubio presented the Board's enforcement report. She reported that the Board's
96 enforcement unit hired Crystal Martinez as an enforcement analyst and she started on
97 February 12, 2016. She is responsible for issuing all enforcement-related citations,
98 processing and reviewing subsequent arrest notifications, and assisting the Office of
99 Attorney General with Statements of Issues. Ms. Monterrubio said that since the Board
100 hired Ms. Martinez, there are no vacancies in the enforcement unit.

101
102 She reported that since July 1, 2015, the Board has received 529 complaints, issued 49
103 citations, and referred 20 cases to the Office of the Attorney General. She stated that the
104 Board is monitoring 41 probationers who are all currently in compliance.

105
106 Dr. Phillips said that the number of licensed psychologists in California provided in the
107 report for fiscal year 2015/16, was inaccurate and that it was actually 19,850. This figure
108 includes both inactive and active licensed psychologists. He also said that the number of
109 complaints is significantly higher than the preceding years. Ms. Monterrubio said that she is
110 not sure what has contributed to the increase in complaints, but she is looking into it.

111
112 Ms. Arias-Bhatia asked if there were any trends amongst the complaints and Ms.
113 Monterrubio said she would do some research and provide more information at the May
114 Board meeting.

115
116 Dr. Harlem asked about the four dismissed Accusations. Ms. Monterrubio said that there
117 was no Expert Reviewer training provided for a period of -4-5 years. In some cases when
118 Expert Reviewers testified they fell outside of their scope of expertise. She said as a result,
119 the Administrative Law Judge might have recommended to dismiss the case. She said the
120 trainings would now be held every other year to avoid this from happening again.

121
122 Dr. Harlem requested that staff include the credentials of the practitioners who receive
123 accusations. Ms. Monterrubio said that she would look into this and report back at the May
124 Board meeting. Dr. Phillips said that the Board has received a request to provide more
125 licensee information on its website and suggested that the BreEZe system be updated to
126 include credentialing information.

127
128 Ms. Jones asked what the reasons for the 49 citations were and Ms. Monterrubio explained
129 that most of them were for continuing education (CE) violations.

130
131 **a) Changes to the Expert Reviewer Program**

132
133 Ms. Monterrubio reported that there were nine changes made to the expert reviewer
134 program. She indicated that the Board used to send cases over to the investigative unit to
135 work with the Board's experts who would then report what their findings were. These
136 findings were then forwarded to another expert for a final review and sometimes the
137 findings were different. This was an issue when presented at a hearing so enforcement
138 staff made changes to the program in order to resolve this issue. She said now there is just

139 one expert reviewer who will create a written report and testify to those findings at a
140 hearing.

141
142 Dr. Horn said that staff has spent a lot of time reviewing the process and is pleased to hear
143 that staff is expanding the locations where the trainings will be held.

144
145 Ms. Monterrubio said that Deborah Morales, one of the Board's enforcement analysts,
146 spent a lot of time with the Board's Deputy Attorney General liaison, Josh Templet, to
147 review the program.

148
149 Dr. Erickson thanked Ms. Monterrubio and Ms. Morales for all of the hard work they have
150 done. He asked if there is room to increase the fees because he would like to see that the
151 experts are paid as well as defense experts. Ms. Monterrubio said she does not know if that
152 is possible but what the Board pays its experts is in line with what other boards are paying
153 theirs.

154
155 **Agenda Item #8: Executive Officer's Report**

156
157 Ms. Sorrick reported on the following items:

158
159 **a) Organization Update**

160
161 The Board recently hired Jason Glasspiegel as the Central Services Coordinator and
162 Crystal Martinez as an Enforcement Analyst. Chris Siepert, formerly the Board's Program
163 Technician II, was promoted to a Licensing Analyst and she thanked him for working two
164 desks at one time until his prior position is filled. She reported that Jeffrey Thomas, formerly
165 the Board's Staff Services Manager I, was promoted to Staff Services Manager II and will
166 remain as the Board's Assistant Executive Officer. Rob Loyola recently moved from the
167 Enforcement Unit to the Licensing Unit as a Staff Services Analyst.

168
169 Ms. Sorrick reported that there is now a Licensing unit, an Enforcement unit and a Central
170 Services Unit. Staff members Marjean Dupree, Jacquelin Everhart and Lavinia Snyder
171 have moved to the Central Services Unit after an evaluation of their roles and
172 responsibilities showed that their duties were aligned with the duties of that unit.

173
174 Staff is looking to add a student assistant and fill both the Program Technician II and Staff
175 Services Manager I positions.

176
177 **b) Other Informational Items**

178
179 A recent report from DCA's Executive Office states that Board members need to complete
180 a form 700 upon appointment and then annually thereafter by April 1 of each year. The
181 deadline to submit it online is March 15. Board members must complete the Board member
182 orientation, sexual harassment, ethics and defensive driver training. Staff will notify each
183 member via email if he or she is due for a training.

184

185 **Agenda Item #9: Outreach and Education Committee Report and Consideration of**
186 **Committee Recommendations**

187
188 Ms. Starr reported on the following items:

189
190 **a) Strategic Plan Update**

191
192 Ms. Jones asked where the Board was in its strategy of reaching out to consumer groups.
193 Ms. Sorrick reported that the Board has a stakeholders list that includes consumer groups
194 and that it is consistently being updated. She said that the Board's former student assistant
195 researched organizations both for licensees and consumers in order to maximize the
196 Board's outreach and that this project would continue to be carried out by the new student
197 assistant.

198
199 **b) Communications Plan Update**

200
201 Ms. Starr said that this agenda item would be updated as needed.

202
203 **c) Social Media Update**

204
205 Ms. Starr referred to the social media update that was included in the Board meeting
206 packets.

207
208 **d) Website Update**

209
210 Mr. Thomas reported that previously there was a discussion at the November 2015 Board
211 meeting to change the "consumers" tab on the Board's website to "public". He followed up
212 with DCA to see if this change is possible and was informed that it is possible; however, a
213 justification for the change would need to be approved by DCA's Executive Office. Mr.
214 Thomas noted that out of the 43 DCA websites, only four did not have a consumers tab.

215
216 The Board members agreed to keep the term as "consumers".

217
218 **e) Update on Newsletter**

219
220 Ms. Starr presented the Board's Fall "Journal" that was provided in the Board meeting
221 packets.

222
223 Dr. Harlem asked for a discussion of the reasons why the Board includes disciplinary
224 actions in the newsletter and Ms. Acquaye-Baddoo said it is consistent with the Board's
225 value of transparency. Dr. Horn agreed that it is an important piece to the newsletter.

226
227 Ms. Sorrick said that there is no requirement to include the Board's disciplinary actions in
228 the newsletter, but she has received positive feedback from licensees about its inclusion.

229
230 Norine Marks, DCA's legal counsel, suggested that staff consider mirroring the State Bar
231 magazine's disciplinary section where they have a small paragraph of what the factual

232 basis was for each discipline. The Board members agreed and felt this approach would be
233 more educational.

234
235 f) Outreach Activities Update

236
237 Ms. Starr reported that Board member Dr. Horn and staff members Jacquelin Everhart,
238 Karen Johnson, and Sandra Monterrubio would be attending the CPA convention in April.

239
240 She said that Ms. Sorrick is awaiting DCA's approval to travel to the ASPBB Midyear
241 Meeting in Anchorage, Alaska.

242
243 g) Access to Mental Healthcare in the State of California Campaign Update

244
245 Ms. Starr reported that a recipient of this program would be featured in the Board's Winter
246 Journal. Staff is working on providing the application as an insert in the renewal
247 applications. Ms. Sorrick said that the insert would be two-fold. It would allow licensees to
248 apply for the program and to donate funds.

249
250 h) Discussion and Potential Recommendation to Full Board Regarding Outreach to High
251 Schools to Increase Licensing Population – Access to Care

252
253 Ms. Starr reported that Ms. Acquaye-Baddoo and Ms. Sorrick are currently drafting an
254 outreach plan.

255
256 It was M(Harlem)/S(Acquaye-Baddoo)/C to approve the Outreach and Education
257 Committee report and any recommendations therein.

258
259 Vote: 8 aye (Arias-Bhatia, Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Starr, Harlem)
260 0 no

261
262 **Agenda Item #10: CLOSED SESSION – FULL BOARD**

263
264 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to
265 discuss disciplinary matters including Petitions for Reconsideration, Stipulations, and
266 Proposed Decisions.

267
268 **RETURN TO OPEN SESSION – FULL BOARD MEETING**

269
270 **Agenda Item #11: Regulation Update and Review: Possible Action**

271
272 a) Title 16, CCR Section 1397.12 –Consideration of Adopting Amendments to Uniform
273 Standards Relating to Substance Abuse and Disciplinary Guidelines

274
275 Mr. Glasspiegel reported that the language was noticed on February 12 for a 15-day
276 comment period which will expire on February 27. The Board received one comment from
277 Dr. Arthur Thomas Horvath, which was presented to the full Board.

278

279 Dr. Phillips thanked Dr. Horvath for his comment and said that this is a statutory program
280 imposed on all DCA healing arts boards. Discussion ensued and the Board members
281 decided not to make any changes to the modified text based upon Dr. Horvath's comment.
282

283 It was M(Jones)/S(Arias-Bhatia)/C to delegate the authority to the Executive Officer to
284 adopt the third modified text after the comment period ends on February 27 absent any
285 negative comments.
286

287 Vote: 8 aye (Arias-Bhatia, Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Starr, Harlem)
288 0 no
289

290 b) Title 16, CCR Section 1380.5 – Filing of Addresses

291
292 Mr. Glasspiegel reported that the Filing of Addresses package was taken to the Office of
293 Administrative Law (OAL) on February 24, and they have 30 (thirty) days to approve or
294 reject the package.
295

296 **Agenda Item #12: Policy and Advocacy Committee Report and Consideration of**
297 **Committee Recommendations**

298
299 a) Legislation Update
300

301 Ms. Jones presented the matrix drafted by Mr. Glasspiegel that provided current positions
302 of the Board on various legislative bills. She reported that the Board had a position on SB
303 479 and AB 750, but they are no longer moving forward. The Board is watching several of
304 the bills; thus, no action required for those items as this time.
305

306 1) AB 12 (Cooley) State Government: Administrative Regulations

307
308 The Board will continue to watch this bill.
309

310 2) AB 19 (Chang) State Government: Regulations

311
312 The Board will continue to watch this bill.
313

314 3) AB 259 (Dababneh) Personal Information: Privacy

315
316 The Board will continue to watch this bill.
317

318 4) AB 507 (Olsen) Department of Consumer Affairs

319
320 The Board will continue to watch this bill.
321

322 5) AB 611 (Dahle) Controlled substances: prescriptions: reporting

323
324 The Board will continue to watch this bill.
325

326 6) AB 618 (Maienschein) Parole: Primary Mental Health

327
328 The Board will continue to watch this bill.

329
330 7) AB 796 (Nazarian) Health Care Coverage: Autism and Pervasive
331 Developmental Disorders

332
333 Mr. Glasspiegel presented AB 796. Ms. Sorrick said that staff's recommendation is
334 to "Oppose" AB 796.

335
336 Dr. Jim Lantry, a lobbyist for Floortime Coalition of California, the sponsor of AB 796,
337 said that ABA is covered and works for some children, but it does not work for all. It
338 is important that a psychologist or medical health professional be able to practice
339 according to what is best for his or her patient. The parents go with whatever
340 treatment the insurance companies are willing to pay for.

341
342 Dr. Horn reported that previously the Board stated it was not really the appropriate
343 body to determine appropriate evidence-based treatments. She asked if Mr. Lantry
344 has approached the American Psychological Association or the California
345 Psychological Association, the major practice-oriented associations for the
346 profession. Mr. Lantry said he had not reached out to those associations because
347 none of those were state agencies. Mr. Lantry stated that the interested parties
348 supporting AB 796 thought it would be best to go to a state agency rather than ask a
349 non-profit that is not under the direct control of the state. Dr. Horn said his request
350 would change the role of the Board.

351
352 Dr. Harlem said that APA has moved away from listing specific treatments. He
353 stated that although he agrees with Dr. Lantry that a multiple treatments may be
354 needed to treat the patients, the answer is not to list four more treatments for
355 specific disorders. The idea is to keep the list open so that it does not prevent newer
356 ideas from emerging in the future.

357
358 Dr. Phillips said that he does not want the Board to start dictating the scope of the
359 services psychologists are providing. He said that mental health coverage in general
360 is very difficult to get through insurance companies no matter how much legislation
361 has been passed.

362
363 Dr. Melodie Shaefer from CPA-Division II, CAPIC said it might be more helpful for
364 Dr. Lantry to approach the APA Practice Directorate because this is a national issue.

365
366 It was M(Horn)/S(Harlem)/C to accept staff's recommendation to oppose AB 796.

367
368 Vote: 7 aye (Arias-Bhatia, Acquaye-Baddoo, Erickson, Phillips, Horn, Starr, Harlem)
369 1 no (Jones)

370
371 8) SB 52 (Walters) Regulatory Boards: Healing Arts

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This bill has died.

9) SB 128 (Wolk) – End of Life

The Board will continue to watch this bill.

10) SB 130 (Roth) Mental Health

The Board will continue to watch this bill.

11) SB 468 (Hill) Bureau of Security and Investigative Services: licensees

Ms. Sorrick reported that the Board had a “Neutral if Amended” position. She said if anything changed, it would be brought back to the full Board.

12) AB 750 (Low) Business and professions: licenses

Ms. Jones reported that the Board previously took a Support position on AB 750, but it has since died.

13) SB 479 (Bates) Healing Arts: ABA

Ms. Sorrick reported that SB 479’s language has been moved to AB 1715 (Holden). She recommended that the Board continue to watch SB 479 and if the language were to impact the Board, it would be brought back to the Board members for a position.

14) AB 1715 (Holden) Healing Arts: ABA

Ms. Sorrick pointed out that the Board received public input on possible amendments to the bill, which was highlighted in the text provided. Individuals from CalABA, Assembly Member Holden’s Office, and the Autism Business Association were in attendance..

This bill was introduced on January 26, 2016. The last position the Board took on this language, which was previously in SB 479 (Bates), was “Oppose unless Amended” with regard to the exemption in the regional centers issue.

Matt McAlear from CalABA said that the “Opposed unless Amended” position the Board previously took was due to the exemption from licensure available for individuals working under contract at the California Department of Developmental Services (DDS). His team has been working with the Governor’s office to see how they can make this work for everybody involved.

Helen Mader, the owner of an ABA agency in California and a representative of the Autism Business Association, presented the amendments that the Autism Business Association had proposed to be included in the language. A recent survey

420 conducted by the Autism Business Association showed that the 33 agencies within
421 its association serve approximately 13,000 individuals in California. One of their
422 goals is to maintain capacity for clients because they do not want to limit the access
423 to care for the clients with autism in California. For the past few decades, they have
424 used the three-tier model that is currently represented in AB 1715. DDS also utilizes
425 behavior management assistants within its middle tier, but these individuals are not
426 represented in the bill. She reported that 58% of their middle-tier supervisors are
427 non-certified. In order to ensure consumer protection, they are requesting that this
428 category be added to the three-tier model so that the Board can regulate these
429 individuals.

430
431 Matt McAlear requested that the Board change their position to "Support if
432 Amended".

433
434 Rick Rollins from the Autism Business Association and chief lobbyist for the regional
435 centers, suggested that the Board take an "Oppose unless Amended" position
436 because the changes they requested have not been made.

437
438 It was M(Horn)/S(Harlem)/C to take an "Oppose unless Amended" position until the
439 following sections are amended in AB 1715: regional center exemption removed,
440 adding a third category of registration, and amending the delegation of family
441 members to be able to act per the direction of the provider.

442
443 Vote: 7 aye (Acquaye-Baddoo, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

444
445 Ms. Mader requested that the language be changed in section (g) to include
446 employees under a vendorized individual.

447
448 Dr. Phillips thanked Helen for her efforts.

449
450 Matt McAlear said that he does not think that the addition of behavioral management
451 assistant is necessary.

452
453 b) Update Regarding the California Child Abuse and Neglect Reporting Act (CANRA) and
454 Mandated Reporting – Penal Code Sections 261.5, 288, and 11165.1

455
456 Mr. Glasspiegel reported that the Board requested an opinion from the Office of the
457 Attorney General regarding clarifying issues in mandatory reporting requirements per
458 CANRA. He indicated that the Office of the Attorney General still has not issued an opinion
459 because it is in the middle of a lawsuit.

460
461 Dr. Harlem said this agenda item has now evolved into the AG's opinion becoming the end
462 that the Board is seeking. He wants to remind people that the Board has a responsibility
463 and that it can still take action. It is not reasonable any longer to wait for the AG's office.
464 There are youth in the process of discovering their sexuality who are experimenting with
465 their peers and may be facing different forms of homophobia, misunderstanding, and
466 pressures to conform at home. They go to their therapist or psychologist who are unable to

467 provide a safe enough environment to discuss what is really going on. The Board of
468 Behavioral Sciences (BBS) has clarified how they are interpreting CANRA and advising
469 their licensees not to consider oral or anal sex by definition abusive. He said this was a
470 bold move that has not resulted in negative consequences and this Board is still moving
471 this discussion to another meeting because of the pending status of the AG's opinion. He
472 wants the Board to continue to ask what else it can do.

473
474 Dr. Phillips stated that, according to his recollection, BBS sought advice from its legal
475 counsel and that its counsel supported the position BBS has taken. He said that the Board
476 of Psychology was told they would not necessarily receive the same support from its
477 counsel. They were in a position where they felt like they had received conflicting
478 information and insufficient basis upon which to interpret the statute without the AG's
479 opinion. He thinks that this legislation does differentially impact minority youth as well as
480 other youth, but the Board was in a quandary and looked to the AG's office for clarity. If the
481 Board is unable to get an opinion from the AG's office in the near future, the question
482 becomes what other avenues are open to the Board.

483
484 Ms. Marks said that BBS had asked its counsel whether or not there was a statutory
485 change necessary to clarify that non-abusive, consensual acts would be considered the
486 same. Her opinion was that there was no statutory basis to distinguish between particular
487 sex acts being engaged by minors of like age in non-abusive relationships. Ms. Marks said
488 she agreed with that opinion. She had advised the Board to be cautious about informing
489 licensees that this was an appropriate interpretation of the law because we are talking
490 about statutes contained in the Penal Code, which this Board does not enforce. She said
491 the danger lies in telling the licensees there is no basis for this distinction; therefore, you
492 can feel confident in not reporting behavior that you may have once thought was
493 reportable. The downside is that the various district attorneys around the state may see it
494 differently based upon what she understands to be 30 years of secondary sources that
495 have made these distinctions. Her concern was the Board assuring licensees that they will
496 not be subject to criminal prosecution for failing to report certain acts.

497
498 Ms. Sorrick reported that Assembly Member Garcia had AB 832 last year and the Board
499 took a support position. This issue is important to her because there are many people in
500 her constituency and in her former career as a teacher that the legislation would have
501 affected. Ms. Sorrick suggested that the Board send a letter to Assembly Member Garcia
502 to show its support in her continued efforts, which can be posted on the Board's website
503 and in its newsletter. The Board needs a legislative fix to clean up the statute, short of
504 getting the AG's opinion, to resolve this issue.

505
506 Ms. Marks said her caution with Dr. Horn's suggestion is two-fold. Without indicating that
507 there are other law enforcement agencies out there that have their own laws to administer,
508 it provides a false sense of security to the Board's licensees. Her other concern is if the
509 Board receives notice of conviction for a licensee because of a violation of those laws, the
510 Board has the obligation to initially investigate those and look at them on a case-by-case
511 basis.

512

513 Dr. Marilyn Immoos asked if the Board was in the position to engage the American
514 Psychological Association (APA), the California Psychological Association (CPA), the
515 American Association for Suicidology and other professional associations to see if they
516 would take a stand if they have not already. It hinders psychologists' ability to provide
517 therapy.

518
519 Dr. Shaefer suggested that the Board look to CPA to take a position. If the Board decides
520 to communicate where it stands in its next newsletter, she is concerned that some
521 psychologists may misunderstand that there is a separate issue within CANRA regarding
522 child pornography. She does not want psychologists to think that the Board is taking a
523 blanket position on all of CANRA.

524
525 It was M(Harlem)/S(Starr)/C to direct staff to ask BBS what it did after it received legal
526 counsel's opinion and to put content in the newsletter that says where the Board stands in
527 this process, and to send a letter to Assembly Member Garcia to show the Board's support
528 in her continued efforts.

529
530 Vote: 7 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

531
532 c) Proposed Legislative Revisions – Discussion, Consideration, and Possible Action on
533 Amendments to the following sections of the Business and Professions Code

534
535 Ms. Sorrick requested that the Board pay particular attention to sections 2913, 2934.1 and
536 2988.5. She indicated that sections 2915 and 2947 have not changed since the November
537 Board meeting.

538
539 Ms. Jones said that staff and legal counsel reviewed and made changes to sections 2913,
540 2947 and 2988.5 and brought those to the Policy and Advocacy Committee for review.

541
542 1) Section 2913: Services by Psychological Assistants

543
544 Mr. Sorrick reported that the main changes in this section are the settings in which
545 psychological assistants are working, supervision of psychological assistants
546 provided by licensed psychologists or licensed psychiatrists and the application
547 come directly from the psychological assistant.

548
549 2) Section 2915: Continuing Education Requirements; Practice Outside Fields of
550 Competence

551
552 This language has not been changed since the November Board meeting.

553
554 3) Section 2947: Appointment of Commissioners on Examination; Qualifications

555
556 This language has not been changed since the November Board meeting.

557
558 4) Proposed Section 2934.1: Internet Information

559

560 Mr. Glasspiegel reported that this establishes what information on licensees the
561 Board will make available on its website. It would include their degree, a link to their
562 website and any disciplinary action.

563
564 Ms. Sorrick reported that the Medical Board uses specialization as an identifier on
565 the license lookup feature; however, because the Board of Psychology does not
566 recognize specializations in statute, the alternative was to provide a link to the
567 licensee's personal website.

568
569 Dr. Erickson asked how the Medical Board was able to list specializations on its
570 website since it does not issue licenses based upon specialty areas of practice.

571
572 Dr. Phillips said based upon what he has seen on the Medical Board's website, it
573 lists the diplomas of particular boards. This method becomes problematic for the
574 Board of Psychology since some licensees have specialties that are not necessarily
575 approved by a particular body. He said that if we allow people to self-specify it could
576 be allowing them to misrepresent themselves using an official government website.

577
578 Dr. Horn said about 85% of psychiatrists are board-certified versus less than 5% of
579 psychologists.

580
581 5) Proposed Section 2988.5: Retired License Status

582
583 Ms. Jones reported that the language from AB 750 was inserted into proposed
584 section 2988.5 because AB 750 died.

585
586 Ms. Marks reminded the Board that this section does not currently exist in statute.

587
588 Dr. Phillips said this proposal is the Board's attempt to address the concern of older
589 psychologists that there be some type of status where people do not have to give up
590 their professional identity.

591
592 Ms. Sorrick said that AB 750 never got past Appropriations because there was a
593 perceived negative fiscal impact.

594
595 It was M(Horn)/S(Harlem)/C to adopt the proposed legislative amendments to the
596 Business and Professions Code.

597
598 Vote: 7 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

599
600 d) Review and Consideration of Proposed Policy for Legislative Positions for Inclusion in
601 the Administrative Procedures Manual

602 Ms. Jones presented the proposed policy for legislative positions.

603
604 Ms. Marks said the Board might want to consider another policy on how to address
605 changes to legislation on which the Board has taken a position when it is near the end of
606 the legislative session and there is no time to have a Board meeting. The Board members

607 would need to determine how they are going to delegate authority in order to provide the
608 Board's position.

609
610 Ms. Sorrick suggested drafting some new language to be included in the Administrative
611 Procedures Manual to present at the next Policy and Advocacy Committee meeting
612 regarding Committee delegation. The Committee can then bring this draft language back to
613 the full Board in May.

614
615 It was M(Starr)/S(Arias-Bhatia)/C to adopt the language.

616
617 Vote: 7 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

618
619 Board recessed at 2:13 p.m.

620
621 **Friday, February 26, 2016**

622 The Board reconvened at 8:47 a.m.

623
624 Board members Lucille Acquaye-Baddoo and Miquel Gallardo, PhD, were recorded as
625 absent.

626
627 **Agenda Item #13: Reconsideration Hearing of the Petition for Early Termination of**
628 **Probation – Timothy Beach, PsyD**

629
630 The Board held its Reconsideration Hearing of the Petition for Early Termination of
631 Probation for Dr. Timothy Beach.

632
633 **Agenda Item #14: Enforcement Division Overview and Presentation**

634
635 This agenda item was postponed until the May Board meeting.

636
637 **Agenda Item #15: CLOSED SESSION – FULL BOARD**

638
639 **Agenda Item #16: The Board met in closed session pursuant to Government Code**
640 **Section 11126(e)(1) to Discuss Pending Litigation**

641
642 **Agenda Item #17: The Board met in Closed Session Pursuant to Government Code**
643 **Section 11126(a)(1) to conduct its annual evaluation of its Executive Officer**

644
645 **RETURN TO OPEN SESSION – FULL BOARD MEETING**

646
647 **Agenda Item #18: Licensing Report**

648
649 Ms. Johnson, the Board's Licensing Coordinator, presented the licensing report. Chris
650 Siepert and Rob Loyola received Licensing Analyst positions in the Licensing Unit. Staff's
651 processing times in reviewing and approving applicants is being maintained to two weeks
652 or less.

653

654 **Agenda Item #19: Continuing Education Report**

655

656 Ms. Jacquelin Everhart, the Board's CE/Renewals Coordinator, presented the continuing
657 education report.

658

659 **Agenda Item #20: Licensing Committee Report and Consideration of Committee**
660 **Recommendations**

661

662 Dr. Horn requested that the Board address how staff could determine which requests
663 should go to the Board for future agenda items.

664

665 a) Discussion, Review and Consideration of the Proposed Revisions to Title 16 of the
666 California Code of Regulations; Sections 1397.60, 1397.61, 1397.62, 1397.67, 1397.69,
667 1397.70 (CE/CPD)

668

669 Dr. Horn reported that the language is still under review by the Licensing Committee and
670 hopes to bring it back to the May Board meeting.

671

672 b) Overview and Presentation of the Department of Justice and Federal Bureau of
673 Investigation Fingerprint Process

674

675 Ms. Karen Johnson presented an overview of the DOJ and FBI fingerprint process.

676

677 c) Consider Licensing Committee Recommendation Regarding Request from K.P. for an
678 Extension of the 30-consecutive Month Requirement to Accrue 1500 Hours of Pre-doctoral
679 Supervised Professional Experience Pursuant to Section 1387(a) for the California Code of
680 Regulations

681

682 Dr. Horn presented the Committee's recommendation to grant the two-month extension to
683 K.P.

684

685 It was M(Jones)/S(Arias-Bhatia)/C to accept the Licensing Committee's recommendation to
686 grant the two-month extension to K.P.

687

688 Vote: 7 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

689

690 d) Consider Licensing Committee Recommendation Regarding Request from M.P. for an
691 Extension of the 30-consecutive Month Requirement to Accrue 1500 Hours of Post-doctoral
692 Supervised Professional Experience Pursuant to Section 1387(a) for the California Code of
693 Regulations

694

695 Dr. Horn reported that the Committee's recommendation is to grant the six-month extension
696 to M.P.

697

698 It was M(Harlem)/S(Arias-Bhatia)/C to accept the Licensing Committee's recommendation
699 to grant the six-month extension to M.P.

700

701 Vote: 7 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

702

703 e) Consider Licensing Committee Recommendation Regarding Request from P.C. for an
704 Extension of the 30-consecutive Month Requirement to Accrue 1500 Hours of Post-doctoral
705 Supervised Professional Experience Pursuant to Section 1387(a) for the California Code of
706 Regulations

707

708 Dr. Horn reported that P.C. accrued the bulk of the hours within 12 months and did not
709 accrue any more hours until a couple of years later at which time P.C. obtained an
710 additional 136 hours. The 30 consecutive months had ended a couple of years before P.C.
711 accrued the 136 hours; therefore, P.C. is requesting an extension in order to count the 136
712 hours. There is some question that P.C. may have been given some inaccurate information
713 from supervisors. The Committee's recommendation is to approve the extension and grant
714 P.C. the entire 1500 hours.

715

716 Ms. Jones said that the Board previously discussed how it could ensure that supervisors
717 are providing correct information to their psychological assistants.

718

719 Dr. Shaefer said it would be great if the Board could develop a sheet that provides the
720 issues supervisors need to know about in addition to creating an information sheet for
721 internships and post docs.

722

723 Dr. Phillips said one of the objectives of the Pathways to Licensure discussion is to make
724 the language as clear as possible so that people know what their responsibilities are.

725

726 It was M(Jones)/S(Erickson)/C to accept the Licensing Committee's recommendation to
727 grant the extension and the 1500 hours to P.C.

728

729 Vote: 7 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no

730

731 f) Consider Licensing Committee Recommendation Regarding Request from K.F. for an
732 Extension to the Limit of a Cumulative 72 Months to Renew a Psychological Assistant
733 Registration Pursuant to Section 1391.1(b) of the California Code of Regulations

734

735 Dr. Horn reported that K.F.'s 72 months will expire in June 2017. K.F. has not been able to
736 pass the national licensing exam. The licensee is requesting an extension based upon
737 them being an adult, having an active practice and not going to practice too much longer,
738 and does not want the psychological assistantship to end.

739

740 The Committee's recommendation is to deny K.F.'s request for an extension of their
741 psychological assistant registration because this is a consumer protection issue.
742 It was M(Starr)/S(Jones)/C to accept the Licensing Committee's recommendation to deny
743 K.F.'s request to extend the psychological assistant registration.

744

745 Vote: 6 aye (Erickson, Jones, Phillips, Horn, Starr, Harlem) 1 abstain (Arias-Bhatia) 0 no

746

747 g) Consider Licensing Committee Recommendation Regarding Request from S.M. for an
748 exception to the CE Requirements Pursuant to Section 1397.62(b) of the California Code
749 of Regulations
750

751 Dr. Horn reported that this request came to the full Board at its February 2015 meeting.
752 Additional information was requested in order to grant or deny the request. After the
753 meeting, the file had been given to the incorrect staff person for processing. When the file
754 was revisited, it was discovered that the licensee had never been contacted to request the
755 additional information. In December 2015, staff sent a letter to the licensee and received a
756 response with the requested information. The response was provided to the Licensing
757 Committee at its February meeting.
758

759 The Licensing Committee's recommendation is to approve S.M's request for an exception
760 to the Board's CE requirements.
761

762 It was M(Erickson)/S(Jones)/C to accept the Licensing Committee's recommendation to
763 grant the exception to S.M.
764

765 Vote: 5 aye (Arias-Bhatia, Erickson, Jones, Phillips, Horn) 2 abstain (Starr, Harlem) 0 no
766

767 h) Review and Assessment of Current Licensing Requirements and Recommendations for
768 Possible Amendment
769

770 1) Proposed Amendments to Sections of the Business and Professions Code: 2909,
771 2909.5, & 2911 (Exemptions); 2913 (Psychological Assistant), 2914 (Licensed
772 Psychologist), 2915 (Continuing Education); 2940 & 2941 (Application and
773 Examination Fees); 2942, 2943, & 2944 (Examination Time and Subjects); 2946
774 (Reciprocity and Temporary Practice); 2947 (Appointment of Commissioners); 2948
775 (Issuance of License)
776

777 Dr. Horn reported that the Licensing Committee is still reviewing the current
778 language and will continue its review at its next meeting and provide an update to
779 the full Board in May. It will then hold another Licensing Committee meeting with
780 stakeholders prior to the August Board meeting and provide a report to the full Board
781 in August. Dr. Phillips suggested that this meeting be webcast so that the other
782 Board members can listen to the discussion.
783

784 2) Review of Proposed New Statutory Language Regarding Coursework in Suicide
785 Risk Assessment and Intervention
786

787 Dr. Horn reported that the Committee is still reviewing the language.
788

789 3) Proposed Amendments to Sections of Title 16, California Code of Regulations:
790 1381, 1381.1, & 1381.2 (Applications); 1381.4 (Failure to Appear for an
791 Examination); 1381.5 (Failure to Pay Initial License Fee); 1387 (Supervised
792 Professional Experience); 1387.1 & 1387.2 (Qualifications of Primary and Delegated
793 Supervisors); 1387.3 (Non-Mental Health Services); 1387.4 (Out-of-State

794 Experience); 1387.5 (SPE Log); 1388, 1388.6, 1389 & 1389.1 (Examinations-
795 Waiver/Reconsideration); 1387.7, 1390, 1390.1, 1390.2, & 1390.3 (Registered
796 Psychologists); 1387.6, 1391, 1391.1, 1391.2, 1391.3, 1391.4, 1391.5, 1391.6,
797 1391.7, 1391.8, 1391.10, 1391.11, & 1391.12 (Psychological Assistants)

798
799 Dr. Horn reported that the Committee is still reviewing the language.
800

801 **Agenda Item #21: Enforcement Committee Report and Consideration of Committee**
802 **Recommendations**

803
804 Dr. Phillips presented the Enforcement Committee report on behalf of Ms. Acquaye-
805 Baddoo.
806

807 **a) Proposed Changes to the Disciplinary Guidelines – Title 16, CCR, Section 1397.12**
808

809 The Enforcement Committee met on January 22 to review the Board's disciplinary
810 guidelines. The Committee is reviewing the guidelines in a very systematic and detailed
811 way. They will be meeting again to continue their review in hopes to have the guidelines
812 ready for the May Board meeting, and if not May then August.
813

814 **Agenda Item #22: Telepsychology Committee Report and Consideration of**
815 **Committee Recommendations**

816
817 Dr. Erickson reported that the Telepsychology Committee met on January 25 to review, edit
818 and develop the draft regulations. The Committee's recommendation is to come back to the
819 full Board in May with proposed regulations.
820

821 Dr. Phillips said that the Board received comments from Dr. Adam Alban and he would like
822 to ensure that those are included at the next Committee meeting.
823

824 **a) Proposed Additions to California Code of Regulations, Title 16, to Address Standards of**
825 **Practice for Telehealth**

826
827 This agenda item was moved to the May Board meeting.
828

829 **Agenda Item #23: Sunset Review Update and Possible Review of Background Paper**
830 **from the Senate Business, Professions, and Economic Development Committee**

831
832 Ms. Sorrick reported that the Board met and reviewed the Sunset Review Report and
833 continued and completed its review at the November 28 Board meeting. The report was
834 submitted to the Senate Business and Professions Committee on December 1, 2015 and
835 staff received follow-up questions from the Sunset Review Committee about a week prior to
836 the Board meeting. Staff has drafted the responses for the Board members to review,
837 which were reported as due Monday, February 29.
838

839 Dr. Horn asked if the term "citation and fine" should be capitalized and suggested that staff
840 add that the Board has started tracking first-time test-takers in its response to question four.

841 She said staff needs to explain why certain subject areas are no longer making up a large
842 portion of the exam. She said it currently sounds like these areas were removed because
843 they were too difficult. A more direct answer to question eight was suggested. Dr. Phillips
844 said the answer should be that to date, travel restrictions have not prevented the Board
845 from participating in activities that it wants to participate in.
846

847 Discussion ensued regarding the passage rates for approved schools. Ms. Sorrick reported
848 that the consultants with the Senate Business and Professions Committee requested staff
849 to pull data on disciplinary actions by approved schools and test passage rates on
850 approved schools. Staff is not sure whether it can pull this type of data from BreEZe, but if it
851 can, it will present it to the Senate Business and Professions Committee and to the Board.
852 She said she received an email from OPES that morning to request that staff change its
853 answer to number four, bullet point number four. The new answer would read "The Board
854 increased its efforts in recruitment newly licensed subject matter experts who were more in
855 touch with entry-level practice; however, the composition of the subject matter expert
856 groups may have impacted the process." The Board members agreed with this change.
857

858 Dr. Erickson requested that bullet point number one in question four be deleted because it
859 did not answer the question.
860

861 It was M(Erickson)/S(Jones)/C to approve the Sunset responses.
862

863 Vote: 7 yes (Arias-Bhatia, Erickson, Jones, Phillips, Horn, Starr, Harlem) 0 no
864

865 Ms. Sorrick said the Board has been asked to appear at hearing in front of the Senate
866 Business and Professions Committee on March 14. She would be present as well as
867 Board President Phillips and Board Vice President Jones. They will go through the
868 responses staff has drafted to the questions that have been provided. There will be more
869 time to ask any follow-up questions. Stakeholders are invited to testify on behalf of the
870 Board's Sunset Review and there will be more time given more closing. The next step after
871 the hearing is legislation that will be carried out by the Senate Business and Professions
872 Committee. The Board has SB 1194 as the placeholder bill to grant the Board an extension
873 until 2021. It also includes the five sections the Board has requested be added to the
874 Sunset Bill.
875

876 Ms. Sorrick also reported that staff has been asked by Senator Hernandez' office to attend
877 a hearing on March 9 regarding Access to Mental Healthcare in California. The Board was
878 asked to provide a perspective on licensing and how the Board's licensing process works.
879 The Board of Behavioral Sciences and the Medical Board have also been invited to attend.
880

881 **Agenda Item #24: North Carolina Dental Board Examiners Case Review**

882

883 Ms. Marks read the Case Review and discussed the standards that are applied to each
884 board as a result of the North Carolina case. The supervising agency over the state boards
885 depends on the action that is being taken.
886

887 Ms. Marks read, "...the state has a duty to defend and indemnify members of California
888 professional regulatory boards against anti-trust litigation to the same extent that it defends
889 and indemnifies state officers and employees against other forms of civil litigation."
890

891 Ms. Marks said that the regulation of a licensed profession is anti-competitive in nature. It is
892 important that the Board members are aware of the impacts.
893

894 Discussion ensued between the Board members.
895

896 **Agenda Item #25: President's Report**
897

898 Dr. Phillips reported on the following items:
899

900 **a) Presentation to Outgoing Board President Michael Erickson, PhD**
901

902 Dr. Phillips recognized Dr. Erickson's hard work in his leadership and presented him with a
903 Certificate of Appreciation on behalf of the Board of Psychology. The Board members
904 congratulated Dr. Erickson and Dr. Erickson said how much he enjoyed serving the Board.
905

906 **b) 2016 Meeting Calendar and Locations**
907

908 Universal City was announced as the potential location for the next Board meeting location.
909

910 **c) Committee Updates**
911

912 The Licensing Committee is currently searching for a new date for its next meeting. The
913 new chairman of the Sunset Committee is Dr. Phillips and the new chairman of the
914 Telepsychology Committee is Dr. Erickson.
915

916 **d) Other Informational Items**
917

918 Dr. Phillips thanked Senator Bates and her staff for having the Board at the Capitol and
919 setting up such a beautiful room for the Board to have its meeting.
920

921 He recognized Ms. Jones for getting through the regulation updates and Dr. Horn for
922 getting us through the pathways to licensure discussion. He thanked staff and the Board
923 members for their passion and diligence they bring to their job.
924

925 He recognized the efforts of the Outreach and Education Committee and Ms. Starr for her
926 taking Dr. Gallardo's role of reporting on behalf of the Committee.
927

928 **Agenda Item #26: Recommendations for Agenda Items for Future Board Meetings**
929

930 The Board discussed agenda items for future Board meetings.
931

932 **Agenda Item #27: Adjournment**
933

934 The Board adjourned at 3:48 p.m.

935

936

937

938



President

06/03/2016

Date



