

1 **BOARD MEETING MINUTES**

2
3 Department of Consumer Affairs
4 1625 N. Market Blvd., Second Floor, El Dorado Room
5 Sacramento, CA 95834
6 (916) 574-7220
7

8 **TELECONFERENCE LOCATIONS**

9 3610 Sacramento Street
10 San Francisco, CA 94118
11 (415) 786-3840
12

13 8920 Wilshire Boulevard, Suite 334
14 Beverly Hills, California 90211
15 (310) 275-4194
16

17 Los Angeles Harbor College
18 1111 Figueroa Place, Suite NEA147
19 Wilmington, CA 90744
20 (310) 223-4069
21

22 Ronald Reagan State Building
23 300 South Spring Street, Auditorium
24 Los Angeles, CA 90013
25 (213) 897-2241
26

27 **Monday, April 4, 2016**

28
29 Stephen Phillips, PsyD, JD, Board President, called the open session meeting to order
30 at 10:27 am. A quorum was present and due notice had been sent to all interested
31 parties.
32

33 **Members Present:**

34 Stephen Phillips, PsyD, JD, President
35 Lucille Acquaye-Baddoo, Public Member
36 Johanna Arias-Bhatia, Public Member
37 Michael Erickson, PhD
38 Andrew Harlem, PhD

39 Jacqueline Horn, PhD
40 Linda Starr, Public Member

41

42 **Others Present:**

43 Antonette Sorrick, Executive Officer
44 Jeffrey Thomas, Assistant Executive Officer
45 Sandra Monterrubio, Enforcement Program Manager
46 Karen Johnson, Licensing Coordinator
47 Jason Glasspiegel, Central Services Coordinator
48 Jacquelin Everhart, Continuing Education/Renewals Coordinator
49 Norine Marks, Legal Counsel
50 Jo Linder-Crow, PhD, CEO, California Psychological Association
51 Sarah Huchel, Principal Consultant, Senate Committee on Business Professions
52 and Economic Development
53 David Gaines
54 Elizabeth Winkelman, PhD
55 Raymond Trybus, PhD

56

57 **Agenda Item #2: President's Welcome**

58

59 Dr. Phillips stated the Board's mission statement and thanked everyone for attending.

60

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

62

63 David Gaines said he had concerns with the psychology licensing law. He asked what
64 was considered psychology and said it was his understanding that the Board has taken
65 opportunities to use the psychology licensing law in enforcement matters involving
66 educational psychologists. Dr. Phillips stated that the Board will review whether to
67 address this concern as a future agenda item.

68

69 **Agenda Item #4: Review, Consider, and Approve Board Response to the Sunset**
70 **Background Paper from the Senate Business, Professions, and Economic**
71 **Development Committee for Submission to the Committee on April 14, 2016**

72

73 Dr. Phillips reported that on March 14, 2016, he, Ms. Jones and Ms. Sorrick testified
74 before the Senate Committee on Business, Professions, and Economic Development
75 and Assembly Committee on Business and Professions to address seven questions that
76 had been presented to the Board based on the information the Board provided in its
77 Sunset Review Report. As a follow-up, the Board needs to submit formalized responses
78 to the seven Sunset Review questions it received from the Committee.

79 Ms. Sorrick said that the Background Paper and the Board's responses are due to the
80 Committees by April 14, 2016.

81

82 Dr. Phillips explained the scope of the issues addressed in the Board's Background
83 Paper. They included the issues identified by the Committees, background information
84 related to the issue, staff recommendations and the responses drafted by staff, Ms.
85 Jones, Dr. Horn, and Dr. Phillips.

86

87 The Board proceeded to review each staff recommendation and make changes as
88 needed.

89

90 The Board members made grammatical changes to issues 1 – 5.

91

92 The Board members discussed its response to Issue 2, which addresses the fact that
93 California remains the only state that allows licensure of psychologists from
94 unaccredited schools.

95

96 Dr. Harlem said the regional accreditation arguments in the Board's response are not
97 persuasive in terms of consumer protection.

98

99 Sarah Huchel said that the Committee is looking for changes in Section 2914 of the
100 Business and Professions Code to address staff's recommendation as to Issue 2.

101

102 It was M(Acquaye-Baddoo)/S(Starr)/C to delegate authority to staff and the Sunset
103 Review Committee to draft final language for the Board's response to Issue 2.

104

105 Vote: 7 aye (Phillips, Acquaye-Baddoo, Arias-Bhatia, Erickson, Harlem, Horn, Starr) 0
106 no

107

108 Dr. Jo Linder-Crow asked if the Board's legislative proposal to include specific
109 information on the website such as links to licensees' professional websites and
110 historical enforcement activity is consistent with other boards. She asked if providing
111 links to licensees' websites would be considered advertisement and how the Board
112 planned to maintain this information.

113

114 Ms. Sorrick said this proposed language was taken from Section 2027 of the Medical
115 Board's Practice Act and was then tailored to fit the Board's program. Since the Board
116 does not recognize specialties, the Board thought it would be best to post a link to the
117 licensee's website in order to assist the public in receiving more information about the
118 licensee.

119
120 Dr. Harlem expressed concern that this information will not serve the consumer if the
121 Board does not review the websites. He said it might confuse consumers.

122
123 Mr. Gaines expressed dissatisfaction with the Board and Ms. Sorrick said that the Board
124 will be appearing at the Senate Committee Hearing on April 18, 2016 if he would like to
125 provide testimony.

126
127 The following language is a draft of the Board's responses to the Committee's issues
128 provided in the Board's Background Paper:

129 130 **CURRENT SUNSET REVIEW ISSUES**

131 The following are unresolved issues pertaining to the Board, or those which were not previously
132 addressed by the Board, and other areas of concern for the Committee and Assembly Committee on
133 Business and Professions (Committees). There are also recommendations the Committee staff have
134 made regarding particular issues or problem areas which need to be addressed. The Board and other
135 interested parties, including the professions, have been provided this Background Paper and can
136 respond to the issues presented and the recommendations of staff.

137

138 **ISSUE # 1: Lack of mental health providers in certain communities.**

139

140 **Background:** According to the Office of Statewide Health Planning and Development (OSHPD),
141 approximately 16 percent of Californians live in a Mental Health Professional Shortage Area, which is
142 designated based on the availability of psychiatrists and other mental health professionals, including
143 psychologists.

144

145 There are several programs administered by OSHPD to encourage licensees to work in these areas:

146

147 **Mental Health Loan Assumption Program (MHLAP)**

148

149 MHLAP was created by Proposition 63, the Mental Health Services Act (Act), passed by California voters
150 in November 2004. The Act provided funding to develop a loan forgiveness program in order to retain
151 qualified professionals working within the Public Mental Health System (PMHS). Through the Workforce
152 Education and Training component of the Act, \$10 million is allocated yearly to loan assumption awards.
153 An award recipient may receive up to \$10,000 to repay educational loans in exchange for a 12-month
154 service obligation in a hard-to-fill or retain position within the County PMHS.

155

156 **Mental Health Practitioner Education Fund**

157

158 The Board collects a \$10 fee as part of license renewals to support the Mental Health Practitioner
159 Education Fund that is administered by OSHPD. An awardee may receive up to \$15,000 to repay

160 educational loans over a 24-month period in exchange for a 24-month commitment to practicing and
161 providing direct care in a publicly funded or public mental health facility, a non-profit mental health
162 facility, or a mental health professions shortage area.

163

164 The Board does not formally track data regarding workforce shortages, but it has many occasions to
165 solicit and communicate opportunities to its licensees.

166

167 **Staff Recommendation:** *The Board should inform the Committee what it is doing to promote service in*
168 *underserved areas and evaluate whether \$10 is sufficient to fund the Mental Health Practitioner*
169 *Education Fund.*

170

171 **Board Response**

172 In February 2015, the Board of Psychology embarked on a two-year access to mental healthcare in the
173 State of California campaign. To date, the Board has done the following:

174

- 175 • Produced an article in the Winter 2015 *Journal* identifying licensed mental health professionals
176 per county, per capita. This *Journal* has a distribution of more than 15,000 per publication. This
177 data has been shared with the Department of Consumer Affairs, the Health Professions
178 Education Foundation, the Senate Business, Professions and Economic Development Committee
179 and other interested Members of the state legislature.
- 180 • Produced an article in the Spring 2015 *Journal* entitled, “Educational Loan Opportunities for
181 Mental Health Providers”.
- 182 • In August 2015, the Health Professions Education Foundation (HPEF) gave the Board an
183 overview of the program at the Board Meeting, an update on the fiscal health of the program,
184 and an overview of the process for application for loan repayment. The Foundation agreed to
185 present to the Board annually.
- 186 • Summer 2015 recipient profile of HPEF (Jaseon Outlaw, PhD) in the Board’s Summer *Journal*.
187 Going forward, the Board will include a recipient profile in the quarterly *Journal* as awards are
188 given.
- 189 • Inserts will be included in all license renewals packets promoting the HPEF. The inserts will
190 instruct licensees how to apply for loan forgiveness and how to contribute additional funds to
191 the program.
- 192 • Additionally, the Board plans to do the following:
 - 193 ○ Develop outreach to high schools and community colleges to encourage individuals to
194 enter into the profession.
 - 195 ○ Develop telepsychology regulations that will instruct licensees how to provide
196 telehealth to Californians, giving psychologists additional opportunities to provide care
197 to underserved populations.
 - 198 ○ Engage stakeholders to help the Board promote entering the profession and the
199 availability of the loan repayment program.
 - 200 ○ Increase awareness regarding other loan repayment programs.

201

202 According to a recent survey conducted by the American Psychological Association of Graduate Students
203 (APAGS), the median loan debt of a recent graduate of a doctoral program is between \$90,000-200,000
204 plus (depending on the program and institution from which they graduated)

205 <http://www.apa.org/monitor/2015/06/datapoint.aspx>. The size of available awards under existing state

206 programs are small by comparison thereby reducing the potential incentive to locate in underserved
 207 areas.

208 • The average award amount varies from \$2,558 to \$13,910 depending on profession of awardee.
 209 Renewal fees are authorized for the specified professions listed under the statutory definition of a
 210 licensed mental health service provider (LMHSP).

211 • Per Health and Safety Code section 128454 (1) "Licensed mental health service provider" means
 212 a psychologist licensed by the Board of Psychology, registered psychologist, postdoctoral
 213 psychological assistant, postdoctoral psychology trainee employed in an exempt setting
 214 pursuant to Section 2910 of the Business and Professions Code, or employed pursuant to a State
 215 Department of Health Care Services waiver pursuant to Section 5751.2 of the Welfare and
 216 Institutions Code, marriage and family therapist, marriage and family therapist intern, licensed
 217 clinical social worker, and associate clinical social worker."

219 • The majority of mental health practitioners who apply for the loan repayment program do not
 220 receive any award due to limitations in financial resources. Please see the table below, which
 221 reflects the **Licensed Mental Health Services Provider Education** program application
 222 numbers. Specifically, the table reflects how many applications were received, eligible, awarded
 223 and not awarded in FY 2012-13, 2013-14, and 2014-15.

224 • The Mental Health Loan Assumption Program (MHLAP) is funded by Proposition 63 funds.
 225 Licensees of the Board are also eligible for awards through this program. Applicants can receive
 226 up to \$10,000 from this Program.
 227
 228

Board of Psychology Fund			
LMH	12/13	13/14	14/15
Total applications received	31	63	49
Total eligible applications	29	61	40
Did not score high enough for award	NA	5	19
Awarded through Grant funding	NA	22	NA
Awarded through Board of Psychology Funding	8	7	10
Total not awarded	21	27	11

229 It appears that the financial resources of the HPEF fund cannot meet the demands of applicants who
230 wish to work in underserved communities.

231

232 **ISSUE # 2: California remains the only state that allows licensure of psychologists from**
233 **unaccredited schools. Should the Psychology Act be amended to require accreditation of institutions**
234 **offering degrees intended to lead to licensure by the Board?**

235 **Background:** California is the only state that allows students from unaccredited schools to sit for
236 psychology licensing examinations. Current law requires the Board to accept doctoral degrees in
237 psychology from either accredited or approved institutions. An institution is deemed approved if it is
238 not a franchise, was approved by the BPPVE on or before 1999, and has not moved to a new location
239 since 1999. There are six schools meeting these criteria, and approvals and oversight are conducted
240 solely by the BPPE.

241

242 This issue was raised during the previous review of the Board. The Board was concerned that there is
243 little quality control over the schools' operations or curriculum and students have a low pass rate on the
244 national exam, among other issues. At that time, the Board stated that the students from these schools
245 should not be eligible for licensure and expressed their preference for a change in law to prohibit
246 applicants from approved schools. This law was not changed.

247

248 In an effort to increase the quality of educational programs in California, the California Private
249 Postsecondary Education Act of 2009 was amended in 2014 (SB 1247, Lieu, Chapter 840, Statutes of
250 2014) to require degree granting institutions to be accredited by an agency recognized by the U.S.
251 Department of Education by July 1, 2020 in order to receive BPPE approval. AB 2099 (Frazier, Chapter
252 676, Statutes of 2014) also established requirements for unaccredited degree granting programs
253 participating in Title 38, the program that provides educational awards for eligible active duty military
254 members and veterans.

255

256 While the Board recognizes recent Legislative actions as significant progress, there remains a concern
257 that these changes may be insufficient to raise California's psychologists to the national standard. The
258 main barrier is that the ASPPB requires member states to have regionally accredited schools to
259 participate in their Agreement of Reciprocity for licensure – U.S. Department of Education allows
260 national accreditation. Further, California psychologists may not be able to join the American
261 Psychological Association, the largest professional psychology organization in the nation, as full
262 members; participate in certain pre-doctoral or post-doctoral programs necessary for some types of
263 employment, including the U.S. Department of Veterans' Affairs Health and Medical Centers -- the
264 largest employer of psychologists in the U.S; or be eligible for licensure in some states.

265

266 Unaccredited degree granting institutions are extremely concerned about the requirement to obtain
267 accreditation and have been working through the legislative process to create exemptions to the new
268 requirements set forth by SB 1247 and AB 2099. It would be helpful for the Committees to better
269 understand the barriers to schools becoming accredited, particularly for schools offering degrees.

270 **Staff Recommendation:** *The Committees should remove current language authorizing graduates with*
271 *degrees from unaccredited institutions to sit for licensure by the Board, and ensure that timeframes*
272 *for this change accommodate current students. The Board should provide information to the*
273 *Committees as to whether regional accreditation may be preferable to other types of accreditation,*
274 *and the Committees should specify the type of accreditation that should be required of institutions*
275 *offering degrees intended to lead to licensure.*

276 **Board Response**

277

278 (delegated to sunset review committee for final language)

279 The Board of Psychology prefers institutions offering degrees intended for licensure to be regionally
280 accredited. A requirement for regional accreditation would ensure the following:

- 281 • Protection of the public by ensuring competent and predictable educational standards that
282 would best protect consumers of psychological services in California (e.g. a regionally accredited
283 institution would open more opportunities for training and more closely...
- 284 • Protection of students by guaranteeing that they are receiving degrees from institutions that are
285 best suited for providing competent services and providing adequate pathways to licensure
- 286 • Protection of the licensee by ensuring increased portability of a California psychology license

287

288 The Board looks forward to working with the Committees to amend Business and Professions Code
289 section 2914 to address this issue.

290

291 **ISSUE # 3: Continuing Education.**

292

293 **Background:** Traditional models of CE entail formal learning activities conducted in classroom or
294 workshop settings. As referenced earlier in the report, the Board is considering changes to their CE
295 program to accommodate a broader competency model called continuing professional development
296 (CPD). The model was developed by the ASPPB and provides additional avenues for maintaining
297 competence. These options are meant to expand the ways licensees can increase their learning and to
298 include performance-based assessments of licensees' competence.

299

300 The Board is seeking to amend existing continuing education statutes and regulations to accommodate
301 this new approach. Changes should include:

- 302 • Redefining “Continuing Education” requirements as “Continuing Professional
303 Development” requirements;
- 304 • Removing specific course requirements found in the Business and Professions Code; and,
305
- 306 • Enabling the Board to approve specific organizations that provide continuing professional
307 development activities.

308

309 **Staff Recommendation:** *The Board should provide recommendations to the Committee for updating*
310 *continuing education statutes.*

311

312 **Board Response**

313

314 The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic
315 Development Committee to amend Section 2915 of the Business and Professions Code. This change
316 would redefine continuing education with a continuing professional development model. The
317 Committee has graciously agreed to include this change in the Board’s sunset legislation. This model will
318 allow licensees alternative ways to maintain competence, decrease isolation, and enhance the
319 probability that ongoing professional competence can be demonstrated.

320

321 **ISSUE # 4: Expansion of Psychological Assistant practice areas.**

322

323 **Background:** In order to become a licensed psychologist, applicants must accrue 3,000 hours of
324 supervised professional experience. Individuals who have a Master’s degree and are admitted into a
325 doctoral program may obtain these hours by registering with the Board as a psychological assistant. A
326 psychological assistant provides psychological services to individuals or groups while under the
327 supervision of a licensed psychologist or a board certified psychiatrist.

328

329 Current law requires that a psychological assistant be employed only by a psychological or medical
330 corporation, a California licensed psychology clinic, a Bronzan-McCorquodale contract clinic, a licensed
331 psychologist, or a board certified psychiatrist.

332

333 The Board recognizes that these statutes are outdated and do not reflect the employment, contract, or
334 volunteer opportunities available in settings beyond current limitations, such as hospitals, nursing
335 homes, and rehabilitation centers.

336

337 **Staff Recommendation:** *The Board should provide recommendations to the Committee for updating*
338 *psychological assistant statutes to focus on appropriate supervision, rather than physical setting.*

339

340 **Board Response**

341

342 The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic
343 Development Committee to amend Business and Professions Code section 2913. This change would
344 address the following two issues:

345

346 1. Eliminating the restrictions of the current work settings required of a psychological assistant.

347 2. Receiving the application directly from the psychological assistant instead of the supervisor.

348

349 **ISSUE # 5: Retired license.**

350

351 **Background:** The Psychology Act does not authorize a retired license. Under existing law, a retired
352 licensee may choose only between “inactive” status, which costs \$25 per year, or “delinquent” status.
353 These have negative connotations and may not respect a long and honorable career.

354

355 The Board is seeking to establish a “retired” licensure category, similar to many other healing arts
356 programs such as the Medical Board, Professional Fiduciaries Bureau, Board of Behavioral Sciences, and
357 Board of Optometry. The creation of this license would require a one-time fee and would provide a
358 means for a retired licensee to return to active status under certain circumstances.

359 Adding this license designation is a consistent request from licensees and is included in the Board’s
360 2014-2018 Strategic Plan.

361

362 **Staff Recommendation:** *The Board should provide recommendations to the Committee for*
363 *establishing a retired license.*

364

365 **Board Response**

366

367 The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic
368 Development Committee to add a section to the Psychology Licensing Law in the Business and
369 Professions Code creating a retired license category for psychologists.

370

371 **ISSUE # 6: Web Site information.**

372

373 **Background:** The Board has been very active in providing information to consumers, and seeks
374 legislative authority to post historical information on existing and past licensees’ approved graduate and
375 post-graduate education on its Web site. This will enable consumers to make informed decisions when
376 selecting a psychology provider.

377

378 **Staff Recommendation:** *The Board should provide recommendations to the Committee for updating*
379 *its public information policies.*

380

381 **Board Response**

382

383 The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic
384 Development Committee to add a section to the Psychology Licensing Law in the Business and
385 Professions Code establishing a mechanism for posting historical information on existing and past
386 licensees. This information will include:

387

388 1. Institutions that awarded the qualifying educational degree and type of degree awarded.

389

390 2. A link to the licensee’s professional website.

391

392 3. Historical enforcement activity including Statements of Issues, Accusations, Proposed Decisions, and
393 Stipulated Settlements.

394

395 **CONTINUED REGULATION OF THE PROFESSION BY THE**

396

397 **CURRENT MEMBERS OF THE BOARD**

398 **ISSUE # 7: Should the licensing and regulation of the practice of psychology be continued and be**
399 **regulated by the current Board membership?**

400

401 **Background:** The health, safety and welfare of consumers are protected by a well-regulated
402 psychologist profession. The Board has shown a strong commitment to improve the Board's overall
403 efficiency and effectiveness and has worked cooperatively with the Legislature and this Committee to
404 bring about necessary changes. The Board should be continued with a four-year extension of its sunset
405 date so that the Committee may review once again if the issues and recommendations in this Paper and
406 others of the Committee have been addressed.

407

408 **Staff Recommendation:** *Recommend that the practice of psychology continue to be regulated by the*
409 *current Board members in order to protect the interests of the public and be reviewed once again in*
410 *four years.*

411

412 **Board Response**

413

414 The Board appreciates the confidence the Committees have demonstrated in recommending the
415 continuance of the regulation of the practice of psychology by the Board in its current configuration. In
416 the next four years the Board is committed to addressing the following issues:

417

418 1. Ensuring greater access to mental health care in California.

419

420 2. Establishing higher criteria for applicants for licensure to ensure consistency with other licensing
421 jurisdictions across the nation.

422

423 3. Establishing continuing professional development to ensure competence for its licensees

424

425 4. Redefining the psychological assistant statute to focus on appropriate supervision rather than physical
426 setting.

427

428 5. Developing a mechanism to provide licensees an alternative license status at the end of their career.

429

430 6. Increasing transparency to the consumers of psychological services in California by providing
431 expanded educational and disciplinary data on its licensees.

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7. Continuing to review and amend the statutes and regulations in order to be more transparent, more understandable to consumers and evolve with the field.

It was M(Erickson)/S(Horn)/C to accept the changes made to the Board's responses to the seven issues, excluding Issue 2 due to the specific motion made previously.

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

Agenda Item #5: Recommendations for Agenda Items for Future Board Meetings

There were no recommendations made.

Agenda Item #6: Closed Session

Closed session was planned for the May 2016 Board meeting.

Agenda Item #7: Closed Session

The Board adjourned at 12:09 p.m.



President

12/16/16

Date