


MEMORANDUM

DATE	March 22, 2018
TO	Licensing Committee Members
FROM	 _im Licensing and BreEZe Coordinator
SUBJECT	Agenda Item 3 Approval of Minutes: January 22, 2018

Attachments:

Draft minutes of the January 22, 2018 Licensing Committee meeting.

Action Requested:

Review and approve the attached January 22, 2018 Licensing Committee Meeting minutes.

1 **Licensing Committee Meeting Minutes**

2
3 **Department of Consumer Affairs**
4 **1625 N. Market Blvd., HQ1 Hearing Room #102**
5 **Sacramento, CA 95834**
6 **(916) 574-7720**

7
8 **Monday, January 22, 2018**

9
10 **Agenda Item #1: Call to Order/Roll Call/Establishment of Quorum**

11 Jacqueline Horn, PhD, Committee Chairperson, called the meeting to order at 9:23 a.m.

12
13 A quorum was present and due notice had been sent to all interested parties.

14
15 Dr. Horn stated that Dr. Phillips would be arriving shortly.

16
17
18 **Members Present**

19 Jacqueline Horn, PhD, Chairperson

20 Stephen Phillips, JD, PsyD

21 Seyron Foo, Public Member

22
23 **Others Present**

24 Antonette Sorrick, Executive Officer

25 Norine Marks, DCA Legal Counsel

26 Stephanie Cheung, Licensing Manager

27 Sandra Monterrubio, Enforcement Program Manager

28 Natasha Lim, Licensing and BreEZe Coordinator

29 Liezel McCockran, Continuing Education/Renewals Coordinator

30 Lavinia Snyder, Examination Coordinator

31
32 **Agenda Item #2: Public Comment(s) on Items Not on the Agenda**

33
34 There was no public comment.

35
36 **Agenda Item #3: Approval of the Licensing Committee Minutes: October 13, 2017**
37 **(1:46/4:23:46)**

38
39 Dr. Horn asked if there were any additions or corrections to the October 13 minutes.

40
41 Dr. Horn had some non-substantive amendments and stated that she would send them
42 to staff.

43
44 It was M(Foo)/S(Phillips)/C to approve the minutes as amended.

45
46 There was no public comment.

48 Vote: 3-0 (Aye: Foo, Horn, Phillips)

49

50 Before moving onto Agenda Item #4, Dr. Horn stated that she would like to start each
51 Licensing Committee meeting similar to how Board meetings are started, by reading the
52 mission of the Board and to remind the public about the goals of the Licensing
53 Committee.

54

55 **Agenda Item #4: Retired Psychologist License: Review and Discuss Draft**
56 **Proposal to Add Language to Title 16 of the California Code of Regulations**
57 (9:51/4:23:46)

58

59 Ms. Sorrick explained that at the November 2017 Board meeting, the Board reviewed
60 and approved the draft regulatory language for the retired license status. At that time, a
61 question was brought before staff regarding how the retired status would apply to a
62 licensee who currently holds a license that is on inactive status. Staff asked the
63 Committee to review the language and determine whether licensees on inactive status
64 are eligible to apply for retired status. If the language changes, it will be brought before
65 the Board at the February 2018 Board meeting.

66

67 The Committee agreed that licensees on inactive status should be allowed to request to
68 be moved to retired status if they meet the criteria laid out in the proposed language.

69

70 The Committee discussed whether the phrase “retired status” was more suitable as a
71 title instead of “retired license” since the Board would only be changing the status and
72 not issuing a new license. The Committee agreed that the title of the regulation should
73 be called “retired status.”

74

75 It was M(Phillips)/S(Foo)/C to approve the draft language as amended and recommend
76 that the Board adopt the language and proceed with the rulemaking process.

77

78 Vote: 3-0 (Aye: Foo, Horn, Phillips)

79

80 Public Comment: Dr. Elizabeth Winkelman from the California Psychological
81 Association expressed that the retired regulations was a positive move. She stated that
82 she is concerned that the proposed language states that a licensee in retired status will
83 have to submit a new application if a licensee decides to activate a license after placing
84 it on retired status for three years.

85

86 Ms. Marks responded that the reason for this is because it is stated in Section
87 2988.5(d)(2) of the Business and Professions Code.

88

89 Dr. Winkelman suggested that the Board make clear in the FAQs that if a licensee
90 thinks there is any possibility that they would need to reopen their practice, they should
91 choose inactive status as opposed to retired status.

92

93 The Committee’s changes were implemented in the proposed language below:

94
95 **§ 1381.10. Retired Status**
96

97 (a) Pursuant to Section 2988.5 of the Code, a licensed psychologist a psychologist who
98 holds a current Active or Inactive license issued by the Board may apply for a license in
99 retired status by submitting the Form PSY 900 (Rev. 10/20XX), which is hereby
100 incorporated by reference.

101
102 (b) To apply to restore the license to active status if the license in retired status was
103 issued less than three (3) years prior, the licensee shall:

104
105 (1) Submit Form PSY 905 (Rev. 7/20XX), which is incorporated by reference, and
106 pay the biennial renewal fee and all additional fees as prescribed in Sections 2987,
107 of the Code, and section 1397.69 of the California Code of Regulations at the time
108 the request to restore to active status is received;

109
110 (2) Furnish to the Department of Justice, a full set of electronic fingerprints for the
111 purpose of conducting a criminal history record check and to undergo a state and
112 federal level criminal offender record information search if the licensee has not been
113 previously fingerprinted for the Board or for whom an electronic record of the
114 submission of fingerprints does not exist in the Department of Justice's criminal
115 offender identification database.

116
117 (c) The Board will not grant an application for a license to be placed in a retired status
118 more than twice. A licensee who has been granted a license in retired status twice,
119 must apply for a new license in order to obtain a license in active status.

120
121 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
122 Sections 118 and 2988.5, Business and Professions Code.

123
124
125 **§ 1392. Psychologist Fees**
126

127 (a) The application fee for a psychologist is \$40.00.

128
129 (b) The fee for the California Psychology Laws and Ethics Examination (CPLEE) is
130 \$129.00.

131
132 (c) An applicant taking or repeating the licensing examination shall pay the full fee for
133 that examination.

134
135 (d) The initial license fee and the biennial renewal fee for a psychologist are \$400.00,
136 except that if an initial license will expire less than one year after its issuance, then the
137 initial license fee is an amount equal to 50 percent of the renewal fee in effect on the
138 last regular renewal date before the date on which the license is issued.

139
140 (e) The biennial renewal fee for an inactive license is \$40.00.

141
142 (f) The application fee for a retired license is \$75.00.

143
144 Note: Authority cited: Sections 2930, 2987, 2988.5 and 2989, Business and Professions
145 Code. Reference: Sections 2987, 2988, 2988.5 and 2989, Business and Professions
146 Code.

147
148 **§ 1397.69. Continuing Professional Development Audit Fee Licensee Fees.**
149 **[Effective January 1, 2013.]**

150
151 ~~This section shall be applicable to a license that expires on or after, or is reinstated or~~
152 ~~issued on or after, January 1, 2013.~~

153
154 For the administration of this article, in addition to any other fees due the Board, and as
155 a condition of renewal or reinstatement, a \$10 fee is to be paid to the Board by a licensee
156 renewing in an active status or after inactive, ~~or delinquent,~~ or reactivating from a retired
157 status.

158
159 Note: Authority cited: Sections 2915(g) and 2930, Business and Professions Code.
160 Reference: Sections 2915(j) and 2988.5, Business and Professions Code.

161
162 **Agenda Item #5: Inactive Status for Psychological Assistant: Review and Discuss**
163 **Draft Proposal to Add Language to Title 16 of the California Code (37:37/4:23:46)**

164
165 Ms. Cheung explained that the Committee was not ready to move forward with the draft
166 regulatory language provided at the October 2017 Licensing Committee Meeting, but
167 asked staff for additional information for consideration.

168
169 Ms. Cheung stated the proposed language is to implement part of the Board's Sunset
170 bill, Senate Bill (SB) 1193. The draft proposal is to add language to allow psychological
171 assistants to place their registration on an inactive status. The intent in having an
172 inactive status for psychological assistants is to enhance consumer protection by clearly
173 indicating to the public that the registered psychological assistant cannot practice while
174 holding a registration in this status. The proposed inactive status would be suitable for
175 psychological assistants who have ceased functioning under their previous primary
176 supervisor and are seeking a new primary supervisor in the interim or those who may
177 need a temporary period to attend to personal matters.

178
179 Ms. Cheung further explained that currently, if a psychological assistant contacts the
180 Board indicating that they have ceased functioning under their previous primary
181 supervisor and are in the process of obtaining a new primary supervisor, staff advises
182 the psychological assistant that they can cancel their registration to stop the time from
183 counting toward the 72-month registration limitation. The psychological assistant can
184 then apply for a new registration once they find a new supervisor. If the Board receives

185 confirmation in writing that the psychological assistant wants to cancel their registration,
186 staff will cancel their registration and terminate the supervisor-supervisee relationship in
187 BreZE. If the psychological assistant fails to cancel their registration and does not have
188 a primary supervisor, the Licensee Lookup Tool available to the public will indicate that
189 the psychological assistant is in an active status, but a supervisor will not be listed. This
190 information is inaccurate because a psychological assistant cannot provide services
191 unless they are being supervised.

192
193 The Committee discussed the psychological extension request statistics.

194
195 The Committee also discussed having a limitation on how long a psychological assistant
196 registration can remain on inactive status and whether to require that the annual report
197 be submitted when the psychological assistant is requesting inactive status.

198
199 Mr. Foo asked staff to determine the average length of extension requested and to
200 report it at the next Committee meeting.

201
202 Ms. Marks stated that from a logistical perspective, she wanted staff and the Committee
203 to consider if it might be more work for staff to have psychological assistants come in
204 and out of inactive status versus requesting an extension. From a policy perspective,
205 she inquired how this will affect staff's decision making for extension requests for a
206 trainee who did not request inactive status and is requesting an extension.

207
208 The Committee asked staff to revise the current language and draft a form based on
209 their discussion regarding the time limitation and annual report to be brought back to the
210 Committee in April 2018.

211
212 Public Comment: Dr. Winkelman with CPA suggested extending the registration time
213 limitation for a psychological assistant.

214
215 Dr. Phillips clarified that the time limitation makes clear that registration as a
216 psychological assistant is not a terminal licensing category but rather a means to obtain
217 supervised professional experience with a view to obtaining a license as a psychologist.

218
219 Dr. Horn added that the Committee looked at how long it typically took for an individual
220 to complete a doctorate program to determine the current time limitation of 72-months.

221
222 **Agenda Item #6: Examination Subject Matter Experts (SME) Qualifications**
223 **Presentation (1:16:55/4:23:46)**

224
225 Ms. Snyder, the Examination Coordinator for the Board, introduced Amy Welch-Gandy
226 from the Department of Consumer Affairs' Office of Professional Examination Services
227 (OPES) who presented a brief overview of the examination development process for the
228 California Psychology Laws and Ethics Examination (CPLEE).

229

230 Ms. Welch-Gandy's presentation covered the mission of OPES, examination
231 development, examination development workshops, and Subject Matter Expert (SME)
232 statistics.
233

234 Dr. Horn asked if a question is ever put on the test that has not been pretested. Ms.
235 Welch-Gandy explained that a question is occasionally put on the scored portion of the
236 examination without being pretested, but OPES monitors those question closely, and if
237 the question does not perform well, it will be removed and not counted against the test
238 taker.
239

240 Dr. Phillips asked for the rationale behind having different expertise that is independent
241 of law and ethics. He also asked if OPES is looking for a diversity of setting, diversity of
242 theoretical orientation, or diversity of years of practice since the SME has been
243 licensed. Ms. Welch-Gandy explained that even though everybody applies the law,
244 having experts from different settings is important because they will have a different
245 perspective on how the law is applied. OPES is looking for diversity of setting and
246 diversity of years since the SME has been licensed.
247

248 The Committee and Ms. Welch-Gandy discussed what types of diversity OPES was
249 looking for when selecting SMEs.
250

251 Ms. Snyder clarified that an ethnicity question is not asked during the licensure
252 application process, but it could potentially be added to the SME application as an
253 optional question.
254

255 Tracy Montez, Chief of Department of Consumer Affairs Policy and Programs Review
256 Division, clarified that there is a section in the Government Code that prevents the
257 Department from collecting specific data because it must have a justification for
258 collecting the data.
259

260 Mr. Foo questioned OPES' data collection as it relates to ethnicity and asked if they
261 were following the standards of either the Census Bureau or the State's Demographics
262 Office. Ms. Montez said this is certainly something OPES should be looking at across all
263 their programs.
264

265 The Committee agreed that the Board should emphasize the benefits of the Subject
266 Matter Experts (SMEs) would receive for participating to reach a wider range of
267 individuals.
268

269 Ms. Sorrick stated that Ms. Snyder will be invited to the Outreach and Education
270 Committee meeting where they can discuss outreach for SMEs, so the Board can have
271 a more diverse pool of candidates both regionally and culturally.
272

273 Ms. Montez thanked the Committee for allowing OPES to present and stated that she
274 appreciates the feedback, so they can learn and improve upon their process.
275

276 The Committee moved onto discussing the Subject Matter Expert Application, OPES'
277 policy on recruiting SMEs, OPES' Expert Consultant Informational handout, and the
278 Candidate Information Bulletin for the CPLEE.
279

280 The Committee agreed that the Subject Matter Application needs to be revised. Ms.
281 Snyder said she would revise the Subject Matter Application based on today's
282 discussion and she would email the revised draft to Committee members for feedback.
283 The Committee stated that the revised Subject Matter Application would be reviewed at
284 the next Committee meeting in April 2018.
285

286 Public Comment: Dr. Immoos from the California Department of Corrections and
287 Rehabilitation (CDCR) stated that cultural fairness is always a consideration for
288 examination construction and that there should be more diversity. She stated that
289 CDCR has a very diverse psychologist population. She noted that many of the
290 examination questions are based on vignettes, and when she took the examination
291 thirteen years ago, the questions were specific to specific groups. In her experience,
292 with many of these vignettes, she felt that you had to have special knowledge on areas
293 that did not have anything to do with law and ethics. For example, the context of a
294 question incorporated the concept of buying a house even though the question was
295 about dual relationships. She explained that the vignettes need to be general and
296 culturally fair so that anyone could understand and relate to them.
297

298 **Agenda Item 7: Pathways to Licensure: Review Proposed Amendments**

299

300 **a) Proposed Amendments to Evidence Code Section 1010 and the following Business** 301 **and Professions Code sections (2:48:35/4:23:46)** 302

303 Ms. Cheung explained that since the last Committee meeting in October 2017, staff has
304 incorporated the Committee's recommended changes and has completed a review of
305 proposed language in all sections relating to pathways. Staff was also directed to
306 conduct legislative research and to draft proposed language which would combine
307 Business and Professions Code Sections 2909 and 2910 to clarify exempt persons and
308 settings. Upon further reflection, and considering the feedback relating to pathways to
309 licensure received at the stakeholder meetings that were held in 2017, staff came up
310 with a new proposal. This proposal would standardize the process for trainees to gain
311 experience towards licensure as a psychologist by requiring all trainees to register as a
312 psychological assistant with the Board.
313

314 Ms. Cheung went on to explain the four different ways an individual can gain supervised
315 professional experience as a trainee towards psychology licensure.
316

317 Dr. Phillips stated that he sees the logic of providing the best consumer protection by
318 having all trainees register as psychological assistants, but it would be beneficial to elicit
319 stakeholder feedback. Dr. Phillips explained that there is already an elaborate system in
320 place to apply for an internship.
321

322 Dr. Horn suggested that if the experience is gained through a formal internship process,
323 there would be no need to register with the Board. Dr. Horn said it is a good idea for all
324 trainees to be called psychological assistants, but the \$40 fee associated with the
325 annual registration would be problematic for organizations and individuals.

326
327 Mr. Foo stated he was persuaded by the argument of accountability and asked if staff
328 could obtain numbers on how many complaints are filed against non-psychological
329 assistants. Ms. Lim explained that in preparation for the Committee meeting, staff
330 attempted to extract numbers for complaints filed against trainees that were not
331 psychological assistants but since the Board does not have any jurisdiction over these
332 individuals, the complaint is linked to their supervisor. When the complaint is closed,
333 disposition is considered no jurisdiction which makes it difficult to extract complaint data
334 for trainees who are not psychological assistants. Mr. Foo then asked if this was a
335 database issue. Ms. Lim explained that theoretically, if all trainees were psychological
336 assistants, the Board would have jurisdiction over everyone. Therefore, if a complaint is
337 filed, it would be opened against the psychological assistant, which is the current
338 process for psychological assistants since they are registered with the Board.

339
340 Mr. Foo asked where the accountability is for internships. Dr. Phillips explained that
341 individuals seeking an internship undergo a very intense application process. In terms of
342 the complaint process, typically, any organization will have their own complaint process.

343
344 Dr. Horn and Dr. Phillips agreed that even though the application fee of \$40 seems
345 minimal, some of these organizations rely on government funding to keep them going
346 and some do not pay their trainees. They discussed the idea of having everyone
347 register as a psychological assistant, but create a different fee structure depending on
348 the setting where the trainee accrues hours.

349
350 Ms. Sorrick reminded the Committee that in the Northern California stakeholder
351 meeting, there was a consensus to eliminate the registered psychologist category. She
352 asked the Committee to consider limiting the number of pathways from four to three by
353 eliminating the registered psychologist category.

354
355 Mr. Foo stated from a policy perspective, it would be strange to have one category but
356 have different fee structures within that category. Additionally, there would be a huge
357 impact on Board staff if there is no cost recovery in reviewing applications.

358
359 The Committee discussed having accountability within each training category.

360
361 The Committee tasked staff to invite stakeholders from the different training settings to
362 the next Committee meeting in April to elicit their feedback on the proposal that would
363 require all trainees, regardless of settings, to register as a psychological assistant with
364 the Board.

365
366 Ms. Lim listed all the organizations staff invited to today's meeting.

367

368 Dr. Phillips stated it was a great start but to extend the invitations to student counseling
369 centers, non-profit agencies, and the relevant part of the agencies that are involved.

370
371 Public Comment: Dr. Winkelman with CPA suggested having internships as an exempt
372 setting.

373
374 Rene Puliatti, Executive Director of the California Psychology Internship Council
375 (CAPIC) agreed that it is important to get stakeholder feedback and that it is probably a
376 good idea to have every trainee registered with the Board. He stated that one thing to
377 keep in mind is how insurance companies treat registered psychologists versus
378 psychological assistants in terms of reimbursement rates.

379
380 The Committee discussed which types of stakeholders staff should invite and what the
381 invitation should say.

382
383 Ms. Sorrick suggested postponing the rest of the pathways discussion until the
384 Committee can decide how to proceed with the current proposal of having all trainees
385 register with the Board.

386
387 Public Comment: Dr. Winkelman with CPA suggested considering the Department of
388 Mental Health (DMH) waiver.

389
390 b) Proposed Amendments to Title 16 of the California Code of Regulations

391
392 This item was not discussed.

393
394 **Agenda Item #8: Recommendations for Agenda Items for Future Licensing**
395 **Committee Meetings**

396
397 Dr. Horn asked the public if there were any recommendations for agenda items for
398 future board meetings.

399
400 There were no recommendations from the public.

401
402 Dr. Horn stated that she would like to add licensure requirements for individuals in
403 general applied psychology areas to the agenda for the next Committee meeting.

404
405 **Agenda Item #9: Closed Session**

406
407 The Committee met in closed session pursuant to Government Code Section
408 11126(c)(2) to discuss and consider qualifications for licensure.

409
410 **ADJOURNMENT**

411
412 The Committee adjourned at 4:35 p.m.

413

414

415 Committee Chair

Date

416