



BOARD OF PSYCHOLOGY

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BOARD MEETING MINUTES

**Westin Los Angeles Airport
5400 West Century Boulevard
Los Angeles, CA 90045
(310) 216-5858**

Friday, November 21, 2008

The open session meeting was called to order by the President, James McGhee, at 8:15 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

James McGhee, President
Sharon O'Connor, Ph.D., Vice-President
Alex Calero, J.D.
Jacqueline Horn, Ph.D.
Emil Rodolfa, Ph.D.
Richard Sherman, Ph.D.

Others Present:

Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Gina Bayless, Enforcement Coordinator
Lavinia Snyder, Licensing/Registration Program Coordinator
Denise Russell, Continuing Education/Probation Analyst
Julie Brown, Enforcement Analyst
Diana Crosby, Administrative Technician

James McGhee announced that Jacqueline Horn, Ph.D., will replace Ellen Graff, Ph.D., as chair of the Credentials Committee.

Open Session – Petitioner and Administrative Hearing

8:20 A.M. – MOORE, Tracie, Ph.D., Petition for Termination of Probation

Administrative Law Judge David Rosenman presided. Deputy Attorney General Brenda Reyes was present and represented the people of the State of California. Tracie Moore, Ph.D., was present and represented herself.

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

10:00 A.M. – TECHENTIN, Nicholoas, Ph.D., Petition for Termination of Probation

Administrative Law Judge David Rosenman presided. Deputy Attorney General Robert McKim Bell was present and represented the people of the State of California. Nicholas Techentin, Ph.D., was present and represented himself.

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

11:30 A.M. – MIERSMA, James, Psy.D., Petition for Termination of Probation

Administrative Law Judge David Rosenman presided. Deputy Attorney General Judith Alvarado was present and represented the people of the State of California. James Miersma, Psy.D., was present and represented himself.

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

2:35 P.M. – Open Session Committee Meetings

The Continuing Education Committee and Legislation Committee met to discuss and formulate recommendations to the Board.

3:30 P.M. – Open Session Committee Meetings

The Examination Committee, Enforcement Committee, Personnel and Board Operations Committee, and Committee on Contemporary and Emerging Issues met to discuss and formulate recommendations to the Board.

4:30 P.M. – Open Session Committee Meetings

The Credentials Committee and Outreach and Consumer Education Committee met to discuss and formulate recommendations to the Board.

Saturday, November 22, 2008

The open session meeting was called to order by the President, James McGhee, at 9:09 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

James McGhee, President
Sharon O'Connor, Ph.D., Vice-President
Alex Calero, J.D.
Jacqueline Horn, Ph.D.
Emil Rodolfa, Ph.D.
Richard Sherman, Ph.D.

Others Present:

Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Gina Bayless, Enforcement Coordinator
Lavinia Snyder, Licensing/Registration Program Coordinator
Denise Russell, Continuing Education/Probation Analyst
Julie Brown, Enforcement Analyst
Diana Crosby, Administrative Technician

Agenda Item #1 – Approval of Minutes for August 8 - 9, 2008 Board Meeting

It was M(Horn)/S(O'Connor)/C to approve the August 8 – 9, 2008, open session minutes with minor changes.

VOTE: 6-0

Agenda Item #2 – Approval of 2008 - 2010 Strategic Plan

Mr. Kahane requested that the Board revise its Strategic Plan to a two-year plan based on the strategic objectives which would cover that period of time. Dr. Horn suggested that the Strategic Plan be brought back to the February meeting for review, and the Board could consider a two-year plan at that time.

It was M(O'Connor)/S(Sherman)/C to table the discussion and adoption of the 2008/2009 Strategic Plan until the February 2009 Board meeting to allow the Board additional time to review the plan.

Agenda Item #3 – President's Report – Mr. McGhee

a) Board Member Update

Mr. McGhee reported that Dr. Graff has resigned from the Board, and thanked her for her service.

b) Los Angeles County Psychological Association Convention

Mr. McGhee stated that he was unable to attend the Los Angeles County Psychological Association (LACPA) Convention on October 18, 2008, due to a conflict. However, Dr. O'Connor attended in his absence. Dr. O'Connor reported that the convention was a very positive experience. She stated that it was a very well-run program and that LACPA was very welcoming to the Board.

c) California Association of Mental Health Boards and Commissions

Mr. McGhee reported that he attended a meeting of the California Association of Mental Health Boards and Commissions on October 18, 2008. He indicated that this was his first meeting as President of this organization, thus he was unable to attend the LACPA Convention.

d) Monthly Meeting with Executive Officer

Mr. McGhee stated that during the monthly meetings he has with the Board's Executive Officer, he keeps abreast of Board functioning and issues of concern. In addition, he obtains updates on the Board's budget as well as staffing changes. He indicated that the meetings are very productive and thanked Mr. Kahane for being available to meet with him.

e) Other President's Informational Items

Dr. Rodolfa announced that Dr. Horn has been elected Member-at-Large for the Association of State and Provincial Psychology Boards. Dr. Horn thanked the Board for its support.

Agenda Item #4– Executive Officer’s Report – Mr. Kahane

a) BOP Update

Mr. Kahane reported the “BOP Update” is ready to be sent to the production editor, and then printed as soon as the primary cover article is submitted.

b) Diversity Conference with California Psychological Association

Mr. Kahane reported that, while working within current budget issues, the Board may be able to schedule a Diversity Conference in partnership with the California Psychological Association on March 27, 2009. Mr. Kahane will contact all concerned parties when this event becomes possible.

c) Other Executive Officer’s Informational Items

Mr. Kahane’s additional informational items included the following:

Monthly reports to the Board by the Executive Officer and meetings with the Board President continue to enhance communication between the Board and Staff.

Licensing figures and time frames remain excellent regardless of staffing issues.

The Retired Annuitants terminated on July 28, 2008, due to budget concerns were rehired in October. All were pleased to return to the Board.

Marsha Guzzi, a Staff Services Analyst, has accepted a promotion with the Department of Social Services. Interviews for her position will be scheduled as soon as possible.

The Board of Psychology Consumer Guide continues to be distributed by the Medical Board staff during their outreach events.

Mr. Kahane will be on a panel and Ms. Bayless will attend the Association of Family and Conciliation Courts Conference February 8 -10, 2009, in San Francisco.

Agenda Item #5 – Regulations Update

a) Postdoctoral Supervised Professional Experience (CAPIC) – Amendments to Title 16, California Code of Regulations section 1387(a)(2)(A)

Mr. Thomas reported that the final rulemaking file was submitted to the Department of Consumer Affairs on August 12, 2008, and the file was submitted to the Office of Administrative Law on November 14, 2008.

b) Psychological Assistant Plans for Supervised Professional Experience – Title 16, California Code of Regulations sections 1387(b)(10) and 1387.6

Mr. Thomas reported that the hearing was held on August 9, 2008, at which the Board voted to adopt the proposed regulations as noticed. Board staff is in process of completing the rulemaking file.

c) Psychological Assistant Renewals – Title 16, California Code of Regulations sections 1391.4, 1391.10 and 1391.12

Mr. Thomas reported that the hearing was held on August 9, 2008, at which the Board voted to issue a 15-day notice restoring the language of section 1391.4 regarding the American Psychological Association's Guidelines and Principles for Accreditation of Programs in Professional Psychology back to its original language and to move forth with the remaining proposed changes as noticed, and to delegate the authority to the Executive Officer to adopt the language and make any necessary non-substantive changes absent any negative comments. He indicated that Board staff is in the process of completing the rulemaking file.

Agenda Item #6 – Continuing Education Committee Report

a) Strategic Plan Update

Dr. O'Connor reported that the Strategic Plan Update was tabled for the next Board meeting.

b) Continuing Education Statistics

Dr. O'Connor referred the Board to the continuing education statistics which were provided in the meeting packets.

c) Discussion Regarding Continuing Education Approval System

Dr. O'Connor presented the Board with two proposals for amending the continuing education regulations. The first proposal would eliminate the requirement for individual course approval by the MCEP Accrediting Agency (MCEPAA) and make other minor changes, but would essentially leave the existing regulations intact, including the 100% audit performed by the MCEPAA.

The second proposal would make substantial changes to the existing regulations, including eliminating the MCEPAA as well as the 100% audit that they perform. Under this proposal, licensees would be responsible for keeping track of their continuing education and submitting documentation of completion to the Board upon request. Board staff would randomly audit licensees' continuing education to ensure compliance. Additionally, all continuing education courses would have to be:

- Provided by the American Psychological Association or its approved sponsors;
- Continuing Medical Education (CME) courses specifically applicable and pertinent to the practice of psychology and that are accredited by the California Medical Association or the Accreditation Council for Continuing Medical Education;
- Sponsored by the Academies of the specialty boards of the American Board of Professional Psychology; or
- Provided by the California Psychological Association or its approved sponsors.

The vote on this issue was tabled to the next Board meeting to give the Board members time to review each proposal carefully and make an informed decision.

d) H.M. – Review Request for Exception Pursuant to California Code of Regulations Section 1391.62(b)

Dr. O'Connor stated that the Continuing Education Committee recommends the approval of H.M.'s request.

e) Discussion Regarding Number of Hours of Distance Learning Allowed

Dr. O'Connor stated that the continuing education regulations currently allow up to 75% of a licensee's continuing education to be completed via independent learning. She indicated that the issue of increasing that percentage to 100% was discussed a couple of years ago, but it was not approved. She stated that the Continuing Education Committee would like to bring this issue up again to determine if it is viable.

f) Public Comment

None.

It was M(Continuing Education Committee)/S(Rodolfa)/C to accept the Continuing Education Committee's report and recommendations.

Vote: 6 – 0

Agenda Item #7 – Credentials Committee Report

a) Strategic Plan Update

The Strategic Plan Update was tabled for the next Board meeting.

b) Satisfaction Survey Results

Dr. Horn reported that the results of the satisfaction survey are noted in the Board packet. A suggestion was made to have yearly totals versus month-to-month numbers. In addition, changes to the satisfaction survey were recently made and are now noted on the Board's website and currently being printed for distribution.

Dr. Horn also stated that at the last Board meeting, the committee had suggested hiring a student assistant to conduct the survey by phone to newly licensed psychologists starting January 2009.

c) Update on Psychological Assistant Task Force

Dr. Horn reported that the Psychological Assistant Task Force met on October 15, 2008, to discuss the use and purpose of the Psychological Assistant registration. The group was comprised of eight licensed psychologists who were previously psychological assistants and who currently employ psychological assistants. The meeting concluded with the following recommendations:

- 1) Clarify the Psychological Assistant regulation as a training category.
- 2) Limit the Psychological Assistant registration to 72 aggregate months.
- 3) Effective the date of the regulations, all current Psychological Assistants will have 72 months to become licensed.
- 4) To individually track psychological assistant registrations.

d) Discussion Regarding Approved Schools After January 1, 2009

The Board discussed the situation of doctoral students enrolled in state approved schools of psychology following the sunset of the Bureau for Private Postsecondary and Vocational Education. The highlights of that discussion are as follows:

- The Board voted to begin the regulatory process to define what degree from an approved school pursuant to Business & Professions Code section 2914(g) would meet the qualifications for licensure, including these requirements:
 - (a) the applicant matriculated in an approved school by December 31, 2008,
 - (b) the degree is conferred by December 31, 2013, and
 - (c) there is no legislation reenacting the BPPVE or a successor agency that affects the status of the school or the degree conferred.
- During the regulatory process, applications for licensure from graduates of approved schools will be evaluated on a case-by-case basis to determine whether the degree meets the statutory educational requirements.

Please keep in mind that there is no guarantee that such a regulation will include these requirements as proposed, or ultimately be approved, so the Board encourages all students to know their rights and explore their options for completing their degrees.

Dr. Sherman commented that he appreciates the commitment the students and faculty members who attended the committee meeting and certainly empathizes with the students and their predicament. However, Dr. Sherman expressed concerns on the recommendation of extending the acceptance of approved school degrees until 2013. Dr. Sherman also commented that many of the students may not have a full understanding of the role and the limitations of the Board of Psychology and the Board's overriding responsibility to protect the consumer.

Dr. Sherman stated he was struck by Dr. Rodolfa's comment, which was a very compelling argument, to not extend the acceptance of degrees until 2013. He paraphrased that the state of psychology continues to gradually change and students need to be educated in the latest advances with new courses and delete outdated courses with the goal of better educating students with the result that the community would be better served. Dr. Sherman was very disconcerted that without Bureau accountability he was struck by one of the educator's comment that they intend to freeze all coursework and not make any changes to their degree program after January 1, 2009.

Dr. Sherman also added that the Board had received letters and emails requesting support for an extension until July 2010 and was willing to support this date and go beyond the date as an interim measure while the hopes of a reconstituted Bureau is established. However, he has concerns that this entire issue can be brought forth again once a date is established and he is hesitant in putting forth a later date. He stated that this issue should be dealt with now.

Dr. O'Connor commented that extending the acceptance of approved schools is very reasonable.

Dr. Rodolfa commented that the Committee's recommendation takes into account the student's dilemma. However, there is also another issue to consider is degrees that come from approved schools are not accepted in any other jurisdiction. It seems California has it's own education process that is not acceptable anywhere else. He indicated that the Board has an obligation to the public as well as the students to take into account their situation and the recommendation of

extending the approval of schools until 2013 will help those students. Once this date is set it will not be revisited unless the Bureau is reconstituted.

Mr. Calero clarified that the committee is asking the Board to simply authorize the drafting of regulations and if those regulations go through, the Board will have another opportunity to talk about these issues and get more information. He stated that the Board does not require schools to disclose anything, but it is incumbent upon that these educational institutions notify students of the ramification and the Board's limitations set by law. He hopes that with the promulgation of this regulation and its adoption, that this issue is only addressed once.

Mr. McGhee stated for the record, that approved schools continued to expose students knowing of the changes and did not take the responsibility to notify their students of the changes. There is only so much the Board can do and we do not have any authority over schools. He also stated that the Board is now placed in a very difficult position, which he does not appreciate, because schools did not perform their responsibility. He understands that the students need to complete their education and training but the Board also has its responsibility of protecting the consumer.

Dr. Rodolfa stated that he hopes schools will take this opportunity to get accredited during this extension.

e) Training for Practice Monitors

This issue was deferred to the Enforcement Committee. Dr. Rodolfa noted the excellent presentation on this topic included in the packet.

f) Discussion Regarding the Accrual of Supervised Professional Experience by School Psychologists

Dr. Horn explained that historically school psychologists were not allowed to accrue supervised professional experience (SPE) while working as school psychologists because school systems required them to be credentialed by the Teacher's Credentialing Commission and regulations don't allow hours to be counted as SPE while people are functioning under another license or credential. The Board decided to remove the term "credential" from the regulation in order to allow school psychologists to earn hours of supervised professional experience. This has created some confusion about which hours count and which hours do not count as SPE. Dr. Horn stated that the Board never intended the job of school psychologist to count as SPE, but only to allow those individuals who had to become credentialed to work in schools, to be able to get SPE for licensure.

Dr. Horn directed staff to reference the rulemaking file to determine the reason for removing the term "credential" from Section 1387 (b) (9) of the California Code of Regulations and to table this issue for the next Board meeting.

g) Interjurisdictional Practice Certificate (IPC)

Dr. Horn stated that at the August meeting the Board decided that there was no need to implement regulations regarding the IPC since California already has a statute that allows out of state licensed psychologists to practice for a period not to exceed 30 days in any calendar year.

However, Dr. Horn stated that the IPC allows a way to monitor out-of-state licensees who want to practice temporarily in California. The Committee recommends that the Board move forward with the creation of regulations to accept the IPC.

h) Closed Session

The Committee met in closed session pursuant to Government Code section 11126(c)(2) to discuss and vote on applicant credentials for licensure.

i) Public Comment

A representative from the Graduate Center for Child Development in Psychotherapy was curious if the 72-month limit for psychological assistants would be retroactive or from the point of registration. Dr. Horn stated it would be from the point of registration.

Robert Johnson, Director of the California Association of Private Postsecondary Schools, stated that the Association looks forward to challenging the Board and believed that the Board is completely wrong.

Mr. Steve Arthur from Ryokan College thanked the Board for reversing its decision.

It was M(Credentials Committee)/S(Emil Rodolfa)/C to accept the Credentials Committee's report and recommendations.

Vote: 4 (for) – 0 (against) – 2 (abstained)

Agenda Item #8 – Examination Committee Report

a) Strategic Plan Update

The Strategic Plan update was tabled for the next Board meeting.

b) Examination Statistics

Dr. Rodolfa reported that the overall pass-rates for the EPPP and the CPSE were approximately 66%. It was suggested to include the percentage of first-timers who have passed the EPPP and CPSE on the next Examination Statistics. Ms. Snyder commented that the data is available but it may pose some difficulty to gather such data.

c) Discussion Regarding Hiatus for Examinees After Multiple Failures of the Examination for Professional Practice in Psychology, California Psychology Supplemental Examination and California Psychology Laws and Ethics Examination

Dr. Rodolfa explained that additional information is needed. He stated that most states do not require a hiatus after multiple attempts at taking the exam, and if a hiatus is required, what would the Board require? The committee would like to continue discussion on this topic.

d) Department of Consumer Affairs Quality Assurance Program

Dr. Rodolfa deferred the explanation of this program to Ms. Lavinia Snyder. Ms. Snyder stated that the Department of Consumer Affairs, in conjunction with the Office of Examination Resources, has developed a Quality Assurance Program designed to monitor the performance

of the exam sites of Psychological Services Inc. Board members and/or Board staff are allowed to participate as “secret test takers” and report the performance of the exam site. The Examination Committee delegated Mr. Alex Calero to participate as a secret test taker.

e) Update on the Review of the Examination Page of the Board’s Website

Dr. Rodolfa stated that he plans to work with staff and a work group to develop specific recommendations regarding the Board’s Examination webpage by the next Board meeting.

One comment was to have an easier access to a quick reference guide. Another comment was to review the Examination Statistics for accuracy.

f) Public Comment

No public comments.

It was M(Examination Committee)/S(O’Connor)/C to accept the Examination Committee’s report and recommendations.

Vote: 6 – 0

Agenda Item #9 - Enforcement Committee Report

a) Strategic Plan Update

Mr. Calero stated that the Strategic Plan Update was tabled for the next Board meeting.

b) Enforcement Statistics

Mr. Calero referred the Board to the enforcement statistics in the agenda packets. He noted that for the current fiscal year, the Board has received a total of 361 complaints. This is in comparison to a total of 606 complaints received last fiscal year. If the current trend continues, the Board will far surpass the prior fiscal year’s complaints.

Mr. Calero reported that the committee requested that at the end of the 2008/2009 fiscal year all complaints be categorized to identify trends. The committee will use the data to work with the Continuing Education Committee and the Outreach and Consumer Education Committee to educate licensees and consumers.

c) Expert Reviewer Program Update

Mr. Calero reported that staff is currently working on updating the training materials for expert reviewers. He stated two expert reviewer training sessions will be held each year with the first training to be held in conjunction with the 2009 California Psychological Association convention.

d) Discussion Regarding Retention of Website Postings of Disciplinary Actions

Mr. Calero reported the committee discussed setting guidelines for posting disciplinary documents on the Board’s website. He stated that the committee reviewed the Department of Consumer Affairs’ new auto-disclosure feature that will assist the Board in implementing the posting of all disciplinary documents on the Board’s website.

e) Discipline Auto-Disclosure

Mr. Calero reported that the auto-disclosure feature will expedite the posting of accusations and final decisions adopted by the Board. Disciplinary information will be disclosed via the Board's website and will be linked to the license look-up feature. He stated that the discipline documents will be available in PDF format for viewing or download.

Mr. Calero reported that utilizing the auto-disclosure feature will save staff time and will expedite public disclosure of discipline actions.

Mr. Calero reported that the committee will be reviewing practice monitor training at the next Board meeting.

g) Public Comment

No public comment.

It was M(Enforcement Committee)/S(Sherman)/C to accept the Enforcement Committee's report and recommendations.

Vote: 6-0

Agenda Item #10 – Legislation Committee Report

a) Strategic Plan Update

Dr. Sherman reported that the Strategic Plan Update was tabled for the next Board meeting.

b) Review of California Code of Regulations, Title 16, Division 13.1, Article 3

Dr. Sherman reported that review of California Code of Regulations, Title 16, Division 13.1, Article 3 was tabled for the next Board meeting.

c) Senate Joint Resolution 19 (Ridley-Thomas) – Military Torture and Health Professionals

Dr. Sherman reported that the resolution was chaptered on August 18, 2008. He stated the resolution requires all relevant California agencies to notify licensees of their professional obligations relating to torture and the treatment of detainees.

Dr. Sherman reported that in compliance with the resolution, Board staff will notify all licensees in writing and an additional disclosure will be posted on the Board's website.

d) AB 55 (Laird) – Healing Arts Practitioners

Dr. Sherman reported that AB 55 was chaptered on September 25, 2008. This bill deletes the exemptions relative to insurance fraud related to nonmonetary remuneration necessary to receive and transmit electronic prescription information and would instead exempt from all of the above provisions nonmonetary remuneration in the form of hardware, software, or information technology and training services. This bill was effective immediately as an urgency statute.

e) AB 239 (DeSaulnier) – Alcoholism and Drug Abuse Counselors

Dr. Sherman reported that this bill was vetoed on September 4, 2008. This bill would have enacted the Alcoholism and Drug Abuse Counselors Licensing Law and would have provided licensure and regulation of alcohol and drug abuse counselors by the Board of Behavioral Sciences.

f) SB 823 (Perata) – California Private Postsecondary Education Act of 2008

Dr. Sherman reported that SB 823 was vetoed on September 30, 2008. This bill would have recast and revised the former act as the California Private Postsecondary Education Act of 2008.

g) SB 963 (Ridley-Thomas) – Regulatory Boards; Operations

Dr. Sherman reported that SB 963 was chaptered on September 27, 2008. This bill extended the sunset date for several boards, including the Board of Psychology, from July 1, 2009 to January 1, 2011.

h) SB 1218 (Correa) – Marriage and Family Therapy; Licensure and Registration

Dr. Sherman reported that SB 1218 was vetoed on September 28, 2008. This bill would have changed the requirements for applicants for licensure or registration as Marriage and Family Therapists who began graduate study before August 1, 2012, and would have imposed additional requirements on applicants who did not complete that study on or before December 31, 2018.

i) SB 1415 (Kuehl) – Healing Arts Practitioners

Dr. Sherman reported that SB 1415 was vetoed on August 22, 2008. This bill would have required certain health care providers who create patient records, at the time the initial patient record is created, to provide a statement to be signed by the patient or the patient's representative that sets forth the patient's rights, as specified in applicable law or by the health care provider's retention policy.

j) SB 1441 (Ridley-Thomas) – Healing Arts Practitioners; Substance Abuse

Dr. Sherman reported that SB 1441 was chaptered on September 28, 2008. This bill establishes a Substance Abuse Coordination Committee within the Department of Consumer Affairs. The committee will formulate, by January 1, 2010, and will set uniform and specific standards for use in dealing with substance-abusing licensees.

Dr. Sherman reported that the committee requested that Board staff provide an update on the progress of the Substance Abuse Coordination Committee as they formulate standards.

k) AB 1486 (Calderon) – Licensed Professional Counselors

Dr. Sherman reported that AB 1486 was referred to the Appropriations Committee. This bill would provide for the licensure or registration and regulation of Licensed Professional Counselors and Interns by the Board of Behavioral Sciences.

l) SB 1779 (Committee on B&P) – Professions and Vocations

Dr. Sherman reported that SB 1779 was vetoed on August 27, 2008. This bill would have required a report of settlement, to include settlements under \$30,000 based on the licensee's alleged negligence, error, or omission in practice in California. This bill would have also prohibited the Board from publishing on the Internet, final determinations of a citation and fine of \$1,500 or less for more than five years from the date of issuance of the citation.

m) AB 1897 (Emmerson) – Marriage and Family Therapists

Dr. Sherman reported AB 1897 was chaptered on September 28, 2008. This bill specifies that a doctor's or master's degree approved by the Bureau for Private Postsecondary and Vocational Education as of June 20, 2007, shall be considered by the Board of Behavioral Sciences to meet the licensure and registration requirements if the degree is conferred on or before July 1, 2010.

n) AB 1925 (Eng) – Franchise Tax Board: Professional Licenses

Dr. Sherman reported that AB 1925 failed passage. This bill would have required regulatory board's to provide to the Franchise Tax Board the name and social security number, or federal taxpayer identification number, of each licensee. This bill would have required the Franchise Tax Board, if an individual licensee failed to pay taxes for which a notice of State tax lien had been recorded, to send a preliminary Notice of Suspension to the licensee.

o) AB 2543 (Berg) – Geriatric & Gerontology Workforce Expansion Act

Dr. Sherman reported that AB 2543 was vetoed on September 28, 2008. This bill would have enacted the Geriatric and Gerontology Workforce Expansion Act to provide grants for loan repayment assistance, on or after January 1, 2010, to licensed and associate clinical social workers, marriage and family therapists, and registered marriage and family therapy interns who provide geriatric services. This bill would have raised the licensing and renewal fees of these licensees by \$10 for deposit into the Geriatric Social Workers and Marriage and Family Therapists Account, which would have been established in the Mental Health Practitioners Education Fund as a continuously appropriated account within the fund.

p) AB 2746 (Niello) – Private Postsecondary Education: California Private Postsecondary Education Act of 2008

Dr. Sherman reported that AB 2746 is pending in the Assembly Appropriations Committee. This bill would recast and revise the former act as the California Private Postsecondary Education Act of 2008.

q) Other Bills of Interest to the Board

No others bills of interest pending at this time.

r) Public Comment

Dr. Charles Faltz stated that although SJR 19 requires notification to all licensees, he requested that the Board consider the costs associated with sending the notification. He also requested that the Board consider posting the notice on the Board's website to satisfy the notification requirement. Mr. Kahane stated that the notice would be incorporated into the Board's regular quarterly mailing to licensees, as well as posted on the Board's website.

It was M(Legislation Committee)/S(O'Connor)/C to accept the Legislation Committee's report and recommendations.

VOTE: 6 – 0

Agenda Item #11 – Outreach and Consumer Education Committee Report

a) Strategic Plan Update

Dr. O'Connor reported that the Strategic Plan Update was tabled for the next Board meeting.

b) Consumer Outreach

Dr. O'Connor reported that outreach activities have been limited due to budget constraints; however, outreach efforts will resume once the budget situation improves.

c) BOP Update

Dr. O'Connor reported that the "BOP Update" is waiting for an additional article and will be published shortly.

d) Misuse of the MMPI-II

Dr. O'Connor reported that the "BOP Update" will include a reprint of an article previously published in the Wall Street Journal regarding the misuse of the MMPI-II. Mr. Kahane was successful in obtaining approval to publish the article.

Dr. O'Connor reported that the committee would like to discuss at the next meeting composing a letter to the various law boards and associations to educate the legal profession regarding the misuse of the MMPI-II.

e) Update on New Booklet for Consumers

Dr. O'Connor reported that the booklet "Why a Psychologist?" is being developed and Mr. Kahane will request Board member input.

f) Public Service Announcement Update

Mr. Kahane reported that DCA has been authorized to receive \$5 million dollars to target unlicensed activity. The Consumer Summit emphasized unlicensed activity and the BOP will continue to coordinate efforts to support DCA in targeting unlicensed practice.

g) Public Comment

None.

It was M(Outreach and Consumer Education Committee)/S(Sherman)/C to accept the Outreach and Consumer Education Committee's report and recommendations.

Vote: 6 – 0

Agenda Item #12 – Personnel and Board Operations Committee

a) Strategic Plan Update

Dr. Horn reported that the Strategic Plan Update was tabled for the next Board meeting.

b) Update on Consultant for Board Operations

Dr. Horn reported that due to the current budget crisis the BOP is unable to proceed with contracting for consultant services as it is not considered critical to the Board's mission. Mr. Kahane has resubmitted a request to the DCA Budget office to proceed with this contract as well as the diversity conference.

c) Budget Update

Mr. Kahane reported that the budget for the next fiscal year is about the same as this year at approximately \$3.4 million. If approved, the Board will be adding two additional positions in the next fiscal year, one in licensing and one for an outreach coordinator.

Dr. Horn expressed concern that DCA wants the California Board to be a leader in psychology regulation in its area, yet the Board has not been approved to send a representative to important professional meetings such as the American Psychological Association Convention and the Association of State and Provincial Psychology Boards Annual Meeting. Mr. McGhee reported that if the BOP has an imperative need to attend a specific meeting, a request can be submitted for approval.

d) Legal Opinion Regarding Loan of Special Funds to General Funds

Dr. Horn reported that the committee reviewed the legal opinion regarding the loan of special funds. DCA legal counsel Don Chang prepared the opinion that states that State Government has the authorization to be loaned funds as long as the terms and conditions are described. The loans will be paid back to the lending Board if either the Board has a need for the funds, or the general fund no longer needs the money. The opinion also states that, although the Boards have their own funds, they are not given unfettered use of the funds, and may not spend their funds without a legislative appropriation; thus such funds are subject to the State budget process.

e) Discussion Regarding Website Enhancements

Dr. Horn reported that student volunteers will be reviewing the website to provide input for further website enhancements.

f) Public Comment

Dr. Chuck Faltz commented that the legal opinion regarding the loan of special funds emphasized that it is highly unlikely that the funds will ever be restored. He further commented that contrary to the clear intent of the law, these monies are not being sequestered in any way. It is clear the intent of the law is that licensing funds are to be used to support the Board's operation for regulating and licensing, and not allowing the Board to be able to attend the types of events that are relevant to California psychologists is problematic. Dr. Faltz stated that this situation is not in good faith because licensing money isn't being spent for licensing as intended.

Dr. Candace Young with the Los Angeles County Psychological Association wanted to know the amount loaned and whether any agreement was provided regarding the loan. She asked if the Board received any documentation regarding the terms of the loans.

Mr. Kahane reported that the previous amount loaned was \$5.3 million and \$2.4 million is scheduled to be loaned. Mr. Kahane stated that he has not yet received any terms for the \$2.4 million dollar loan, and since the previous loan of \$5.3 million preceded him, he'll look into that.

It was M(Personnel and Board Operations Committee)/S(Calero)/C to accept the Personnel and Board Operations Committee report and recommendations.

VOTE: 6 – 0

Agenda Item #13 – Committee on Contemporary and Emerging Issues Report

a) Discussion Regarding Possible Board of Psychology Role in Colleague Assistance for Other Health Professions

Dr. O'Connor reported the discussion regarding a possible role in colleague assistance is ongoing.

The committee would like to add as an ongoing agenda issue: pro bono opportunities for psychologists.

Dr. O'Connor received a response from Dr. Jon Natchison regarding ideas how psychologists can help the military and their families.

b) Public Comment

None.

It was M(Committee on Contemporary and Emerging Issues)/S (Sherman)/C to accept the Committee on Contemporary and Emerging Issues report and recommendations.

VOTE: 6 – 0

Agenda Item #14 – Public Comment on Items Not on the Agenda

None.

Agenda Item #15 – Agenda Items for Future Meetings

Mr. Kahane requested that research be conducted to look at communities in need of psychological services and underserved populations, and possibly offer incentives to psychologists who provide services in underserved areas.

Dr. Sherman requested that Telemedicine be added to the agenda for the Committee on Contemporary and Emerging Issues.

It was M(Sherman)/S(O'Connor)/C to adjourn the open session meeting.

The open session meeting adjourned at 11:50 a.m.

James L. McGhee
President

Date