

**BOARD OF PSYCHOLOGY**

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**BOARD MEETING MINUTES**  
**Ayres Hotel & Suites**  
**325 Bristol Street**  
**Costa Mesa, CA 92626**

**Friday, May 14, 2010**

The open session meeting was called to order by the President, James McGhee, at 9:01 a.m. A quorum was present and due notice had been sent to all interested parties.

**Members Present:**

James McGhee, President  
Richard Sherman, Ph.D., Vice-President  
Lucille Acquaye-Baddoo  
Emil Rodolfa, Ph.D.  
Celinda Vazquez

**Others Present:**

Robert Kahane, Executive Officer  
Jeffrey Thomas, Assistant Executive Officer  
Norine Marks, Legal Counsel  
Gina Bayless, Enforcement Coordinator  
Linda Kassis, Administrative Services Coordinator  
Lavinia Snyder, Licensing/Registration Program Coordinator  
Denise Russell, Continuing Education/Probation Coordinator  
Deborah Morales, Enforcement Analyst

**Agenda Item #1 – Petitioner Administrative Hearing**

**9:15 A.M. – PELOQUIN, Paul, Ph.D., Petition for Reinstatement of Revoked/Surrendered License**

Administrative Law Judge Daniel Juarez presided. Deputy Attorney General Colleen M. McGurrin was present and represented the people of the State of California. Paul Peloquin, 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.

**1:30 P.M. – Open Session**

**Agenda Item #2 – Approval of February 26-27, 2010 Minutes**

It was M(Sherman)/S(Rodolfa)/C to approve the February 26-27, 2010, open session minutes with minor changes.

Vote: 5 – 0

### **Agenda Item #3 – Director’s Report by Department of Consumer Affairs Representative**

Kimberly Kirchmeyer, Deputy Director of Board and Bureau Relations, appeared before the Board on behalf of the Director. She thanked the Board’s Executive Officer, Mr. Kahane, and his staff for the assistance provided to the Department over the past six months based on requests for information from the Governor’s Office. Ms. Kirchmeyer provided the Board an update on the following issues:

- CPEI initiative – given to end of FY 12/13 to bring down timeframes to 6-12 months
- Administrative improvements – staffing – legislative
- Enforcement academy - first one started already
- Enforcement statistics and improvement plan by boards - to deputy director of enforcement and compliance
- Eight performance measures for enforcement functions – formal data collection will begin July 1<sup>st</sup> and become public October 1<sup>st</sup> – working with antiquated enforcement and licensing systems – pleased to announce BCP has been approved by Assembly budget committee – held over by Senate budget committee
- Legislative changes – SB1111 heard before senate B&P committee but did not pass out of committee- DCA has determined that many aspects of this bill can be implemented through regulation – encourage boards to make it a point to look at enforcement stats and look for improvement – Ms. Vazquez asked what the reason for not passing through committee was. Ms. Kirchmeyer stated that we had only author’s vote. Ms. Kirchmeyer explained that the enforcement process is reactive and that they want to make enforcement process proactive.
- Continued competency – podiatry and physical therapy initiated competency component for licensees – podiatry – still have to do CE hours, but every 5<sup>th</sup> year or so has to be certified by an outside entity - Dr. Rodolfa stated that ASPPB is looking at continuing competency and working on plans to provide a model.

SB 1172 is the bill that carries language to establish legal authority, and now that legislative changes have been identified, DCA is encouraging boards to place an item on their next agenda with draft regulatory language. Ms. Kirchmeyer stated that this board is already in process of including standards as part of the disciplinary guidelines

Ms. Kirchmeyer reported that the Department is making the following recommendations:

- Post documents on-line, including meeting agenda items - Ms. Kirchmeyer thanked this board for already doing this.
- Voting via email rather than by mail ballot
- Request that all members attend July 27<sup>th</sup> Board member training to discuss roles of members
- Requesting all boards webcast meetings
- Encourage boards to meet in state buildings/schools, and exercise due diligence in trying to find free meeting space - Ms. Kirchmeyer explained that the assembly committee on accountability and oversight looks at outside meetings/contracts.

Ms. Kirchmeyer responded to questions brought forward to the Director from the May 2010 Board meeting:

- General Fund loans – Ms. Kirchmeyer met with the Budget Office and they identified two outstanding loans – 2002/2003 - \$5 million and 08/09 \$2.5 million.

- Sunset review schedule has been released and according to schedule, BOP will be reviewed 2012/2013 for 2014 sunset
- Appointments – BOP currently at quorum-only – Ms. Kirchmeyer has forwarded on the Board's concerns regarding a lack of licensed members. Dr. Rodolfa stated that it is disheartening to hear this response when you've got people volunteering their time to help the consumers of California and the Board has been asking for these vacancies to be filled for over a year. Dr. Jo Linder-Crow, Executive Director of the California Psychological Association (CPA), expressed CPA's concerns regarding the low number of board members currently appointed to the Board of Psychology. She spoke about the pitfalls of being at quorum-only as well as the insufficient number of licensed members describing the effect on the Board's ability to protect consumers of psychological services. She stated that the last time the Board functioned at full capacity was in 2005. Dr. Linder-Crow stated that the lack of Board members has functionally dismantled the committee structure since there are not enough Board members to function effectively as committees. Dr. Allison Parelman and Dr. Melodie Schaefer reiterated Dr. Linder-Crow's concerns.

**Agenda Item #4 – Presentation Regarding Telepsychology by Carol Falender, Ph.D., Clinical Professor, Department of Psychology, University of California, Los Angeles**

Dr. Sherman introduced Dr. Carol Falender and stated that she would be talking about some of the issues regarding telepsychology and telesupervision. Dr. Falender reported that the world is moving very quickly in the direction of telehealth, telepsychology and telesupervision. Dr. Falender stated that the Board of Behavioral Science (BBS) has agreed to allow in certain circumstances telesupervision for the entire second year of supervision, and that she has very major concerns having worked in the field of supervision for over 30 years. Dr. Falender stated that they have actual data that the quality of the alliance in tele relationships is not as strong as in face to face. Dr. Falender reported that there is also data that many interventions especially tele mental health interventions that are brief and focused are highly effective. Dr. Falender reported that Dr. Allen Kasden, a well know child psychologist and former president of APA cites that in fact only 20% of children who have diagnosable conditions are currently receiving services and in order to reach the other 80% he believes tele interventions are necessary to disseminate the kinds of mental health practices we have available.

Dr. Falender stated that she is very supportive of tele health interventions, especially those that are closely supervised and are closely studied, but that she is very concerned about tele supervision. Dr. Falender stated that she has provided a document for discussion which summarizes some of the concerns especially in terms of consumer protection. Dr. Falender summarized by saying in telesupervision there is no evidence of support for its effectiveness. Additionally, Dr. Falender stated that one concern is that a supervisor doesn't even know the identity of the person they are supervising because they have never met. Dr. Falender reported another concern is in regards to credentials. Dr. Falender stated that she would urge the Board to be thoughtful, circumspect and to really be careful because of confidentiality and informed consent issues.

Dr. Rodolfa stated that the Association of State and Provincial Psychology Boards (ASPPB) held their last meeting in Seattle and two topics were discussed, tele health and distance education and the outcome of that meeting was to develop a workgroup to take a closer look at tele health issues and how the different Boards are dealing with the issue. Dr. Falender stated that she has a comparative list of what each state is currently doing in regards to tele health. Dr. Rodolfa stated that would be great and that he believes it is good advice to slow down but that California is already behind in that people are already practicing over the internet and that the Board can't move too slowly.

Dr. Falender stated that there are also jurisdictional issues and most states do not allow practice by anyone who is not licensed in their state. Dr. Rodolfa stated that this was part of the discussion at ASPPB and that in order to treat somebody in a specific state you must be licensed in that state. Dr. Rodolfa stated that this is 19<sup>th</sup> century thinking for a 21<sup>st</sup> century intervention process and that tele health and tele psychology may revolutionize how we do licensing between jurisdictions and that it will push for more consistency. Mr. McGhee thanked Dr. Falender for her presentation.

## **Agenda Item #5 – Credentials**

### **a) Strategic Plan Progress Report**

Dr. Rodolfa commented that the objective to attend relevant conferences regularly to obtain information regarding advances in national trends, technology and licensing updates is being hindered by the ongoing denial of out-of-state travel. He explained that the Board's Executive Officer was not allowed to attend the ASPPB conference in Seattle which focused on tele-health and tele-psychology issues. Dr. Rodolfa stated that this is a problematic issue, and he hopes that the Department will approve travel for the Executive Officer or for Board members who wish to attend national conferences so that California can help lead as well as learn from other jurisdictions.

Dr. Sherman added that the American Psychological Association meeting is scheduled sometime in early August 2010. He explained that this is a two to three day conference of the best psychologists around the country talking about a wide variety of issues. Dr. Sherman stated that he hopes that the Board will be allowed to attend. Mr. Kahane stated that the meeting will be held in California and considered in-state travel by the Department. Dr. Rodolfa stated that it should not matter whether it is considered an in-state or out-of-state travel. These are meetings that are relevant to the practice of psychology and the Board should be allowed to attend such meetings.

### **b) Satisfaction Survey Results**

Dr. Rodolfa commended the licensing staff for their hard work which is reflected in the results of the survey. He indicated that the data reflects a broad and general satisfaction for the service that the Board provides. Dr. Sherman inquired if Board staff has ever contacted applicants who were dissatisfied with the application process. Ms. Snyder stated that majority of the returned surveys are anonymous. Mr. Kahane added that there are some responders that contact him and in most cases it is more a procedural issue on the applicant's part rather than on the part of staff. Dr. Rodolfa stated that the application and examination processes are anxiety-provoking times which make the range of responses understandable.

Dr. Rodolfa stated that ASPPB is developing a common application form for use by all jurisdictions. He stated that this is something that the Board may want to consider in the future.

### **c) Review of Proposed Changes of California Code of Regulations, Title 16, Division 13.1, Article 1 (General Provisions), Article 2 (Applications) and Article 3 (Education and Experience), Article 4 (Examination), Article 5 (Registered Psychologists), 5.1 (Psychological Assistants) and Article 6 (Fees)**

Dr. Rodolfa stated that this is a very long document that has been reviewed carefully. There are a few items that he would like to bring forth to the Board.

<b>Sections</b>	<b>Comments</b>
1380	No comment
1380.4	Revised supplemental handout. See also draft language for CPEI
1380.5	No comment. Change reference from "his".
1380.6	Dr. Sherman wanted clarity regarding the posting of the license number. Ms. Norine Marks stated that she would need to reference Section 137.
1380.10	No comment
1381.2	No comment
1381.5	No comment
1382 – 1382.5	Dr. Rodolfa commented that the way the various training experiences are obtained should be consistent. Dr. Sherman recommended to delete January 1, 1970 under Section 1382 and under Section 1382.3 is January 1, 1983 is still needed?
1386	Remove the word "Revised" from the title.
1387	b(10) This section pertains to the supervision agreement form and revisions were added to allow more clarity
	b(11) It was recommended to have the supervision agreement form completed and eliminate the prior approval process for psychological assistants in private practice settings. Dr. Sherman stated that this section was to establish some standardization for psychological assistants in private practice settings. He believes this is still important. Dr. Rodolfa stated that in general, psychological assistant plans received by the Board are thoughtful and questioned the need for prior approval. Dr. Sherman stated that he would like to keep this regulation for at least another year. Dr. Rodolfa suggested that due to time constraints to put this on hold for further discussion at a later time.
1387.1	Accepted as revised
1387.2	Accepted as revised
1387.3	Refers to SPE in non mental health setting which is related to agenda item d under Credentials. Dr. Rodolfa established a workgroup to discuss the barriers for GAP psychologist. The group is working on a plan to make it more reasonable rather than just focus on psychologist working in clinical areas. Dr. Sherman suggested to remove due to the lack of training (a) and regarding the 10% need to further define electronic means in sections 1387 and 1387.3
1387.4	Accepted as written
1387.5	Accepted as written
1387.6	Needs further review regarding whether the requirement should apply only to psychological assistants in private practice settings or for all who are accruing hours towards licensure
1388	Accepted as revised
1389	Accepted as written
1390	No comment
1390.1	No comment
1390.3	c). Dr. Sherman suggested to codify in regulations for supervisees whose supervisors who go on vacation.

1391	This taking into account the new regulation regarding limiting the psychological assistant registration to a cumulative total of 6 years or 72 months. This regulation clarifies that this type of registration is a training category and not a practice category. It was further clarified that the regulation would allow extension of the 6 year time limit upon showing good cause. Typically good cause is based on medical reasons.
1391.2, 1391.3, 1391.4 &1391.5	As written
1391.6	Will need to be worked on
1391.7,1391.8, 1391.9,1391.10, 1391.11, 1391.12, 1391.13 & 1391.14	As written
1392, 1392.1 &1392.2	As written

Dr. Schaeffer stated that a registered psychologist registration is valid for 30 consecutive months and once that registration expires he or she can then register as a psychological assistant and be given an additional 6 years to practice. This raises another issue according to Dr. Rodolfa on whether this type of registration is a training category or a practice category and if it is a training category then we should have similar cap for registered psychologist.

It was M(Rodolfa)/S(Vazquez)/C approve the sections of proposed regulations that do not require further review to notice for hearing.

Vote: 5 – 0

**d) Discussion Regarding Licensing of Psychologists Practicing in Non-Mental Health Areas and the Barriers to Accruing Supervised Professional Experience**

Dr. Rodolfa reported that the general applied psychology workgroup will be meeting again next week to review Article 3, Section 1387.3.

**e) Review Supervision Agreement Form and Supervision Agreement Fact Sheet**

Dr. Rodolfa stated that he welcomes any comment regarding the fact sheet and supervision agreement form and to forward those comments to him. He commented that this is the form that supervisors and supervisees did not complete in a timely manner and caused a wave of discontent. Part of the last ripple of that discontent is a letter from 21 training directors which is the next item on the agenda.

**f) Review Request for Waiver of Supervised Professional Experience (SPE) Agreement for Interns in APA and APPIC settings**

Dr. Rodolfa stated that this letter requests a waiver from completing the supervision agreement forms for interns who are in an APA, APPIC or CAPIC approved internship. Dr. Rodolfa stated that one of the goals of the supervision agreement form is to make sure that the supervisor and supervisee are aware of the Board's supervision requirements and it poses a concern if the Board eliminated this requirement in lieu of APA accredited, APPIC and CAPIC member training programs.

Dr. Rodolfa commented he is at an APA accredited setting and it is not problematic to complete the form and that he finds it is a useful document to review with his trainers. He also commented that Dr. Gilbert's letter highlights that their interns have not read the California laws and regulations which is problematic. He emphasized that all interns need to read the California licensing law and regulations if they seek licensure in this state. Dr. Rodolfa recommended that the Board respond to Dr. Gilbert.

Dr. Sherman stated that he agrees with Dr. Rodolfa's comments. He stated that he was very disappointed with the letter because it seems that some supervisors did not take any responsibility, placed the responsibility on the interns, and basically missed the point for having a supervision agreement form.

Dr. Melodie Shaeffer stated that she supports the use of the supervision agreement form and for someone who has supervised supervisors for 12 years, she is still amazed that some supervisors are not aware of many of items on the supervision agreement form even after completing the mandatory supervision course every two years. She stated that it would be helpful if there was a mechanism whereby at the onset of the training year, the training director could sign the agreement form. She explained that many internships begin with a week of training as part of their internship, but the interns do not meet their supervisors until the second week of their training which poses a conundrum of when they can start counting the hours. Dr. Rodolfa stated that Section 1387(b)(10) of the CCR was revised to allow internship training directors to sign the agreement form.

#### **g) Review Notice for Prospective Psychology Students of Approved Schools**

Dr. Rodolfa stated that since there is no longer a requirement for approved schools to notify their applicants, the Board created a notice for prospective psychology students of approved schools to post on the Board's website to notify applicants of issues they should consider when enrolling in a doctoral program at an approved school.

Dr. Christina Versari of the San Diego University of Integrated Studies stated that she is in support of the idea of informing students and has always done so even without any requirements of the Board or the BPPE. She indicated that before students enroll in her program, they go over a three page check list which includes some of the items mentioned in the notice. She stated that item 2 on the first page of the notice should state should clarify that the school has not had a new location beyond 25 miles. She also asked if the statement that a degree from an approved school would not qualify for licensure as a psychologist in any other state has been verified. Dr. Rodolfa stated that he verified this through ASPPB's national database. He indicated that he was surprised when he heard that Vermont licensed a graduate from an approved school because according to Vermont's information on ASPPB's database, they require a degree from a regional accredited institution. Dr. Versari stated that there are students from her school who are licensed in other states, so to make this statement in the notice is simply not true. Dr. Rodolfa stated that he will check on this issue and revise the notice if necessary.

Regarding the statement that graduates from state approved schools will not be eligible to work at the Veteran's Administration Medical Centers, Dr. Versari asked Dr. Rodolfa where he got this information. Dr. Rodolfa stated that he got the information from the Director from the VA psychology program. He indicated that it is also stated on the VA's website as well as on their job announcements.

Dr. Versari also questioned the statement that graduates from approved schools may not be eligible for third party insurance reimbursement. Dr. Melodie Schaeffer stated she is on insurance panels and that the questionnaire provided to licensees asks if they come from an

accredited academic institution and sometimes it also asks if they come from an APA accredited program. She clarified that it is one the criteria required in order to become a provider.

Steve Arthur, Ed.D., President, Ryokan College, passed a survey document and performance fact sheet that Ryokan College provides to their students and stated that this proposal is very confusing to students when it talks about two different laws, one of which is no longer in effect. Dr. Arthur stated that the performance fact sheet is in the student catalogue but not on their website.

Dr. Rodolfa clarified that the goal of this document is to inform students who are vulnerable at the time of application. He stated that any suggestions to help clarify this document should be submitted to the Board.

**h) Discussion Regarding Continuing Education Requirements for Licensees Whose Expired License is Cancelled after Three Years**

Dr. Rodolfa stated that this agenda item is being tabled.

**i) Status Report on Applicant Credentials Reviewed by the Credentials Committee Since the February 26 - 27, 2010 Board Meeting**

Dr. Rodolfa stated that the Credentials Committee only had one request for exemption of the human sexuality and child abuse coursework.

**Agenda Item #6 – Examination**

**a) Strategic Plan Progress Report**

Dr. Rodolfa stated that the Strategic Plan objectives are ongoing.

**b) Examination Statistics**

Dr. Rodolfa stated that he did not see anything unusual regarding the EPPP and CPSE statistics, however, he expressed concern about the low pass rate for the CPLEE. He suggested that the Examination Committee take a closer look at this examination. He stated that it seems problematic that experienced licensees are unable to pass the laws and ethics portion of the exam.

**c) Review of Request for Reasonable Accommodation Form**

Dr. Sherman requested statistics on the number of requests for accommodation reviewed by Board staff. Mr. Thomas stated that there are approximately 2 to 5 requests for accommodation per week. Dr. Rodolfa stated that he was unable to fully review the accommodation form. Ms. Marks suggested that the Board members review the form and submit any recommended changes to Dr. Rodolfa for review at the next Board meeting.

The Board adjourned into closed session at 5:13 p.m.

**Saturday, May 15, 2010**

The open session meeting was called to order by the President, James McGhee, at 9:05 a.m. A quorum was present and due notice had been sent to all interested parties.

**Members Present:**

James McGhee, President  
Richard Sherman, Ph.D., Vice-President  
Lucille Acquaye-Baddoo  
Emil Rodolfa, Ph.D.  
Celinda Vazquez

**Others Present:**

Robert Kahane, Executive Officer  
Jeffrey Thomas, Assistant Executive Officer  
Norine Marks, Legal Counsel  
Gina Bayless, Enforcement Coordinator  
Linda Kassis, Administrative Services Coordinator  
Lavinia Snyder, Licensing/Registration Program Coordinator

**Agenda Item # 7– Legislation**

**a) Strategic Plan Progress Report**

Ms. Vazquez reported that the strategic plan is ongoing and has been updated per the February Board Meeting.

**b) SB 1111 (Negrete McLeod) – Regulatory Boards (Consumer Protection Enforcement Initiative (CPEI))**

Ms. Vazquez reported that SB 1111 failed passage, and is now inactive. Ms. Vazquez reported that the Department is looking at placing some of the provisions that do not require legislation into regulation, and is asking the Board to consider adopting those provisions through the regulatory process. Ms. Vazquez stated that the Board packets include a letter from the Director indicating what happened with SB 1111, and a copy of the Governor’s press release. Ms. Vazquez stated the Board would be discussing a draft of the relevant changes that could be adopted via the regulatory process under the Enforcement Report.

**c) SB 1171 (Negrete McLeod) – Regulatory Boards: Operations**

Ms. Vazquez stated that this bill pertains to Sunset Review, and that there is another sunset bill, AB 1659, that we are looking at which is currently in the suspense file. Ms. Vazquez stated that SB 1171 is still moving forward but was re-referred to the rules committee. Ms. Vazquez stated that she agrees with the author’s comment that a board governance structure provides public input, accountability and transparency, and she believes this is reflective of the kind of work that this Board does. Ms. Vazquez noted that the bill summary states that this bill would make reconstitution automatic when a board becomes inoperative, and questioned what this would entail when a Board could no longer meet due to a lack of quorum and whether this bill changes existing statutes and regulations that currently pertain.

Ms. Marks stated that a lack of quorum would be considered “functionally inoperative”, and the term “legally inoperative” would not apply in this situation.

Dr. Charles Faltz, Director of Professional Affairs, California Psychological Association (CPA) stated that he wanted to emphasize that the Board will expire January 1, 2011, unless legislation introduced this year extends the sunset date. Dr. Faltz stated that whether or not it is SB 1171 or some other vehicle, the Senate Business and Professions (B&P) Committee has informed the California Psychological Association (CPA) that it is their clear intent to extend the Board's sunset date. Dr. Faltz stated that Senate B & P staff has established a schedule for the next four years and anticipates the Board of Psychology would be reviewed in the fall of 2012; therefore the legislation they anticipate would change the Board's sunset date to January 1, 2014 in order to allow for the sunset review process.

Dr. Sherman asked if there was any action required of the Board at this time, or if there was anything they could do to be sure this legislation gets passed. Mr. Kahane responded no, not at this time and stated that there are a few separate bills and confirmed that the Board has been given the same dates as Dr. Faltz stated. Mr. Kahane indicated there has been no activity in regards to sunset review for the last few years due to Senator Ridley-Thomas's departure from the legislature, and that this is a continuation of prior discussions to re-establish and re-evaluate the sunset review process. Mr. Kahane reported that the Senate B & P Committee has stated that the Board's sunset date will be changed to 2014, regardless of which bill supports the measure.

Ms. Vazquez stated that the Board will carefully monitor all sunset review legislation. Mr. McGhee asked if there is anything stating that Board members cannot meet with members of the legislature, for instance if he wanted to go talk with somebody on the Senate B & P Committee to be sure the bill gets put forward this year would this be allowed. Ms. Marks stated that the Department has an ethics officer who takes care of these types of questions, and that she is aware of Board members meeting publicly at legislative committee meetings. A separate issue would be the delegation by the Board to any particular member to represent the Board with a particular opinion. Ms. Marks requested that if the Board wanted to ask specifically what is allowed they should send her an e-mail and she will forward it to the Department's Ethics Officer for a response.

**d) AB 1659 (Huber) – State Government: Agency Repeals**

Ms. Vazquez indicated that AB 1659 also pertains to sunset review and has recently been placed in the suspense file, therefore this bill probably won't move forward.

**e) AB 1889 (Portantino) – California Private Postsecondary Education Act of 2009**

Ms. Vazquez reported that this bill pertains to the Bureau of Private Postsecondary Education and specifically would have required institutions offering doctoral degrees to be accredited. Ms. Vazquez stated that this bill is currently in the suspense file. Ms. Vazquez reported that this bill received strong opposition stating that it would breach the agreement made last year in AB 48 and is unduly restrictive. Ms. Vazquez stated that when a bill is moved to the suspense file, it usually means that if it costs the state more than \$50,000 to implement then the committee will look at it very closely and if it's not a key priority the bill will not be moved forward.

Mr. Kahane stated that when he met with Assembly member Portantino last year regarding AB 48, these were issues that the Board addressed and they may have been carried over from last year. Dr. Sherman asked since this bill is in the suspense file, does this mean that it would not come back in this form ever. Ms. Vazquez responded no, but that due to the states 19 billion dollar deficit the appropriations committee looks at the costs and makes a determination whether it is a key priority that should move forward.

Ms. Vazquez reported that as noted in the bill summary, the California Association of Private Postsecondary Schools (CAPPS) opposed the bill and argued that prohibiting unaccredited schools from offering doctoral level degrees would negatively impact California unaccredited schools and their students. Ms. Vazquez reported this bill is currently in the suspense file and the Board will continue to monitor the status.

**f) AB 2028 (Hernandez) – Confidentiality of Medical Information: Disclosure**

Ms. Vazquez reported that AB 2028 deals with confidential medical information disclosure. Ms. Vazquez reported that this bill along with AB 2339 and AB 2380, pertain to reporting and disclosure of confidential medical information. Ms. Vazquez reported that this bill has not as yet been assigned a policy committee hearing date. Ms. Vazquez stated that these three bills deal with highly sensitive information about health and privacy issues.

Dr. Melodie Shaeffer asked what the primary focus of this bill is. Ms. Vazquez stated that this bill would clarify current law to authorize specific mandated reporters to release private health information during the course of a child abuse or neglect investigation.

Dr. Sherman asked whether this opens Pandora's Box or will the information that goes to an investigator be carefully protected. Dr. Sherman asked the audience for any public comments.

Dr. Faltz stated that Ms. Vazquez is correct, that this would open up the medical record. Dr. Faltz explained that currently statute provides that a report is made whenever there is suspected child abuse or neglect and that the report is used to instigate an investigation. Dr. Faltz stated there is currently no authority to provide any additional information from the record to an investigator. Dr. Faltz stated that in other words the clinician does not become a part of the investigation under current law, and this bill would open the record to the investigator and it is a very sensitive matter.

Mr. Kahane stated that with issues of child abuse and neglect, knowing previous emergency room visits, and the previous health history of the child is quite important in these types of investigations. Mr. Kahane stated the Health Insurance Portability and Accountability Act (HIPPA) guidelines for the privacy of health information would still exist, and that this bill would provide how health information can be used in a child abuse or neglect investigative process. Dr. Shaeffer asked whether disclosure of medical records included psychotherapy records. Mr. Kahane confirmed yes it would.

Dr. Sherman noted that the California Association of Marriage and Family Therapists (CAMFT) is sponsoring the bill and asked if anyone had a sense if there was a problem with existing law.

Dr. Faltz stated it is his understanding that CAMFT's rationale for the bill was due to their therapists being asked for additional information and that they contend the current statute was ambiguous and not clear about whether or not they should have a responsibility to provide additional information. Dr. Faltz stated this is a very sensitive issue and he wants to emphasize that when the original law was being debated there was the argument that the very foundation of psychotherapy is that the patient be able to be candid and open. Dr. Faltz stated that if a patient's openness results in bad consequences, no one who has a problem is going to be able to get psychotherapy. Dr. Faltz stated because of this, they did make a legal policy that disclosure of child abuse or neglect is important in the public interest, but it was a very specific kind of disclosure that would allow an investigation to be made. Dr. Faltz reported this bill is taking another major step in that if a psychotherapist is seeing someone that they believe has been guilty of child abuse or neglect, the report itself would essentially destroy the

psychotherapeutic information because any information the patient shared would now be open to investigation. Dr. Faltz stated this is quite a major change in policy.

Dr. Rodolfa asked whether this bill just clarified that a therapist can release the information, not that they are requiring the information to be released. Ms. Vazquez stated that based on her understanding, essentially in practice it would be the same thing. Dr. Rodolfa stated it is confusing now whether or not a psychotherapist can disclose such information, and this bill would clarify that you can if confronted with this issue.

Ms. Vazquez stated that these are all very good questions and that she is unsure on how the Board would want to communicate their concerns to CAMFT, and that possibly CPA and other associations may want to advocate. Ms. Vazquez reported that this bill has not been referred for a policy committee hearing at this time, and that the Board will continue to monitor the status. Dr. Jo Linder-Crow, Executive Director, California Psychological Association (CPA) reported that CPA has a watch position on this piece of legislation.

#### **g) AB 2191 (Emmerson) – Healing Arts: Board of Behavioral Sciences: Licensure**

Ms. Vazquez reported that this bill would create a retirement status for the Board of Behavioral Science licensees. Ms. Vazquez reported that the summary prepared for the Board is for informational purposes to see if the Board wants to consider pursuing similar legislation. Mr. Kahane reported that the Board has had previous discussions about possibly creating a retirement status for psychologists, whereby they could keep their license in retirement status but could provide a limited number of hours per week of pro-bono services. Mr. Kahane stated that the Board would continue to track the progress of this bill and determine whether to pursue similar legislation. Dr. Sherman requested this item be placed on the next agenda for further discussion.

Dr. Faltz stated that CPA's governmental affairs committee discussed this bill and the result was similar to today's discussion and a decision was made to track this legislation and make a decision in the fall on whether to pursue similar legislation.

#### **h) AB 2339 (Smyth) – Child Abuse Reporting**

Ms. Vazquez reported this is another piece of child abuse reporting legislation and provides that information relevant to a report made relating to a child suffering from serious emotional damage or in substantial risk thereof, may be given to an investigating and licensing agency that is investigating known or suspected child abuse. Ms. Vazquez reported that the author stated this would strengthen existing legal protections currently offered to mandated reporters of child abuse and emotional damage. Ms. Vazquez stated this is another very sensitive topic and policy change. Ms. Vazquez stated that this bill is currently in the public safety committee in the Senate; therefore it has moved out of its house of origin and is moving along a little quicker than the previous bill we discussed, AB 2028.

Dr. Shaeffer asked how this bill differs from AB 2028. Ms. Vazquez reported that there are a lot of technical differences, but that it is essentially doing the same thing. Dr. Rodolfa stated that this bill would protect the reporter. Ms. Vazquez stated that this protection already exists. Dr. Faltz stated that there is a glitch for reporting emotional abuse and that it is not currently mandated, rather optional. Dr. Faltz stated in statute there is currently no immunity attached to reporting emotional abuse, as there is for making a child abuse or negligence report. Dr. Rodolfa asked whether this bill would then mandate the reporting of emotional abuse. Dr. Faltz responded no. Ms. Vazquez asked if this bill would also allow the release of medical record

information. Dr. Faltz responded no, that the immunity is in conjunction with an option to report and it doesn't do anything similar to AB 2028 in terms of changing the amount of information available from the medical record for investigation and would not expand existing law in that regard.

Ms. Vazquez reported in terms of the subject of child abuse, there are three bills related to this issue and the Board will continue to monitor the status. Ms. Vazquez stated that she thought this bill would change what medical record information is released as well, however it appears the key difference between AB 2339 and AB 2028 is that AB 2339 pertains to emotional abuse reporting and immunity protection rather than expanding the release of medical record information to be used for investigation.

#### **i) AB 2380 (Lowenthal) – Child Abuse Reporting**

Ms. Vazquez reported this is another child abuse reporting bill which clarifies that a reasonable suspicion that a child has been a victim of child abuse or neglect does not require certainty that a child has been abused, and may be based on credible information from other individuals for the purpose of making a report under the Child Abuse and Neglect Reporting ACT (CANRA).

Dr. Sherman stated that it's interesting that when the child abuse reporting law came into effect years ago, this is exactly what his understanding was, that you had to report, and that a psychologist is not the judge, nor the jury, rather mandated to report any suspicion of child abuse. Dr. Sherman stated that this bill almost seems redundant, or maybe people are choosing not to honor the first law.

Dr. Shaeffer asked if this bill is just reapplying what already exists in terms of reporting law. Ms. Vazquez stated that she believes it is trying to clarify reasonable suspicion. Dr. Rodolfa reported that at the counseling center where he works, they have had a lot of discussion on what constitutes "reasonable suspicion" and what it means, and that this bill appears to be a step in the right direction. Ms. Vazquez stated that there is a lack of clarity and the concern is that possibly some people have failed to report due to the lack of clarity. Dr. Doris Penman stated that this bill also seems to place a lot of emphasis on relying on statements from other individuals for the purpose of making a report.

Ms. Vazquez stated that the Board looked at three bills for child abuse reporting and that it is clearly a big topic right now. Ms. Vazquez asked the audience if there were any other questions. Dr. Shaeffer asked if this bill was under review. Ms. Vazquez reported this bill is currently in the Public Safety Committee and has been moved out of its house of origin.

#### **j) AB 2435 (Lowenthal) – Elder and Dependent Adult Abuse**

Ms. Vazquez reported that AB 2435 deals with Elder and Dependent Adult Abuse and would require marriage and family therapists, educational psychologists, clinical social workers and professional clinical counselors to complete training regarding elder and dependent adult abuse. Ms. Vazquez asked the Board if this training is currently required for psychologists. Dr. Rodolfa responded that the Board currently requires aging and long term care training and that he is surprised that psychologists weren't named specifically. Ms. Kassis reported that on page one of the bill it states that this bill would encourage the Board of Psychology and the Board of Behavioral Sciences to include in elder and dependent adult abuse assessment and reporting training and would make legislative finding with regard to that training.

Mr. Kahane reported that he and Mr. Thomas reviewed this bill approximately two months ago and upon review it was noticed that although the bill pertains to elder and dependent adult abuse, it references sections of psychology law that pertain to child abuse. Mr. Kahane stated upon this review a response was provided indicating that clarification was needed in order to provide further response. Mr. Kahane reported that this information was provided to the Departments Legislative and Regulatory Review Division and to date it does not appear that any amendments have been made by the author. Discussion followed.

Ms. Vazquez reported that because there appears to be a disconnect in the language as it applies to psychology law. Ms. Vazquez asked Mr. Kahane to follow-up with the Board's legislative contact person.

Dr. Rodolfa stated that if the Board is required to develop regulations for training in elder and dependent adult abuse, that would mean the Board will have child abuse training, spousal and partner abuse training, and elder abuse training. Dr. Rodolfa asked if it would be possible to consolidate all three subjects into one training course requirement. Ms. Vazquez indicated the bill is still very confusing and was last amended in April; therefore the Board will continue to monitor and look for amended language to review further.

#### **k) Legislative Update on Other Bills of Interest to the Board**

Ms. Vazquez asked the Board if there were any other bills of interest they would like to discuss or have brought back for review next time. No further comments were received from the Board; therefore Ms. Vazquez asked if there were any public comments.

Dr. Steve Arthur, Ryokan College asked about transparency issues and stated that "last year the Board mentioned that a workgroup would be formed as a way to outlaw state approved schools through legislation." Dr. Arthur asked in regards to the Portantino bill, AB 1889, whether the Board provided any input to Assemblyman Portantino for the development of this bill. Mr. Kahane responded that the Board has never created a work group for this issue, and that the Board did not provide any input to Assemblyman Portantino regarding AB 1889.

### **Agenda Item #8 - Enforcement**

#### **a) Strategic Plan Progress Report**

Ms. Vazquez reported that the strategic objectives are ongoing.

#### **b) Enforcement Statistics**

Ms. Vazquez referred the Board to the enforcement statistics in the agenda packets. She stated that the number of cases referred to the Office of the Attorney General has increased compared to the prior two fiscal years.

Ms. Vazquez reported that Board staff provided additional statistics regarding monthly enforcement activity. The report shows the number of cases received to date and how many complaints and investigations are currently pending. Board staff currently has 151 complaint cases pending and 81 investigation cases pending.

### **c) Expert Review Program Update**

Dr. Sherman reported that our annual expert reviewer training was held on April 15, 2010 in Costa Mesa. Ms. Bayless stated the training was held during the CPA annual convention. Dr. Steven Sparta and Administrative Law Judge Steven Hjelt presented. Dr. Sparta's presentation was regarding child custody evaluations and the role of the expert. Judge Hjelt presented on the vital role of our experts in the administrative hearing process.

Dr. Sherman asked for a brief overview regarding how an expert is selected to review a case. Ms. Bayless stated that an expert is selected based on their area of expertise, geographical location, and availability. Experts are further screened to ensure that they have no conflict of interest with any of the parties to the complaint.

Mr. McGhee asked about the diversity of our expert reviewers. Ms. Bayless stated that the Board doesn't collect this information. The application is limited to qualifications, experience and area of expertise. Dr. Charles Faltz asked if the Board could collect information regarding the cultural diversity of the expert reviewers. Ms. Marks stated the Board only has the authority to collect personal information required to run Board programs.

### **d) Consumer Protection Enforcement Initiative (CPEI) – Consideration of Regulatory Amendments for Disciplinary Matters and to Define Additional Bases of Unprofessional Conduct (provisions formerly contained in SB 1111)**

Ms. Norine Marks stated that following the failure of SB1111 the Department of Consumer Affairs (DCA) provided a summary of nine areas that could be accomplished with regulation that were formerly contained in SB1111. Ms. Marks identified three of the nine areas that apply to this board and require regulations. The Board's laws and regulations already address the remaining six related to sexual misconduct.

Ms. Marks provided a summary of the proposed changes to sections 1380.4, 1395.2, and 1395.3. Dr. Rodolfa recommended adopting the proposed language for 1380.4.

M(Rodolfa)/S(Vazquez)/C to amend section 1380.4.

Dr. Sherman recommended holding the proposed changes to sections 1395.3 and 1397.2 for the next meeting for further discussion.

### **d. Uniform Standards Regarding Substance-Abusing Healing Arts Licensees – Consideration of Regulatory Amendments to Disciplinary Guidelines**

Ms. Vazquez reported that review of the proposed changes to the Disciplinary Guidelines is deferred to the next Board meeting.

## **Agenda Item #9 – President's Report – Mr. McGhee**

### **a) California Psychological Association Annual Conference**

Mr. McGhee reported that he and Mr. Kahane attended the California Psychological Association Annual Conference and that it was very well done and had good participation. Mr. McGhee stated he attended two workshops that were very informative. Mr. McGhee reported that he met Dr. Steven Behnke, Director of the Ethics Office, American Psychological Association (APA) who

stated that out of all psychology related web sites throughout the country, the Board's was the most consumer friendly.

#### **b) Diversity Conference**

Mr. McGhee reported that the Board held a Diversity Conference in Southern California last fall and that the Board has talked about scheduling another one in Northern California. Mr. McGhee stated that there were close to 200 people in attendance along with some excellent guest speakers. Mr. McGhee thanked Ms. Vazquez for her efforts in coordinating the conference. Dr. Rodolfa stated that he spoke with Morgan Sammons who is the Dean of Alliant University in San Francisco, and that he indicated he is very interested in hosting a future conference.

Mr. Kahane stated that he spoke with Miguel Gallardo prior to the current budget and travel restraints about having another conference and about possibly doing some follow-up with the previous participants to determine whether any changes have been made to any of their programs or procedures and what was the end result from all that presentation and good work. Mr. Kahane stated that due to budget restrictions they have been unable to get together but that he could follow through with that plan or go ahead and move forward with planning another conference. Mr. Kahane stated that the prison staff who attended had some concerns how everything related to diversity within the prison population and how to treat inmates along with their need to subdivide inmates according to offenses and different personalities. Mr. Kahane stated that although California Department of Corrections & Rehabilitation (CDCR) is not directly under the Board's purview this may be a good topic to address.

#### **c) California Association of Local Mental Health Boards & Commissions**

Mr. McGhee reported that he has spoken to Mr. Kahane about the possibility of the Board participating in the Local Mental Health Board and Commissions annual meeting to be held June 16<sup>th</sup> in Oakland, California. Mr. McGhee reported that he and Mr. Kahane are working on putting together an agenda so that people have knowledge of what their rights are. Mr. McGhee reported that he is the President of that Association until June 16<sup>th</sup>, and that he will not be seeking another term.

#### **d) Other Informational Items**

Mr. McGhee reported that the Board will be electing a new President and Vice-President later this afternoon and that it has been an honor and pleasure to serve as President. Mr. McGhee stated that he has met some very excellent people who he now considers friends and that he has learned a lot about the industry and profession. Mr. McGhee thanked staff and members of the Board and stated that he appreciates the opportunity to work with such great people.

### **Agenda Item #10– Executive Officer's Report – Mr. Kahane**

#### **a) Staff Update**

Mr. Kahane reported on staff updates. Ms. Kim Young started as receptionist. Ms. Bailey moved from reception to licensing as an office technician. Mr. Kahane also extended kudos to Ms. Kassis, Ms. Snyder, Ms. Bayless, Ms. Russell and Mr. Thomas for outstanding pre-meeting work and to Board Counsel, Ms. Marks, for her last minute work.

Mr. Kahane noted that we have been supporting DCA with data gathering affecting some staff and productivity hours for Board work.

## **b) Budget Update**

Mr. Kahane stated the Board is in good shape financially and we continue to run fiscally responsible.

## **c) Board Operations**

Mr. Kahane reported, enforcement times reduced due to in house procedures, licensing times continue to be excellent in spite of staffing issues. The Board continues to work within the department and agency limitations.

## **d) 2011 Board Calendar**

It was M(Sherman)/S(Acquaye-Baddoo)/C to adopt the 2011 calendar.

Vote: 5 – 0

## **e) Outreach Update**

Mr. Kahane discussed the Board Outreach at the California Psychological Association. Dr. Sherman, Board Vice-President attended on his own because his trip was denied. The event went well and Board Staff was able to impart a great deal of information to the members.

## **f) Other Informational Items**

Mr. Kahane noted some other informational items.

The Board has submitted a request to attend the American Psychological Association (APA) Annual Convention in San Diego and to attend the Association of State and Provincial Psychology Boards (ASPPB) annual meeting in October.

Mr. Kahane reported on a successful Expert Review Training that took place during the CPA Convention. He thanked Ms. Bayless for her outstanding work in coordinating the event and arranging the program.

Mr. Kahane noted all articles received for the BOP update, but one. Upon review, will submit for print.

Mr. Kahane discussed the potential Medicare issue regarding re-certification as told to the Board in recent Board updates. There have been only two cases so far. Substantially fewer than expected so far.

Mr. Kahane reported on the enforcement/licensing issue regarding backdating forms and appeals. Of the 92 cases, 80 were credited upon review for their appealed hours. The cases still denied can submit additional documentation for review.

Mr. Kahane thanked Mr. McGhee for his 3 years of stewardship during these most difficult times and noted their close working relationship and wished much good luck to the incoming President and Vice President.

## **Agenda Item #11 – Continuing Education**

### **a) Strategic Plan Progress Report**

Dr. Sherman reported that the strategic objectives are ongoing.

### **b) Continuing Education Statistics**

Dr. Sherman stated the continuing education statistics are provided in the meeting packets and indicated that there is nothing notable to report.

### **c) Review Prescribing Psychologists' Register. Inc. Request to Provide an Accrediting Function for Continuing Education Providers**

Dr. Sherman recommended that the Board deny Prescribing Psychologists' Register's (PPR) request to provide an accrediting function for continuing education providers. He stated that in reviewing the documentation submitted by PPR, he found much confusion, and the information submitted did not measure anywhere near the standards provided by APA and CPA. He stated that although the documentation stated relevance to psychologists, many courses relevant to the general public, MFTs, etc. were also mixed in. Dr. Sherman stated that by approving this request, the Board would be putting the public at risk. Dr. Rodolfa reminded the Board that the continuing education regulations are in the midst of a major revision which, when enacted, will make an accrediting body a thing of the past. Dr. Sherman reiterated that the upcoming change to the continuing education regulations is not the only reason that the Continuing Education Committee is recommending denial of this request.

It was M(Sherman)/S(Rodolfa)/C to deny PPR's request to provide an accrediting function for continuing education providers.

## **Agenda Item #12 – Regulations Update, Review and Action as Necessary**

### **a) Proposed Amendments to Title 16, California Code of Regulations Section 1391.1 – Psychological Assistant Limitation of Registration Period**

Ms. Kassis reported that this package is still in progress, and will be moving forward for review by the Department and the Office of Administrative Law. Ms. Kassis asked Ms. Marks for direction on how to proceed with the proposed changes to Article 5.1, Psychological Assistants that were discussed at yesterday's meeting and whether this section should be removed from the notice of changes to Article 5.1. Ms. Marks responded yes, since this package is already in progress this section would be omitted from the proposed package to amend Articles 1 – 6. Ms. Marks stated that in yesterday's discussion Dr. Rodolfa wanted to be very clear about the statement that registration as a psychological assistant is a training category.

### **b) Proposed Amendments to Title 16, California Code of Regulations Sections 1381.7, 1381.8 and 1381.9 – Disclosure of Discipline and Criminal Convictions**

Ms. Kassis reported that this package is regarding Disclosure of Discipline and Criminal Convictions. Ms. Kassis reported that at the February Board Meeting, Dr. Faltz mentioned a loophole for licensees whose license has been expired for three years and whether or not the Board should require these individuals to complete continuing education (CE) prior to re-licensure. At the February Board Meeting Ms. Marks noted that language for this requirement was added to this package and is contained in Section 1381.9(b). Ms. Kassis stated that she

and Ms. Marks have discussed this language, and asked Ms. Marks to elaborate on that discussion and whether the Board needs to modify this language based on provisions contained in Section 1397.67(b).

Ms. Marks stated that this particular reference may need to be revised. Ms. Marks stated that she and Ms. Kassis had a conversation about whether requiring CE after a license is cancelled puts somebody in a different position than somebody who is applying for a license for the first time. Ms. Marks stated that this is a policy issue for the Board to decide. Mr. Thomas noted that this topic was on the agenda (Agenda Item 5(h)) for discussion yesterday and was tabled for discussion at the August Board Meeting. Ms. Marks asked what the status of this proposal is. Ms. Kassis reported that the Board held a public hearing in November and at that time the Board voted to modify the language; the Board issued a 15-day notice and modified the language to increase the reportable fine threshold from \$300.00 to \$500.00; and at the February Board Meeting the Board motioned staff to proceed with the rulemaking process. Ms. Kassis stated that because Dr. Faltz had mentioned at the last meeting his concern about the CE requirement for cancelled licensees, and Ms. Marks had noted this language was included in this package, staff further reviewed the language to make sure the Board has the language needed to proceed or whether there is need for further modification.

Ms. Marks stated that Dr. Rodolfa reported yesterday that we would table this issue, potentially without realizing that the language was included in this package. Ms. Marks stated that she is unsure whether Dr. Faltz would want to continue with this proposal, prior to determining if the Board has sufficiently addressed the questions and whether the policy has been reviewed and agreed upon. Ms. Marks asked Dr. Faltz if he had any questions regarding this language. Dr. Faltz responded no.

Ms. Marks stated that from a staff perspective, and this being a new requirement, there is a question of whether or not this puts somebody who has let their license be cancelled in a different status than somebody who is applying initially for the first time by requiring them to complete CE. Ms. Marks stated that staff is asking for confirmation that this is the Board's policy. Ms. Kassis also asked whether the language should be modified to read "consistent with" section 1397.67(b) rather than "pursuant to" because Section 1397.67(b) pertains to delinquent or inactive license renewals and the requirement to complete continuing education. Ms. Marks stated that this would be a technical change as to whether or not it is referring to the right section. Ms. Kassis asked whether this change would require a 15-day notice. Ms. Marks stated she would have to take a look at the language to see if it needs to be changed and determine whether a 15-day notice would be required and that the Board can delegate the authority to the Executive Officer to make those changes.

Mr. Thomas stated that he is still confused with the language in Section 1397.67(b). Dr. Rodolfa agreed. Mr. Thomas reported that Section 1397.67(b) doesn't speak to any CE requirement for a cancelled license; it only speaks to CE for those licensees who are renewing within the allowed three year period. Ms. Marks stated that is why there was discussion about changing the language from "pursuant to" to "consistent with", essentially saying what is required in this section would be the same as what would be required for anyone applying for licensure who previously held a psychologist license in California and let their license be cancelled after three years, and that it is not referencing this section as the authority or the mandate to do so. Mr. Thomas stated that he still believes this language is confusing because 1397.67(b) refers to both those renewing within the three years and those that are cancelled, so if we are saying that it is "consistent with" he is not sure that it will be apparent that it is consistent with those that are renewing within the three year time limitation.

Mr. McGhee asked if the Board needed to refer this back for further review. Ms. Marks stated that the Board can confirm whether the policy the Board is pursuing is if somebody's license has been cancelled after being delinquent for three years, the Board wants to impose a CE requirement. Ms. Marks stated that if this is the case, then the Board can delegate the authority to staff to make the changes and issue a 15-day notice if required.

Dr. Rodolfa asked how much CE this would impose. Ms. Kassis stated that if the requirement is consistent with section 1397.67, thirty-six hours would be required. Ms. Kassis emphasized that what this proposal would do is create two different standards for licensure: one for initial applicants, and one for applicants who were previously licensed in California and let their license lapse. Mr. Thomas further clarified this proposal would not impose the same requirement for an applicant coming from another state which may or may not have CE requirements. Ms. Kassis stated that additionally this would require that the qualification requirements in our database be updated and re-programmed to define the new requirements. Mr. McGhee stated that further discussion is needed and requested that the matter be brought back to the Credentials Committee for further review. Ms. Marks clarified that further discussion would be to determine whether this is the policy the Board wants to pursue in regards to requiring CE for applicants who were previously licensed in California.

**c) Proposed Amendments to Title 16, California Code of Regulations Sections 1397.60 – 1397.71 – Continuing Education Provider System**

Ms. Kassis reported that this package is to amend the continuing education regulations. Ms. Kassis reported that this proposal has not been set for hearing and at the February Meeting the Board directed staff to proceed with the rulemaking process. Ms. Kassis stated that there wasn't sufficient time to get this package noticed in time for this meeting and that staff would try to get it on the August agenda.

Ms. Kassis reported that Ms. Marks worked with the Department's legal assistant to determine the best way to incorporate when the current regulations would end and the new requirements would begin. Ms. Kassis stated that the language in the Board package includes both existing regulations and proposed regulations reflecting that the current regulations would expire December 31, 2011, and the new proposed regulations would become operative January 1, 2012.

Ms. Kassis stated that a few other minor changes were made to the language including deleting Section 1397.66 since it deals with audit requirements for providers and the Board will no longer be involved in the approval or auditing of providers based on this proposal. Ms. Kassis asked the Board if they accept these changes; the Board responded yes. Ms. Kassis reported that staff omitted the existing requirement in Section 1397.61(c) that "encourages" licensees to complete training in the subject of matter geriatric pharmacology; the characteristics and methods of assessment and treatment of HIV disease; and issues of human diversity. Ms. Kassis reported that this language is already included in statute with the exception of the human diversity requirement. Ms. Kassis stated that other than these changes, the language is the same as what the Board approved for notice at the February Meeting, and as long as the Board accepts these changes the language is ready to notice for public hearing.

It was M (Sherman)/S(Rodolfa) to approve the draft language for proposed changes to Continuing Education Provider System Regulations Sections 1397.60-1397.71.

Dr. Rodolfa stated that this proposal has gone through many iterations and he would like to thank everyone who has worked on this, including CPA and staff, and he believes this will bring the Board regulations more in line with other States' rules.

Dr. Jo Linder-Crow stated that she wanted to clarify if this package would be noticed for August, and what then happens. Ms. Kassis explained that it can take one year to complete the rulemaking process and implement a regulation. Ms. Kassis stated that the package gets noticed for hearing which begins the 45 day comment period; the Board holds a public hearing at which time they consider any comments received; if no further modifications are necessary, staff completes the rulemaking file. Once the rulemaking file is complete it gets reviewed by staff counsel, then it goes through an internal review process which takes approximately 30 days, upon approval from the Department the package gets filed with the Office of Administrative Law (OAL) and they have 30 days to review, approved regulations take effect 30 days after OAL files with the Secretary of State. Mr. Thomas stated that in regards to the public hearing, staff will make an effort to meet the deadlines to notice this for the August meeting however there are deadlines that we required to meet, and we may not have sufficient time to notice it.

Dr. Linder-Crow asked about the implementation date of January 1, 2012 included in the language. Dr. Linder-Crow stated that at least one year is needed to implement these changes. Mr. Thomas stated that this date can be changed at the public hearing.

VOTE: 5-0

Ms. Kassis stated that she wanted to go back to agenda item 12 b, Disclosure of Discipline and Criminal Convictions, which are the fingerprint regulations. Ms. Kassis stated that the same concern raised by Dr. Linder-Crow regarding the implementation date for the CE regulations, applies here as well. Ms. Kassis reported that the language for this proposal states that the effective date is for a license or registration that expires after June 30, 2010. Ms. Kassis asked that since this package has been tabled, and it is unlikely that it will be approved prior to June 30<sup>th</sup>, Ms. Kassis asked Ms. Marks if this implementation date needs to be modified.

Ms. Marks stated that we should probably do two separate motions to modify the previous motion and to re-adopt Section 1381.7 with a new effective date & 1381.8, and then refer Section 1381.9 back to the Credentials Committee for further review. Ms. Kassis stated that 1381.9(b) would be referred back to the Committee and 1381.9(a) would move forward.

Dr. Sherman asked if the date should be changed from June 30<sup>th</sup> to January 1, 2011. Ms. Kassis stated that she has been waiting for the match report since February and it was just received this past Thursday, therefore the data will need to be reviewed so that a determination can be made as to the number of licensees who will be impacted by these regulations so that we can inform our licensees.

It was M(Sherman)/S(Vazquez) to reconsider the adoption of 1381.7, 1381.8 and 138.19(a).

VOTE: 5-0

It was M(Rodolfa)/S(Sherman) to adopt Section 1381.7 with a new effective date of January 1, 2011, and adopt Sections 1381.8 and Section 1381.9 to include just the language currently in subsection(a).

VOTE: 5-0

**Agenda Item #13 –Board Member Ethics Training by Norine Marks, Senior Staff Counsel**

This agenda item is being tabled until the August Board meeting.

**Agenda Item #14 –Election of Officers**

Mr. McGhee commended Mr. Kahane for his work during his tenure as Board President for his openness and his ability to find answers and his prioritization skills. Mr. McGhee stated that the Board’s faith in Mr. Kahane has proven to be an asset to the Board.

**a) President**

Mr. McGhee nominated Dr. Sherman as President.

**b) Vice-President**

Mr. McGhee nominated Dr. Rodolfa as Vice-President.

It was M(Vazquez)/S(Acquaye-Baddoo)/C to elect Dr. Sherman as President and Dr. Rodolfa as Vice-President of the Board of Psychology

Vote: 5 – 0

Dr. Linder-Crow congratulated Dr. Sherman and Dr. Rodolfa. She thanked Mr. McGhee for his service as President. Dr. Linder-Crow stated that oftentimes, the relationship between a state licensing agency and the professional association representing the profession are not always strong and are sometimes adversarial. She indicated that this is not the case here. Mr. McGhee has attended many CPA events during his tenure as President which he was not required to do. She stated that this demonstrates that the Board has a connection with the California Psychological Association and is interested in working closely with it.

**Agenda Item #15 - Public Comment on Items Not on the Agenda**

None.

**Agenda Item #16 – Recommendations for Agenda Items for Future Board Meetings**

None.

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

Vote: 5 – 0

The open session meeting adjourned at 12:46 p.m.

\_\_\_\_\_  
James L. McGhee  
President

\_\_\_\_\_  
Date