



BOARD OF PSYCHOLOGY – Administration
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BOARD MEETING MINUTES

California State Capitol
1315 10th Street
Room 112
Sacramento, CA 95814
(916) 324-0333

Thursday, February 26, 2015

Michael Erickson, PhD, Board President called the open session meeting to order at 9:30 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

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

Others Present:

Antonette Sorricks, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Sandra Monterrubio, Enforcement Program Manager
Karen Johnson, Licensing Coordinator
Jonathan Burke, Administrative Coordinator
Norine Marks, DCA Legal Counsel
Kurt Heppler, DCA Legal Counsel
Julie Hayden, PsyD, Southern California Seminary
Raymond J. Trybus, PhD, Walden University, San Diego Psychological Association
Penelope McAlmond-Ross, PsyD, Sacramento Valley Psychological Association
Talia Cortese, Center for Public Interest Law
Shawn McCall, PsyD, San Francisco Psychological Association, Santa Clara County
Jorge Wong, PhD, California Psychological Association, San Francisco Psychological Association
Pamela McCrory, PhD, Los Angeles County Psychological Association
Jo Linder-Crow, PhD, California Psychological Association

49 LeOndra Clark Harvey, PhD, Assembly Business and Professions Committee
50 Melodie Schaefer, PsyD, California Psychological Association Division I, II,
51 California Psychology Internship Council
52 Rachel Later, California Department of Corrections and Rehabilitation
53 Marilyn Immoos, PhD, California Department of Corrections and Rehabilitation
54 Corey Scheidegger, California Department of Corrections and Rehabilitation
55 Dana Nussbaum, PhD
56 Beth Cooper Tabakin, PhD
57 Leslie Lessenger, PhD, Napa-Solano Psychological Association
58 Bruce M. Gale, PhD, Los Angeles County Psychological Association
59 Bruce W. Ebert, PhD, JD, Center of MH Law and Ethics
60 Tom Tobin, PhD, Pacific Forensic Psychological Association
61 Gordon Dowdy
62 Victor Ojakian
63 Craig Lomax
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65 **Agenda Item #2: President's Welcome**

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67 Dr. Erickson welcomed the public, Board members, and Board staff to the California
68 State Capitol and thanked everyone for their attendance.
69

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

71
72 No public comments were received.
73

74 **Agenda Item #4: Approval of Minutes: November 20-21, 2014, Board Meeting**

75
76 It was M(Erickson)/S(Starr)/C to approve the minutes.
77

78 Vote: 7 aye (Horn, Phillips, Erickson, Jones, Harlem, Starr, Acquaye-Baddoo) – 0 nay.
79 (2 Members not present).
80

81 **Agenda Item #5: Approval of Minutes: January 9, 2015, Board Meeting**

82
83 Dr. Horn pointed out a statement on page 7, lines 15-16 regarding the Executive
84 Officer's duty statement and asked that it be removed.
85

86 It was M(Horn)/S(Arias-Bhatia)/C to approve the minutes as amended.
87

88 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
89 Acquaye-Baddoo) – 0 nay.
90

91 **Agenda Item #6: Applied Behavioral Analysis (ABA) Task Force Report**

92
93 Ms. Arias Bhatia referred to the items that were provided in the Board packets and
94 summarized the three motions that were passed during the meeting on January 26th,
95 2015. The motions passed were: 1) that any licensure bill will contain an exemption for

96 psychologists and their supervisees, 2) that any licensure bill exclude diagnosis in the
97 ABA practitioner scope of practice, and 3) that it be communicated that ABA is within
98 the scope of practice for licensed psychologists. In addition, a fourth motion was passed
99 for the staff to make a report on the potential impact to the Board of housing ABA. Ms.
100 Arias-Bhatia referred to the hand carry fiscal analysis that elaborated on the impact.

101 Dr. Horn asked about the fiscal IT impact and if the expenditure and revenue would
102 even out. Mr. Burke explained that the IT cost would be a one-time fee and that the
103 expenditure and revenue would even out as time progresses.

104 Ms. Sorrick stated that the fiscal analysis was to be included in the legislative analysis
105 when the bill was proposed.

106 Ms. Jones asked if there was any update from Senator Bates' office regarding
107 legislation. Ms. Sorrick stated that the Board heard from Senator Bates' office that this
108 will be a bill and asked Dr. Linder-Crow for more information.

109 Dr. Linder-Crow stated there is no bill yet, but CPA's Director of Government Affairs has
110 provided language that was agreed upon at the meeting. She stated that the language
111 will not be seen until after the deadline which is Friday, February 27, 2015.

112 **Agenda Item #7: CLOSED SESSION**

113 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to
114 discuss and vote on disciplinary matters including stipulations and proposed decisions,
115 and pursuant to Government Code Section 11126(e)(1) to discuss pending litigation
116 (*Weiss v. Board of Psychology*, Case No. CPF-14-514011)

117

118 **Return to Open Session**

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120 Dr. Erickson called the meeting back to order and invited Dr. Horn to present the
121 Licensing Committee report.

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123 **Agenda Item #8: Presentation of Licensing Committee Report and Consideration** 124 **of Committee Recommendations – Horn**

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126 Dr. Horn provided a summary of the Licensing Committee's meeting.

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128 **a) Application Report**

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130 Dr. Horn referred the Board to the application report provided in the Board packets.

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132 **b) Examination Report**

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134 Dr. Horn referred the Board to the examination report and statistics for the examinations
135 provided in the Board packets.

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137 **c) Renewal Report**

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Dr. Horn referred the Board to the renewal report provided in the Board packet.

d) Continuing Education Report

Dr. Horn referred to the Continuing Education (CE) report regarding audits and compliance provided in the Board packets.

e) Discussion and Consideration of Comments to Association of State and Provincial Psychology Board (ASPPB) Draft Supervision Guidelines

Dr. Horn referred to the guidelines provided in the Board packets and stated that ASPPB is looking for comments from the Board.

Dr. Harlem discussed issues surrounding the guidelines of supervisors personally observing a videotaped or live session in supervision settings and the mechanics of how videotaping sessions takes place. In addition, he addressed patient dignity and the intrusiveness of a video recording device during a session. Dr. Harlem also stated that almost all facilities do not have the necessary means to protect patient dignity during a videotaped session. He also stated that the Board should not assume that videotaping would facilitate better services.

Dr. Harlem stated that the guidelines for allowing payment of supervision at the postdoctoral level may be a good idea from a consumer protection standpoint. He added that he believes quality supervision is vital for quality consumer protection and services.

Dr. Horn said that the Committee will be reviewing the Draft Guidelines at its next meeting.

f) Licensing Action Plan – Proposed Improvements to the Licensing Process – Update

Dr. Horn referred to the Licensing Action Plan provided in the Board packets.

g) Public Comment for Items Not on the Agenda

No public comment was received.

It was M(Horn)/S(Phillips)/C that the Board approve the Licensing Committee's recommendations on items A through G.

Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr, Acquaye-Baddoo) – 0 nay.

h) Licensing Committee Report on Closed Session Items

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(1) Request from N.P. for an extension of the 30-consecutive month requirement to accrue 1500 hours of post-doctoral supervised professional experience pursuant to section 1387(a) of the California Code of Regulations.

Dr. Horn summarized NP's request for an extension of the 30-consecutive month requirement to accrue 1500 hours of post-doctoral supervised professional experience. She stated that the Licensing Committee recommends that the Board approve N.P.'s request for the extension.

It was M(Horn)/S(Acquaye-Baddoo)/C to approve N.P.'s request for an extension of the 30-consecutive month requirement.

Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr, Acquaye-Baddoo) – 0 nay.

(2) Request from A.M. for an extension of the 30-consecutive month requirement to accrue 1500 hours of post-doctoral supervised professional experience pursuant to section 1387(a) of the California Code of Regulations.

Dr. Horn summarized A.M.'s request for an extension of the 30-consecutive month requirement to accrue 1500 hours of post-doctoral supervised professional experience. She stated that the Licensing Committee recommends that the Board approve A.M.'s request for the extension.

It was M(Horn)/S(Phillips)/C to approve A.M.'s request for an extension of the 30-consecutive month requirement.

Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr, Acquaye-Baddoo) – 0 nay.

(3) Request from J.M. for an extension of the 30-consecutive month requirement to accrue 1500 hours of post-doctoral supervised professional experience pursuant to section 1387(a) of the California Code of Regulations.

Dr. Horn summarized J.M.'s request for an extension of the 30-consecutive month requirement to accrue 1500 hours of post-doctoral supervised professional experience. She stated the Licensing Committee recommends that the Board approve J.M.'s request for the extension.

It was M(Horn)/S(Acquaye-Baddoo)/C to approve the extension of the 30-consecutive month requirement.

Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr, Acquaye-Baddoo) – 0 nay.

221 (4) Request from S.M. for an exception from the Continuing Education requirements
222 pursuant to section 1397.62(b) of the California Code of Regulations.
223

224 Dr. Horn summarized S.M.'s request for an exception from the CE requirements.
225 She indicated that in order to qualify for an exception, the licensee must not be
226 engaged in the direct delivery of mental health services, there must be an absence
227 of available CE courses relevant to the specific area of practice, and the coursework
228 submitted to fulfill the CE requirements must be acceptable. She stated that S.M.
229 received the required CE hours in other ways, mostly pedagogical, and reported that
230 the Licensing Committee recommends approving the exception.

231 It was M(Horn)/S(Phillips) to approve the exemption from the CE requirements.

232 Dr. Harlem questioned the evidence behind the claim that CE courses are
233 unavailable regarding teaching neuroscience and psychology. Dr. Horn stated that
234 she appreciates Dr. Harlem's concerns, but stated that S.M. is teaching
235 neuroscience rather than neuropsychology, therefore, the CE courses in
236 neuroscience appear sufficient.

237 Dr. Gallardo stated that this person's CE hours appear to relate more to being a
238 professor rather than a licensee of the Board.

239 Dr. Phillips stated that the scope of a license does not have to relate only to mental
240 health practices, but also neuroscience and other areas of the practice of
241 psychology.

242 Ms. Acquaye-Baddoo stated that this person does not appear to be practicing
243 psychology as it applies to her understanding of the scope of practice.

244 Dr. Gallardo pointed out that although S.M. does not provide therapy, he or she
245 could start practicing psychology at any moment. He stated that this is problematic
246 when he or she has not taken proper CE courses related to that kind of practice.

247 Dr. Harlem also pointed out that by granting this person the license exception, the
248 Board is assuming that he or she is up to date with laws and regulations.

249 Dr. Horn amended her motion to state that the Board will contact S.M to receive
250 more information regarding this person's profession.

251 It was M(Horn)/S(Phillips)/C to contact this person to get more information about two
252 specific areas: 1) clarification regarding the nature of S.M.'s profession; and 2) the
253 unavailability of CE courses in S.M.'s specific area of practice, and to bring back
254 issue to the full Board.

255 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
256 Acquaye-Baddoo) – 0 nay.

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258 **Agenda Item #9: Introduction of Licensing Staff**

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260 Ms. Johnson introduced the following Licensing staff including Annette Parino, Audrey
261 Watkins, Liezel Isadore, Julie Brown, Molly Olson, Kelli Okuma, and Tamme Bailey.

262

263 Dr. Erickson thanked all of the Licensing staff for their work and commended them on
264 their turnaround of the licensing timeframes.

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266

267 **Agenda Item #10: Overview of Sunset Review Process – Le Ondra Clark, PhD,**
268 **Chief Consultant, Assembly Committee on Business and Professions)**

269

270 Dr. Erickson invited Dr. Clark to speak about the sunset review process.

271

272 Dr. Clark stated that about every four (4) years, the Committee reviews all entities under
273 DCA. She added that hearings for each board are scheduled in March. During the
274 hearing, four or five issues are addressed with the Board President and/or Executive
275 Officer. After the hearing, the Board has 30 days to address issues addressed in the
276 background paper before reporting to either the Senate or Assembly. In addition, she
277 stated that statutory changes are also addressed in the sunset legislation.

278

279 Ms. Jones asked how it is decided to which branch of the legislature the report after 30
280 days is sent. Dr. Clark stated that there is no formula, but consultants on the Committee
281 and the House chairpersons provide input.

282

283 Dr. Erickson thanked Dr. Clark for her overview and presentation.

284

285 **Agenda Item #11: Overview of the Legislative and Regulatory Process – Justin**
286 **Paddock, Assistant Deputy Director, Legislative and Policy Review Division,**
287 **Department of Consumer Affairs**

288

289 Dr. Erickson invited Mr. Paddock to speak. Mr. Paddock provided an overview of a
290 board's role in the legislative and regulatory process. He stated that statutory changes
291 are a lot of work and require Board approved language the autumn before the session
292 where it is planned to be introduced. Technical changes to a Practice Act are most
293 easily made during the Sunset Review process. The Board may also adopt formal
294 positions on proposed legislation and lobby legislators, provide technical guidance, and
295 Committee testimony. Regulatory changes are simpler, but require compliance with
296 Office of Administrative Law (OAL) standards.

297

298 Mr. Paddock asked if there were any questions or comments from the Board Members.

299

300 Dr. Erickson thanked Mr. Paddock for his presentation.

301

302 **Agenda Item #12: Presentation of Policy and Advocacy Committee Report;**
303 **Consideration of Committee Recommendations – Jones**

301
302 Ms. Jones provided a summary of the Policy and Advocacy Committee's meeting.

303
304 **a) Legislation Update and Review; Recommendations to Full Board**

305
306 **1) Exempt Settings Legislative Proposal (Business and Professions Code**
307 **Sections 2909, 2909.5, 2910)**

308
309 Ms. Jones summarized the bill and reported that the language in the bill was approved
310 by the Board in August. She indicated that it has since been submitted to Legislative
311 Counsel and is being authored by Assemblymember Susan Eggman. She stated that
312 the bill was introduced on February 25th as AB 705.

313
314 Ms. Jones stated that the Policy and Advocacy Committee is recommending that the
315 Board adopt a Support position for this bill.

316
317 **2) Senate Business, Professions, and Economic Development Proposal**
318 **Regarding Submission of Supervised Professional Experience (Business**
319 **and Professions Code Section 2914(g))**

320
321 Ms. Jones summarized the bill and reported that this item concerns the Board's
322 Omnibus bill proposal for the Senate B&P Committee. She stated that it was accepted
323 by the Senate B&P Committee.

324
325 Ms. Jones stated that the Policy and Advocacy Committee is recommending that the
326 Board adopt a Support position for this bill.

327
328 **3) Submission of Supervised Professional Experience Legislative Proposal**
329 **(Business and Professions Code Section 2914(c))**

330
331 Ms. Jones summarized the proposal and stated that it was deemed too substantial for
332 the Omnibus legislation by the Senate B&P Committee. Therefore, the Board turned it
333 into a legislative proposal that was submitted to Legislative Counsel before the deadline
334 by Assemblymember Catherine Baker.

335
336 Ms. Jones stated that the Policy and Advocacy Committee is recommending that the
337 Board adopt a Support position for this bill once it is introduced contingent upon it being
338 introduced as it was approved by the Board and submitted to the author.

339
340 **4) Discussion and Consideration of Business and Professions Code Section**
341 **2903 - Licensure Requirement; Practice of Psychology; Psychotherapy;**
342 **Fee**

343
344 Ms. Jones stated that Legal Counsel expressed concern with the language that was
345 approved by the Board at the January meeting. She referred to the new proposed
346 language provided in the meeting packets.

347

348 Ms. Jones stated that the Policy and Advocacy Committee is recommending that the
349 Board approve the proposed language as written and to give staff the authority to seek
350 a legislative change.
351

352 **5) Expiration of License/Birth Date Renewal Legislative Proposal (Business**
353 **and Professions Code Section 2982)**
354

355 Ms. Jones summarized the proposal and stated that it had been introduced by
356 Assemblymember Catherine Baker as AB 773.
357

358 Ms. Jones stated that the Policy and Advocacy Committee is recommending that the
359 Board adopt a Support position for this bill once it is introduced contingent upon it being
360 introduced as it was approved by the Board and submitted to the author.
361

362 **6) SB 128 (Wolk) – End of Life**
363

364 Ms. Jones reported that the Board staff began watching this bill because it is based on
365 the Death with Dignity Law that is in place in the state of Oregon that allows a licensed
366 psychologist to counsel a person wishing to end his or her life and determine if he or
367 she is competent to make the decision. She indicated that no position is required
368 because the legislation does not directly impact psychologists. Board staff will continue
369 to Watch this bill.
370

371 **7) AB 2198 (Levine) – Suicide Prevention – Update**
372

373 Ms. Jones summarized the history of AB 2198 from the previous legislative session.
374 She stated that some of the surveys the Board distributed were returned and collected.
375 She indicated that Dr. Linder-Crow offered CPA's assistance in distributing the surveys
376 and collecting additional responses. Dr. Gallardo asked what kind of action the Board
377 needs to take to meet the issues raised in the Governor's veto letter. Ms. Jones
378 responded that the Committee is going to work with the other stakeholders and
379 interested parties in formulating a response to the Governor's veto message. Mr. Burke
380 stated that the Board is collecting data to show whether suicide prevention is already
381 being taught and will be continually providing this information to the Board. Public
382 comment was then requested.
383

384 Mr. Gordon Dowdy thanked and applauded the Board for taking action, as well as the
385 Board of Behavioral Sciences. He stated that the responses to the survey appeared to
386 show gaps and inconsistency. He pointed out that those advocates of suicide
387 awareness and supporters of AB 2198 (Levine) were left out of the discussion.

388 Victor Ojakian asked how many questions the Board asks on examinations for licensure
389 regarding suicide prevention. He also asked about the progress on the work group/task
390 force and what the Board will do with the list of coursework that has been collected. He
391 pointed out that the suicide rates have been increasing and it is a huge public health
392 problem. In addition, he pointed out that he refers people who are at risk for committing
393 suicide to psychologists and that these psychologists should be highly competent.

394
395 Craig Lomax thanked the Board for their work and following through with a survey. In
396 his own experience, he has come across numerous mental health practitioners, some of
397 whom were competent and others not. He asked if the Board knows whether the
398 psychologists are competent at the point of licensing.
399

400 Dr. Tabackin suggested programs that start suicide awareness and prevention in
401 schools from the beginning.
402

403 **b) Update regarding the California Child Abuse and Neglect Reporting Act**
404 **(CANRA) and Mandated Reporting – Penal Code Sections 261.5, 288, and**
405 **11165.1**
406

407 Ms. Jones provided a summary of the Policy and Advocacy Committee CANRA
408 report. The item was informational and no action was requested.
409

410 **c) Regulation Update, and Review; Recommendations to Full Board**
411

412 **1) Title 16, CCR, Section 1397.12 – Uniform Standards Related to Substance**
413 **Abuse and Disciplinary Guidelines**
414

415 Ms. Jones provided a summary of the Policy and Advocacy Committee Uniform
416 Standards Related to Substance Abuse and Disciplinary Guidelines report. The item
417 was informational and no action was requested.
418

419
420 **2) Title 16, CCR, Sections 1388, 1388.6, 1389, 1392 – Examinations, License**
421 **Requirements and Waiver of Exemption, Reconsideration of Examinations,**
422 **Psychologists Fees**
423

424 Ms. Jones provided a summary of the Policy and Advocacy Committee Examinations
425 regulation. The item was informational and no action was requested.
426

427
428 **3) Title 16, CCR, Sections 1397.60, 1397.61, 1397.62, 1397.67 – Definitions,**
429 **Continuing Education Requirements, Continuing Education Exemptions and**
430 **Exceptions, Renewal after Inactive or Delinquent Status**
431

432 Dr. Erickson invited public comment and testimony regarding the continuing education
433 regulatory changes.

434 Mr. Heppler gave a brief overview of the modification of regulations process and how
435 the public comments have been and will be handled. He stated that the Board would
436 need a motion to reconsider the proposal if the Board wishes to do so.

437 Dr. Horn argued in favor of the motion of reconsideration due to public comment and
438 concern. She welcomed public comment and expressed appreciation for it.

439 Dr. Gallardo expressed concern for public comment that is being provided now rather
440 than having it being provided along the way. He pointed out that the Board has been
441 transparent in the process and some of the comments have demonstrated a lack of
442 knowledge as to what the proposed regulation actually does.

443 Ms. Acquaye-Baddoo stated that people should have been aware of the proposal. She
444 stated that reconsidering would be wise because the process has led to this.

445 It was M(Phillips)/S(Harlem)/C for reconsideration of the vote in the November meeting
446 to move forward with the regulations.

447 Dr. Harlem expressed agreement with Dr. Gallardo. He stated that this project is very
448 ambitious and that it is a major culture change.

449 Ms. Jones expressed agreement with Dr. Gallardo. She pointed out that not everyone
450 will agree with monumental change, and the Board should respect comments while also
451 respecting the Board's work.

452 Ms. Arias-Bhatia stated that she views this situation as a part of the process.

453 Dr. Phillips stated that some of the reaction has made it appear as if the Board has
454 attempted subterfuge against the public and its licensee population. He added that he
455 thinks that some legitimate concerns were raised, as well as many others that are
456 unrelated.

457 Ms. Starr and Dr. Erickson expressed agreement with the other Board members.

458 Dr. Linder-Crow urged the Board to reconsider and allow public comment on the
459 guidelines.

460 Dr. Immoos thanked the Committee for their work, but supports reconsideration.

461 Dr. Schaefer thanked the Board for their work and supports the reconsideration.

462 Dr. Heibert strongly supports the Board voting yes on this motion.

463 Dr. McCall stated that he supports the motion for reconsideration.

464 Dr. Wong stated that he supports the motion for reconsideration.

465 Dr. Trybus stated that he supports the motion to reconsider.

466 Dr. McCrory stated that she supports the motion to reconsider.

467 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
468 Acquaye-Baddoo) – 0 nay.

469 Discussion ensued. Members of the public commented on the proposed regulations.

470 Dr. Linder-Crow stated that she wanted to let the Board know that many positive
471 messages were provided to CPA. Many individuals thanked the Board for allowing
472 comments and for paying attention to concerns that have been raised. She stated that
473 there is confusion about what people are reading. She stated that there needs to be a
474 lot of education after any regulatory change. There is lack of clarity in some aspects of
475 the proposal and she suggested clarifying these aspects during discussion and through
476 outreach.

477 Dr. Erickson summarized the chronology and timeline concerning what the Board has
478 done with regard to this project.

479 Ms. Jones expressed concern with the level of the Board's communication with the
480 public.

481 Dr. Erickson stated that the options are to either continue the process, allowing the
482 proposal move forward, or stop the process and completely reconsider. He added that a
483 15-day notice could be done if there are changes that need to be made which would
484 allow the proposal to be completed within the one-year window.

485 Dr. Harlem stated that the original intent is generally reflected in this proposal; however,
486 he stated that the part where the original intent was lost is with the cap of 18 hours. The
487 18-hour cap has detracted from the original intent. He stated that he thinks if the Board
488 removed the cap, the Board would achieve its aims. He proposed raising the cap from
489 18 hours to 36 hours. In addition, he remained concerned about a lack of clarity in some
490 areas.

491 Dr. Phillips thanked Dr. Harlem. He acknowledged that licensees felt that they had not
492 received adequate notice, but he stated it is their own responsibility to keep up with the
493 processes of the Board. He stated that change is difficult, but in order to teach the
494 public about the new system, the regulation needs to be in place first. He added that
495 there needs to be an incentive to be involved and that he is not sympathetic to licensees
496 that are not interested in maintaining competency. He pointed out that it is not all about
497 the licensees, but it is also more about the protection of the consumers in California. He
498 suggested maintaining a cap of traditional CE hours.

499 Dr. Gallardo expressed strong agreement with Dr. Phillips. To add to his comments, he
500 stated that given the comments, he thinks that the Board should pull back and do more
501 work on the proposal. He stated that there still needs to be a cap on the amount of
502 traditional CE units that are allowed. He stated that traditional education process is not
503 serving the consumers in the best way and that he will not personally support leaving it
504 at 36 hours. He stated that the Board also advocates for psychologists as consumers,
505 as well as the public. He agreed with Harlem's point regarding the beginning intent of
506 the proposal.

507 Dr. Horn stated that she strongly agrees with both Dr. Gallardo and Dr. Phillips. She
508 stated that she is the one who brought the ASPPB guidelines to the Board. She directed
509 the audience to the website which addresses the guidelines and the intent behind them.
510 She stated that this change will help improve and evolve competency, but recognizes
511 that the proposal is a major change in the established way of doing things. She stated
512 that she doesn't believe the cap should be removed completely.

513 Ms. Starr stated that she agrees with Dr. Phillips and acknowledged that change is
514 difficult.

515 Ms. Acquaye-Baddoo stated that she agrees with Dr. Harlem. She expressed desire to
516 gain the approval of the psychologists and keep everyone informed.

517 Ms. Jones stated that she agrees with Dr. Gallardo, Dr. Horn, and Dr. Phillips. She
518 stated that they should maintain what the changes are and extend the public comment
519 period. She suggested educating the public, perhaps with a synopsis. She expressed
520 concern regarding whether or not the Board is communicating effectively with its
521 stakeholders and the public.

522 Dr. Gallardo stated that he is okay with shifting the capped hour amount a little bit, but
523 not leaving it at 36 hours.

524 Dr. Harlem stated that he does not believe the Board has to impose requirements down
525 for licensees to do the right thing. He added that he is seeking to get people to work
526 together rather than providing something for them to create resistance around.

527 Dr. Phillips stated that there is a group of people who would only choose to do the 36
528 hours. He added that that group is the one that concerns him.

529 Mr. Thomas pointed out that the regulations would not take complete effect until two
530 years after they have been adopted.

531 It was M(Phillips)/S(Gallardo)/C to modify the text to increase the cap of Sponsored
532 Continuing Education from 18 hours to 27 hours.

533 Ms. Marks stated that a 15-day notice would be sufficient with this motion.

534 Dr. Harlem stated that he believes that the proposal conveys some flexibility, but it is
535 inadequate.

536 Dr. Phillips expressed concerns with becoming more specific in regulations in fear of
537 psychologists feeling like the Board is micromanaging their activities.

538 Ms. Jones asked if the Board could have a 15-day period, hold a committee meeting,
539 and then come back to the Board. She pointed out that it is the Board's responsibility to
540 take all of the comments into account.

541 Dr. Phillips stated that the Board is addressing the primary concern. He suggested the
542 formation of a committee to determine if additional changes are necessary and for
543 ongoing evaluation of their impact. He pointed out that changes can be made later,
544 especially after people start working with the regulation as it is newly implemented.

545 Mr. Heppler stated the Board can offer interpretive guidance, but specificity is provided
546 in regulations.

547 Dr. Linder-Crow offered a caution about drawing a conclusion about CE and how it
548 affects practice. She stated that there is evidence that didactic CE is the least effective
549 way. She also stated that she does not think that the majority of comments raised by
550 CPA's members were concerns about convenience. She stated that most psychologists
551 will not be inconvenienced. She stated that it is a false assumption that changing to 27
552 hours rather than 36 hours will solve the problem, but it is an issue of trust between
553 Board and licensees.

554 Vote: 7 aye (Gallardo, Horn, Phillips, Erickson, Jones, Arias-Bhatia, Starr) – 2 nay
555 (Harlem, Acquaye-Baddoo)

556 It was M(Harlem)/S(Starr)/C to delegate the authority to the executive officer to adopt
557 the text in the absence of any negative comments after the public comment period.

558 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
559 Acquaye-Baddoo) – 0 nay.

560 It was M(Jones)/S(Acquaye-Baddoo)/C to direct staff to compile the feedback that was
561 provided at this Board meeting and others regarding information that could possibly be
562 forwarded to the Licensing Committee to consider for future changes.

563 Dr. Gale suggested enabling two-way comments via his website.

564 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
565 Acquaye-Baddoo) – 0 nay.

566

567

568 **4) Title 16, CCR, Section 1380.5 – Filing of Addresses**

569

570 Ms. Jones summarized the discussion that was held during the Policy and Advocacy
571 Committee's meeting regarding the proposed language for filing of addresses. She
572 indicated that many concerns were raised, including safety concerns about accessibility
573 of home addresses of licensees to the public. She recommended that revised language
574 be brought back to the Board at its May Board meeting.

575

576

577 It was M(Starr)/S(Arias-Bhatia)/C to adopt the recommendations of the Committee.

578
579 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
580 Acquaye-Baddoo) – 0 nay.

581
582
583 The Board adjourned at 5:54 p.m.

584 **Agenda Item #13: Roll Call and Establishment of Quorum**

585
586 Michael Erickson, PhD, Board President called the open session meeting to order at
587 9:30 a.m. A quorum was present and due notice had been sent to all interested parties.
588

589 **Friday, February 27, 2015**

590
591 Michael Erickson, PhD, Board President called the open session meeting to order at
592 9:30 a.m. A quorum was present and due notice had been sent to all interested parties.
593

594 **Members Present:**

595 Michael Erickson, PhD, President
596 Nicole J. Jones, Public Member, Vice-President
597 Lucille Acquaye-Baddoo, Public Member
598 Johanna Arias-Bhatia, Public Member
599 Miguel Gallardo, PsyD
600 Andrew Harlem, PhD
601 Jacqueline Horn, PhD
602 Stephen Phillips, PsyD
603 Linda Starr, Public Member
604

605 **Others Present:**

606 Antonette Sorricks, Executive Officer
607 Jeffrey Thomas, Assistant Executive Officer
608 Sandra Monterrubio, Enforcement Program Manager
609 Karen Johnson, Licensing Coordinator
610 Jonathan Burke, Administrative Coordinator
611 Norine Marks, DCA Legal Counsel
612 Kurt Heppler, DCA Legal Counsel
613 Jo Linder-Crow, PhD, California Psychological Association
614 Pamela McCrory, PhD, Los Angeles County Psychological Association
615 Melodie Schaefer, PsyD, California Psychological Association Division I, II,
616 California Psychology Internship Council
617 Talia Cortese, Center for Public Interest Law
618 Raymond J. Trybus, PhD, Walden University, San Diego Psychological
619 Association
620 Christina Versari, PhD, San Diego University for Integrative Studies
621

622 **Agenda Item #14: Budget Report**

623

624 Mark Ito and Robert De los Reyes referred to the simplified fund condition and the fund
625 condition in which the 2013 fiscal year data is shown.

626 Dr. Horn asked what a healthy reserve is.

627 Mr. Ito stated that it is three (3) months. Mr. De los Reyes stated that a program can
628 stay twenty-four (24) months in reserve, but three (3) months in reserve is traditional in
629 the program.

630 Dr. Erickson said some money is put into the general fund and asked what the Board
631 does when they get the money back.

632 Mr. Ito stated that an annual assessment is conducted on the funds to find out if a loan
633 repayment needs to be paid at that point.

634 Mr. De los Reyes stated that nothing is scheduled in the conceivable future based on
635 the status of the fund currently.

636 Ms. Sorrick stated that the Governor said they would repay loans, but there is no
637 concrete schedule in place. In addition, the Governor has made a statement that doing
638 so was his goal.

639 Mr. Ito referred to a third attachment with information regarding staff and operating fees.

640 Ms. Jones stated that more money should be spent on postage and communication
641 generally.

642 Mr. Ito stated that they could reallocate the extra dollars to address that issue.

643 **Agenda Item #15: Introduction of Administrative Staff**

644
645 Mr. Burke introduced the following Administrative staff Diana Crosby, Chris Siepert (Not
646 present), and Taylor Hattersley.

647
648 Dr. Erickson thanked Mr. Burke and the Administrative staff for their hard work and the
649 materials they provide for the meeting.

650
651 **Agenda Item #16: Enforcement Report**

652
653 Dr. Erickson invited Ms. Monterrubio to begin the Enforcement Report.

654
655 Ms. Monterrubio referred the Board to the informational items provided in the Board
656 packets.

657
658 Dr. Harlem asked if, in the last two years and based on the provided data, more
659 complaints are resulting in open investigations.

660

661 Ms. Monterrubio stated that the data is based off of BreEZe and that the number of
662 complaints is still the same.

663

664 **Agenda Item #17: Introduction of Enforcement Staff**

665

666 Ms. Monterrubio introduced the following Enforcement staff: Joana Castillo, Ashley
667 Castleberry, Deborah Morales, Rob Loyola, Corey Brasier, Denise Russell, and Barbara
668 Tanner.

669

670 Dr. Erickson thanked Ms. Monterrubio and the Enforcement staff for their work.

671

672 **Agenda Item #18: Bureau for Private Postsecondary Education -- Update on**
673 **Requirement for Accreditation of Degree-granting Institutions -- Joanne Wenzel,**
674 **Chief, Bureau for Private Postsecondary Education**

675

676 Dr. Erickson invited Ms. Wenzel to begin her presentation.

677

678 Ms. Wenzel reported that new legislation went into effect that changed the minimum
679 operating standards of private postsecondary institutions in California. She stated that
680 BPPE had a mandate to adopt emergency regulations that went into effect on February
681 1st of 2015.

682

683 She summarized the timelines and mandates of the Bureau that were provided in the
684 Board packets. Dr. Harlem asked if it was true that degree-granting institutions need
685 BPPE approval. Ms. Wenzel replied that they do, unless they are exempt. Dr. Harlem
686 asked what the conditions are for an exemption. Ms. Wenzel stated that an exemption
687 can be approved for about eight (8) or nine (9) reasons. The requirements for the ability
688 to claim an exemption has been counterbalance due to federal regulations that require
689 state authorization. Dr. Harlem asked for clarification regarding whether or not these
690 changes are affecting the exemption process. Ms. Wenzel replied that these changes
691 do not affect the exemption process or requirements. Public comment was then invited.

692

693 Steve Arthur requested that the Board take a more passive stance on what the BPPE is
694 doing. He stated the Bureau has not protected institutions in the past, such as his own.
695 He added that the proposed August legislation was not fact-based and institutions were
696 provided little time for hearing. He expressed concern that institutions, such as his own,
697 would be discontinued within a three (3) month period, similar to a previous situation
698 involving the Board that he cited from 2007 or 2008. Mr. Arthur provided letters to the
699 Board members concerning the issue.

700

701 Dr. Horn clarified that the Bureau, as it existed at the time, had come under scrutiny
702 because they were not actually requiring the approved schools to do what they needed
703 to do in statute. She stated the Board had concerns about the approved schools and the
704 BPPVE was going through the sunset process. The Board voted to allow students who
705 were in the approved programs to have five or six years from the date of the closure to
706 finish out their programs. At that time, the Board had decided to not allow the schools to
707 admit any new students due to the fact that those schools would have no oversight once
708 the BPPVE was sunsetted.

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Mr. Arthur claimed that Dr. Horn is incorrect and that they had to rush their previously current students through their coursework before the given deadline. He stated that he would direct the Board to the minutes where this discussion was captured.

Agenda Item #19: Outreach and Education Committee

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

Agenda Item #20: Sunset Review Committee Report

Dr. Erickson presented the Sunset Review Committee Report and referred to informational items provided in the Board packets.

Agenda Item #21: President’s Report

a) Ad Hoc Committee Update

1) Telepsychology Committee

Dr. Erickson referred the Board to the update provided in the Board packets. He stated that the Committee will meet again on March 23rd, 2015, at 10:00 a.m.

2) Sunset Review Committee

Dr. Erickson referred the Board to the update provided in the Board packets. He stated that the Committee met on January 20th, 2015, to consider the questions from the Senate Business, Professions, and Economic Development Committee.

3) ABA Task Force

Dr. Erickson referred the Board to the update provided in the Board packets. He stated that the next Task Force meeting is scheduled for April 27th, 2015, from 1:00 - 5:00 p.m.

4) Enforcement Committee

Dr. Erickson referred the Board to the update provided in the Board packets. He stated that the new ad hoc Enforcement Committee will consist of Ms. Acquaye-Baddoo as Chairperson as well as Dr. Phillips.

b) Draft Executive Officer Duty Statement

Dr. Erickson invited Human Resources to present about the Executive Officer Duty Statement. Betty Saeteun referred the Board to the draft of the Executive Officer Duty Statement included in the Board packets. Ms. Marks pointed out that “classification title”

757 was used in the duty statement and wanted to make sure that Executive Officer is
758 recognized as not a civil position. Ms. Saeteun stated that “Executive Officer” is a type
759 of classification, but it is not a civil service position. Ms. Marks noted that “lobbyist” is
760 used to describe the Executive Officer when it requires registration, and instead
761 suggests using different language. Board members and Ms. Sorrick agreed on the term
762 “advocate” rather than “lobbyist.”

763
764 It was M(Starr)/S(Jones)/C to adopt the amended Executive Officer Duty Statement.
765

766 Vote: 7 aye (Horn, Phillips, Erickson, Jones, Harlem, Starr, Acquaye-Baddoo) – 0 nay.
767 (2 Members not present).
768

769
770

c) 2015 Meeting Calendar and Locations

771
772 Dr. Erickson referred the Board to the informational meeting calendar provided in the
773 Board packets and summarized the scheduled dates and locations of future Board
774 meetings.
775

776
777

d) Other Informational Items

778 Dr. Erickson presented Ms. Marks with a certificate of appreciation on behalf of the
779 Board.
780

781
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783

Agenda Item #22: Presentation of Outreach and Education Committee Report; Consideration of Committee Recommendations) - M. Gallardo

784 Dr. Gallardo provided a summary of the Outreach and Education Committee’s meeting.
785

786
787

a) Strategic Plan Update

788 Dr. Gallardo referred to the Strategic Plan Update provided in the Board packets.
789

790
791

b) Communications Plan Update

792 Dr. Gallardo referred to the Communications Plan provided in the Board packets.
793

794
795

c) Social Media Update

796 Dr. Gallardo referred the Board to the Social Media Update document that was provided
797 in the Board packets. Ms. Jones asked that regulations be included with the Top 5 Page
798 Hits on the Website Update memo.
799

800
801

d) Website Update

802 Dr. Gallardo referred the Board to the Website Update document that was provided in
803 the Board packets.
804

805 **e) Newsletter**

806
807 Dr. Gallardo referred the Board to the newsletter that was included in the Board
808 packets.

809
810 **f) Outreach Activities Update**

811
812 Dr. Gallardo referred the Board to the Outreach Activities Update document that was
813 included in the Board packets.

814
815 It was M(Gallardo)/S(Starr)/C that that the Board accept the Agenda Items A through F
816 of the Outreach and Education Committee report with the minor modification to the
817 Communications Plan.

818
819 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
820 Acquaye-Baddoo) – 0 nay.

821
822 **g) California Psychological Association Ethics Training Program**

823
824 Dr. Linder-Crow informed the Committee that she is inviting the Board to partner with
825 CPA to host a workshop on the topic of diverse perspectives on everyday ethics. She
826 stated that this type of workshop has been done in several states. She explained that
827 the intent of these workshops is to have a joint program between the psychological
828 association and the licensing board. She summarized the topics and learning objectives
829 that the workshop would address.

830
831 Mr. Heppler expressed concern about Board members providing ethical advice and
832 stated that sponsorship might not be an option for the Board. Ms. Sorrick stated that she
833 will work with Legal Counsel to examine the possibility of the Board's participation in the
834 workshop. Dr. Linder-Crow committed to submitting a proposal to the Board to be
835 shared with legal counsel and then presented to the Board at the next meeting.

836
837 Dr. McAlmond-Ross asked what advantage there is to CPA and the Board to engage in
838 the partnership, as well as the disadvantages. Dr. Horn replied that it is not the
839 advantage to the Board or CPA, but it is to help the consumers and licensees.

840
841 Dr. Erickson stated that he is in favor of the workshop happening.

842
843 **h) Review and Consideration of Draft Annual Outreach Campaign Proposal**

844
845 Dr. Gallardo referred the Committee to the draft Outreach Campaign Plan provided as a
846 hand-carry item. He indicated that this was drafted to be two-year plan rather than an
847 annual plan. Dr. Horn expressed appreciation for the intent behind the Campaign
848 Proposal and commended the Board staff for addressing different ways to reach out to
849 the public. Ms. Sorrick asked that an amendment be made to the Campaign Proposal
850 that changes the dates to "2015-2017."

851

852 It was M(Gallardo)/S(Acquaye-Baddoo)/C to accept the Outreach Campaign Plan as
853 slightly amended to reflect the 2015-2017 implementation dates for approval and
854 acceptance to move forward.

855
856 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
857 Acquaye-Baddoo) – 0 nay.

858
859 **i) Public Comment for Items not on the Agenda**

860
861 No public comment was offered.

862 **Agenda Item #23: Executive Officer's Report**

863

864 Dr. Erickson invited Ms. Sorrick to begin the Executive Officer Report.

865

866 **a) Organization Update**

867

868 Ms. Sorrick referred the Board to the informational update items provided in the Board
869 packets.

870

871 **b) CPS Program Analysis Update**

872

873 Ms. Sorrick referred the Board to the informational update items provided in the Board
874 packets.

875

876 **c) Other Informational Items**

877

878 None.

879

880 **Agenda Item #24: Recommendations for Agenda Items for Future Board Meetings**

881

882 Ms. Jones asked if the Board would be inviting OPES back to a future Board meeting
883 for more data and an opportunity for the public to comment.

884

885 Ms. Sorrick stated that, at the last meeting, Dr. Harlem raised an issue with the
886 statistical significance of the passing rates. A letter was then drafted to OPES, which
887 was responded to by OPES, and distributed to Board members.

888

889 **Agenda Item #25: Adjournment**

890

891 The Board adjourned at 4:05 p.m.

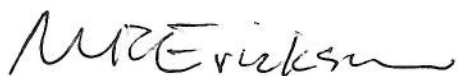
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