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2
3 **POLICY AND ADVOCACY COMMITTEE**
4 **MEETING MINUTES**

5
6 Department of Consumer Affairs
7 1625 N. Market Blvd., Hearing Room, First Floor
8 Sacramento, CA 95834
9 (916) 574-7720

10
11 SCLARC
12 650 West Adams Blvd.
13 Los Angeles, CA 90007
14 (323) 447-2923

15
16
17 **Monday, April 27, 2015**

18
19
20 **Agenda Item #1: Call to Order/Roll Call**

21
22 Nicole Jones, Chairperson, called the meeting to order at 10:00 a.m. A quorum of the
23 Committee was present and due notice had been sent to all interested parties.

24
25 **Members Present:**

26 Nicole Jones, Chairperson
27 Johanna Arias-Bhatia
28 Michael Erickson, PhD

29
30
31 **Others Present:**

32 Antonette Sorrick, Executive Officer
33 Jeffrey Thomas, Assistant Executive Officer
34 Kurt Heppler, Legal Counsel
35 Norine Marks, Legal Counsel
36 Jonathan Burke, Administrative Coordinator
37 Sandra Monterrubio, Enforcement Program Manager
38 Pamela McCrory, PhD, Los Angeles County Psychological Association

39
40
41 **Agenda Item #2: Chair Welcome**

42
43 Ms. Jones welcomed the Committee Members, and those in attendance both in person
44 and via telephonic connection.

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

47
48 There were no public comments.

49
50
51 **Agenda Item #4: Approval of Minutes: February 26-27, 2015**

52
53 Dr. Erickson requested a correction to the first paragraph of page 5 to insert the word
54 “committee.”

55
56 Ms. Jones requested a correction to section 6 of page 3 to correct the spelling of the
57 word “counsel.”

58
59 Ms. Jones referred the Committee to section 7 of page 4, stating that there were other
60 comments made that are not reflected in the minutes. Mr. Burke stated he would review
61 the recording of the meeting and insert all public comments.

62
63 It was M(Erickson)/S(Jones)/C to approve the minutes as amended.

64
65 Vote: (Aye - Arias-Bhatia, Erickson, Jones. No - none)

66
67
68 **Agenda Item #5: Review and Consideration of Proposed Legislation,**
69 **Recommendations to Full Board**

70
71 **#5 a) Legislation Update and Review, Recommendations to Full Board**

72
73 **#5 a 1) AB 12 (Cooley) State Government: Administrative Regulations: Review**

74
75 Ms. Jones reported this bill would, until January 1, 2019, require each state agency to,
76 on or before January 1, 2018, and after a noticed public hearing, review and revise the
77 agency’s regulations to eliminate any inconsistencies, overlaps, or outdated provisions
78 in the regulations, adopt the revisions as emergency regulations, and report to the
79 Legislature and Governor, as specified. The bill would further require each agency to,
80 on or before January 1, 2017, compile an overview of the statutory law the agency
81 administers.

82
83 Mr. Burke reported the bill was read a second time in the Assembly, amendments were
84 made to the bill, and it was re-referred to the Committee on Accountability and
85 Administrative Review to be heard Wednesday the following week at 9 a.m.

86
87 Ms. Jones recommended the Board continue to watch AB 12.

88
89

90 **#5 a 2) AB 19 (Chang) State Government: Regulations**

91
92 Mr. Burke reported this bill would require state agencies to review all existing
93 regulations annually for relevance, redundancy, and impact on the business community.
94 The bill was read a second time, amended, and re-referred to the Committee on Jobs,
95 Economic Development and the Economy.

96
97 Ms. Jones recommended the Board continue to watch AB 19.

98
99 **#5 a 4) AB 259 (Dababneh) Personal Information: Privacy**

100
101 Mr. Burke reported this bill would require an agency, if that agency was the source of a
102 breach of a person's personal information, to provide affected persons with identity theft
103 prevention and mitigation services at no cost for not less than 12 months. The bill was
104 referred to the suspense file.

105
106 Ms. Jones recommended the Board continue to watch AB 259.

107
108 **#5 a 5) AB 317 (Maienschein) Health Care Professionals**

109
110 Ms. Jones reported this bill was amended to apply only to the Veterinary Medical Board
111 and no longer impacts the Board of Psychology.

112
113 Ms. Jones recommended AB 317 be removed from the Board's watch list.

114
115 **#5 a 7) AB 483 (Patterson) Healing Arts: Initial License Fees: Proration**

116
117 Ms. Jones reported this bill was similar to AB 773; the Board of Psychology was
118 amended out of the bill.

119
120 Ms. Jones recommended the Board continue to watch AB 483 for any future
121 amendment that may include the Board of Psychology.

122
123 **#5 a 8) AB 507 (Olsen) Department of Consumer Affairs**

124
125 Mr. Burke reported this bill was amended to require the Department of Consumer Affairs
126 provide an annual report on the functionality of the BreEZe system.

127
128 Ms. Jones recommended the Board continue to watch AB 507.

129
130 **#5 a 9) AB 611 (Dahle) Controlled substances: prescriptions: reporting.**

131
132 Mr. Burke reported that this bill would authorize an individual designated to investigate a
133 holder of a professional license to apply to the Department of Justice to obtain approval
134 to access information contained in the Controlled Substance Utilization Review and
135 Evaluation System (CURES) Prescription Drug Monitoring Program regarding the

136 controlled substance history of an applicant or a licensee under the Department of
137 Consumer Affairs for the purpose of investigating alleged substance abuse of a
138 licensee. He informed the Committee that Board staff rarely accesses CURES and for
139 that reason, the bill would have little to no impact on the Board.

140

141 Ms. Jones recommended the Board continue to watch AB 611.

142

143 **#5 a 6) AB 848 (Stone) Alcoholism and Drug Abuse Treatment Facilities**

144

145 Mr. Burke reported this bill would authorize an adult alcoholism and drug abuse
146 recovery or treatment facility to allow a licensed physician and surgeon or other health
147 care practitioner, including a psychologist, to provide incidental medical services to a
148 resident of the facility at the facility premises under specified limited circumstances. The
149 bill passed out of the Assembly Business and Professions Committee and to the Health
150 Committee.

151

152 Dr. Erickson asked if the language expands the settings in which a psychologist could
153 provide and bill for services.

154

155 Ms. Jones requested staff provide an analysis to address Dr. Erickson's question and
156 recommended the Board continue to watch AB 848.

157

158 **#5 a 20) SB 52 (Walters) Regulatory Boards: Healing Arts**

159

160 Mr. Burke reported this bill would make minor non-substantive technical changes to the
161 healing arts provisions of the Business and Professions Code relating to the display of a
162 license. The bill was re-referred to the Rules Committee on January 15.

163

164 Ms. Jones recommended the Board continue to watch SB 52.

165

166 **#5 a 21) SB 128 (Wolk and Monning) End of Life**

167

168 Mr. Burke reported this bill would establish the End of Life Option Act in California,
169 modeled after Oregon's Death with Dignity Act that was enacted in 1997. The bill would
170 allow a mentally competent, terminally ill adult in California in the final stages of their
171 disease to request medication from a physician to assist suicide.

172

173 Ms. Jones recommended the Board continue to watch SB 128.

174

175 **#5 a 22) SB 130 (Roth) Mental Health**

176

177 Ms. Jones reported this bill would make technical non-substantive changes related to
178 mental health services.

179

180 Mr. Burke reported the recipient of those services includes veterans; the bill would be
181 heard the following day by the Senate Veterans Affairs Committee.

182 Ms. Jones recommended the Board continue to watch SB 130.

183

184 **#5 a 23) SB 259 (Bates) Health Care Professionals**

185

186 Mr. Burke reported this bill would make a non-substantive change to current provisions
187 of the Health Care Professional Disaster Response Act. The non-substantive changes
188 would not have a direct impact on the Board or psychologists.

189

190 Ms. Jones recommended the Board continue to watch SB 259.

191

192 **#5 a 24) SB 272 (Hertzberg) California Public Records Act: Local Agencies:
193 Inventory**

194

195 Mr. Burke reported this bill would mandate reporting and disclosure information for local
196 agencies.

197

198 Ms. Jones recommended the Board continue to watch SB 272.

199

200 **#5 a 17) AB 1279 (Holden) Music Therapy**

201

202 Mr. Burke reported this bill was amended to include language requiring licensure to
203 practice music therapy.

204

205 Ms. Jones recommended the Board watch AB 1279.

206

207 **#5 a 10) AB 618 (Maienschein) Parole: Primary Mental Health Clinicians**

208

209 Mr. Burke reported this bill addresses the materials a parolee may request relative to a
210 parole hearing and who can conduct a psychological evaluation but has no impact on
211 the Board directly.

212

213 Ms. Jones recommended the Board watch AB 618.

214

215 **#5 a 3) AB 85 (Wilk) Open Meetings**

216

217 Mr. Burke reported this bill would revise the definition of a state body subject to the
218 Bagley-Keene Open Meeting Act as an advisory body consisting of less than three
219 members. Existing law permits an advisory body of two to meet without having to notice
220 the meeting by preparing a notice and agenda, posting and distributing that agenda,
221 and preparing subsequent meeting minutes. He informed the Committee that the Board
222 currently has standing committees comprised of less than three members that have no
223 authority to make decisions, but rather analyze issues presented to the committee and
224 make recommendations to the full Board. This bill would require that meetings of those
225 2-person ad-hoc committees be publicly noticed. Mr. Burke stated that any meeting
226 involving formal action by a state body should be open to the public; however, an
227 advisory body has no authority to act on its own and must present any findings and

228 recommendations to a larger body in a public meeting for formal action. He suggested
229 the Committee recommend the Board take an opposed position.

230

231 It was M(Erickson)/S(Jones)/C to recommend the Board oppose AB 85.

232

233 Vote: (Aye – Arias-Bhatia, Erickson, Jones. No – none)

234

235 **#5 a 6) AB 333 ((Melendez) Healing arts: Continuing Education**

236

237 Mr. Burke reported that this bill would allow a Board licensee to earn continuing
238 education credit for participation in a course that instructs the proper use of an
239 automated external defibrillator, or that results in the licensee becoming a certified
240 instructor of cardiopulmonary resuscitation. He stated that while beneficial, there is no
241 relevancy between the proposal and the practice of psychology.

242

243 It was M(Erickson)/S(Arias-Bhatia)/C to recommend the Board oppose AB 333.

244

245 Vote: (Aye – Arias-Bhatia, Erickson, Jones. No – none)

246

247 **#5 a 11) AB 705 (Eggman) – Exempt Settings**

248

249 Mr. Burke reported that this Board-sponsored bill would ensure employees in exempt
250 settings are working towards licensure as psychologists by the Board.

251

252 It was M(Erickson)/S(Arias-Bhatia) to recommend the Board support AB 705.

253

254 Vote: (Aye – Arias-Bhatia, Erickson, Jones. No – none)

255

256 **#5 a 12) AB 773 (Baker) – Expiration of License/Birth Date Renewal Legislation**

257

258 Mr. Burke reported that this Board-sponsored bill would establish that all psychologists'
259 initial license periods are 24 months.

260

261 It was M(Arias-Bhatia)/S(Jones)/C to recommend the Board continue to support AB
262 773.

263

264 Vote: (Aye – Arias-Bhatia, Erickson, Jones. No – none)

265

266 **#5 a 13) AB 750 (Low) – Business and Professions: licensees**

267

268 Mr. Burke reported this bill would allow the Board to establish, by regulation, a system
269 for a retired category of licensure for persons who are not actively engaged in the
270 practice of a profession or vocation.

271

272 It was M(Jones)/S(Erickson)/C to recommend the Board support AB 750.

273

274 Vote: (Aye – Arias-Bhatia, Erickson, Jones. No – none)

275

276 **#5 a 14) AB 796 – (Nazarian) Health Care Coverage: Autism and Pervasive**
277 **Developmental Disorders**

278

279 Mr. Burke reported that this bill would modify the definition of “qualified autism service
280 professional” and “qualified autism service paraprofessional” to allow insurance
281 coverage for types of behavioral health treatment other than applied behavior analysis
282 (ABA). Staff reviewed this bill as it relates to SB 479. Under SB 479, ABA practitioners
283 would be licensed and regulated. Under AB 796, there would be no regulatory oversight
284 of the practitioners. For that reason, staff suggested the Committee recommend the
285 Board oppose AB 796.

286

287 Dr. Erickson asked if a letter detailing the reason(s) for the Board’s position would be
288 sent to the bill’s author. Mr. Burke informed him Board staff would send such a letter to
289 the author.

290

291 It was M(Erickson)/S(Arias-Bhatia)/C to recommend the Board oppose AB 796.

292

293 Vote: (Aye – Arias-Bhatia, Erickson, Jones. No – none)

294

295 **#5 a 15) AB 832 – (Garcia) Child Abuse: Reportable Conduct**

296

297 Mr. Burke reported that this bill would provide that “sexual assault” for reporting
298 purposes does not include consensual sodomy, oral copulation, or sexual penetration,
299 unless that conduct is between a person who is 21 years of age or older and a minor
300 who is under 16 years of age.

301

302 It was M(Erickson)/S(Arias-Bhatia)/C to recommend the Board support AB 832 if
303 amended to read:

304

305 “Sexual assault” for the purposes of this article does not include voluntary conduct
306 between minors of a like age in violation of Section 286, 288, or 288a unless the
307 conduct is between a person 21 years of age or older and a minor who is under 16
308 years of age.

309

310 Vote: (Aye – Arias-Bhatia, Erickson, Jones. No – none)

311

312 **#5 a 18) AB 1374 (Levine) Submission of Supervised Professional Experience/Fee**
313 **(Business and Professions Code Sections 2903 and 2914(c))**

314

315 Mr. Burke reported that this Board-sponsored bill would address the way the Board
316 receives Verification of Experience forms and removes the “for a fee” language from the
317 definition of a psychologist’s scope of practice.

318

319 It was M(Erickson)/S(Arias-Bhatia)/C to recommend the Board continue to support AB
320 1374.

321

322 Vote: (Aye – Arias-Bhatia, Erickson, Jones. No – none)

323

324 **#5 a 19) AB 2198 (Levine) Suicide Prevention**

325

326 Mr. Burke informed the Board that this bill would require certain mental health
327 professionals to complete a training program in suicide assessment, treatment, and
328 management. Governor Brown vetoed the bill stating that California has an extensive
329 regulatory scheme that aims to ensure that California physicians, psychologists and
330 counselors are skilled in the healing arts to which they have committed their lives.
331 Rather than further legislating in this field, the Governor asked licensing boards to
332 evaluate the issues which were raised in AB 2198 and take whatever actions are
333 needed.

334

335 Mr. Burke reported that a survey was sent to graduate programs to determine the type
336 of training psychologists receive in this area. The Board received only 15 responses to
337 its survey. It was determined that the survey was not asking questions in the best way
338 to the appropriate audience; psychologists do not receive training in this field during the
339 graduate stage but more so at practicum internships. The survey was re-evaluated and
340 an improved survey was sent to internship directors, clinical internship directors, and
341 practicum locations. The Board is now receiving much more thorough responses that
342 verify psychologists do receive a significant amount of training in the area of suicide
343 prevention as they progress towards licensure. DCA is taking the lead in determining
344 ways to address any potential gaps in mental health provider knowledge in the area of
345 suicide prevention. This information, once finalized, will be shared with the Governor's
346 Office. The complete survey will be shared with the Committee at its May meeting.

347

348 Ms. Jones questioned how the work is being communicated by the Board and DCA, and
349 asked if the results could be posted on the Board's website.

350

351 **#5 a 25) SB 479 (Bates) Healing Arts: ABA**

352

353 Mr. Burke reported this bill would establish the Behavior Analyst Act, vest the Board
354 with the power to enforce the Act, require in part that a person apply for and obtain a
355 license prior to engaging in the practice of behavior analysis, and establish educational,
356 training and application requirements. The bill would also create an advisory committee,
357 and revise the membership of the Board of Psychology.

358

359 Ms. Jones recommended the Committee take no action, allow the ABA Task Force the
360 opportunity to meet in two days to review and consider the bill, and bring the matter to
361 the full Board at its May meeting.

362

363 **#5 a 26) SB 800 (Senate Business, Professions, and Economic Development**
364 **Committee) Regarding Submission of Supervised Professional Experience**
365 **(Business and Professions Code Section 2914(g))**
366

367 Mr. Burke identified this as the Board's Omnibus legislation. The Board adopted a
368 support position at its February meeting. The Assistant Executive Officer will testify in
369 support of this bill on this date.
370

371 It was M(Erickson)/S(Arias-Bhatia)/C to recommend the Board continue to support SB
372 800.
373

374 Vote: (Aye – Erickson, Arias-Bhatia, Jones. No – none)
375

376 **#5 b) Update regarding the California Child Abuse and Neglect Report Act**
377 **(CANRA) and Mandated Reporting – Penal Code Sections 261.5, 288 and 11165.1**
378

379 Mr. Burke reported that the Board asked for an opinion from the Attorney General to
380 determine whether oral copulation and sodomy between minors of like age is
381 reportable. Assemblymember Garcia forwarded the request for the official opinion. It is
382 anticipated that an official opinion may be completed by the summer.
383

384 **#5 c) Regulation Update and Review Recommendations to Full Board**
385

386 **#5 c 1) Title 16, CCR Section 1397.12 – Uniform Standards Related to Substance**
387 **Abuse and Disciplinary Guidelines**
388

389 Mr. Burke reported the Rulemaking File had been submitted to the Department of
390 Consumer Affairs for review. A 15-day notice to modify the language was subsequently
391 noticed to address inconsistent language relative to the authority to suspend a license
392 rather than ordering a cease practice. The language will be presented to the Board in
393 May for approval. The Rulemaking File will then be resubmitted to DCA for review prior
394 to submission to Agency, Department of Finance, and the Office of Administrative Law.
395

396 **#5 c 2) Title 16, CCR, Sections 1388, 1388.6, 1389, 1392 – Examinations, License**
397 **Requirements and Waiver of Exemption. Reconsideration of Examinations,**
398 **Psychologists Fees**
399

400 Mr. Burke reported that the Rulemaking File has been submitted to the Director of the
401 Department of Consumer Affairs for approval, then it will be submitted to Agency. Once
402 approved by Agency, a formal request for an expedited review will be prepared and filed
403 with the Office of Administrative Law.
404

405 **#5 c 3) Title 16, CCR, Sections 1397.60, 1397.61, 1397.62, 1397.67 – Definitions,**
406 **Continuing Education Requirements, Continuing Education Exemptions and**
407 **Exceptions. Renewal after inactive or Delinquent Status**
408

409 **#5 c 3 i) Discussion and Review of Comments Received During the 15-Day Notice**
410 **Period**

411
412 Mr. Burke reported that at its February 26, 2015, public hearing, the Board voted to
413 modify the proposed amendments to raise the cap of traditional continuing education
414 coursework from 18 hours to 27 hours per renewal cycle. 671 public comments were
415 received to the modifications. 622 (93%) of the comments disagreed with the 27-hour
416 cap and requested the continuation of 36 hours of traditional continuing education
417 courses. 32 (5%) of the comments were not related to the second modified language.
418 16 (2%) of the comments were supportive of the proposed modifications. 1 comment
419 suggested a 30-hour cap.

420
421 The Committee questioned whether the matter was to be brought to the full Board for
422 direction at its May Board meeting. Ms. Marks clarified that the Board could either adopt
423 the modifications as noticed explaining why it was rejecting the public comments, or it
424 could make further modifications with another 15-day notice to accommodate the public
425 comments. She asked the Committee if it wanted to make a recommendation to the
426 Board one way or the other.

427
428 Ms. Arias – Bhatia excused herself from the remainder of the meeting.

429
430 It was M(Erickson)/S(Jones)/C to bring the public comments and staff summary to the
431 full Board for its review and consideration.

432
433 Vote: (Aye –Erickson, Jones. No – none)

434
435 Ms. Jones requested the categories in the summary be further broken down into areas
436 of concern/objection.

437
438 **#5 c 4) Title 16, CCR, Section 1380.5 – Filing of Addresses**

439
440 Mr. Burke presented proposed amended regulatory language to allow a licensee to
441 provide an address of record that differs from the current mailing address, and to
442 require a licensee to report to the Board his or her electronic mail address, specifying
443 that a change must be reported to the Board within 30 days of such change.

444
445 It was M(Erickson)/S(Jones)/C to recommend the Board approve for public hearing the
446 proposed amendment as follows:

447
448 **§ 1380.5. Filing of Address.**

449 (a) Each person holding a license as a psychologist shall file with the board his or her
450 address of record, which shall be used as the mailing address for the licensee and shall
451 be disclosable to the public proper and current mailing address, and shall report
452 immediately to the board at its Sacramento office any and all changes of address, giving
453 both his old and new address. The licensee may provide a post office box number or
454 other alternative address as his or her address of record; if a post office box number or

455 other alternative address is used as the address of record, however, the licensee shall
456 also provide a physical business or residential address for the Board's internal
457 administrative use, and not for disclosure to the public.
458 (b) Each applicant and licensee who has an electronic mail address shall provide to the
459 Board that electronic mail address and shall maintain a current electronic mail address,
460 if any, with the Board.
461 (c) Within 30 days after a change of any address above, the applicant or licensee shall
462 report to the Board any and all changes, giving both his or her old and new address(es).
463 (d) Failure to comply with the requirements of this section may subject the licensee to
464 citation or administrative action.

465
466 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
467 Sections 12.5, 27, 136, and 2982 2948, Business and Professions Code

468
469 Vote: (Aye – Erickson, Jones. No – none)

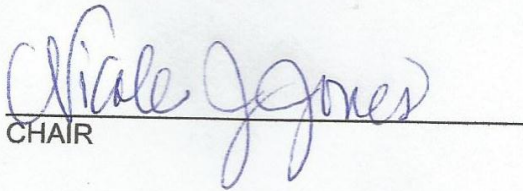
470
471
472 **Agenda Item #6: Recommendations for Agenda Items for Future Committee**
473 **Meetings**

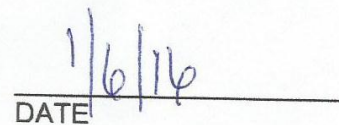
474
475 There were no recommendations for agenda items for future Committee meetings.

476
477
478 **Agenda Item #7: Adjournment**

479
480 Ms. Jones adjourned the meeting at 1:04 p.m.

481


CHAIR


DATE

482