

1 **POLICY AND ADVOCACY COMMITTEE**
2 **MEETING MINUTES**

3
4 Department of Consumer Affairs
5 1625 N. Market Blvd., El Dorado Room (2nd Floor, #220)
6 Sacramento, CA 95834
7 (916) 574-7720

8
9 Ronald Reagan State Building
10 300 South Spring St, Auditorium
11 Los Angeles, CA 90013
12 (213) 897-2243

13 **Teleconference**

14
15
16
17 **Wednesday, April 6, 2016**

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

20
21 Nicole J. Jones, Chairperson, called the meeting to order at 1:04 p.m. A quorum of the
22 Committee was present and due notice had been sent to all interested parties.

23
24 **Members Present:**

25 Nicole J. Jones, Chairperson
26 Michael Erickson, PhD
27 Johanna Arias-Bhatia

28
29 **Others Present:**

30 Antonette Sorricks, Executive Officer
31 Jeffrey Thomas, Assistant Executive Officer
32 Norine Marks – Legal Counsel
33 Sandra Monterrubio, Enforcement Program Manager
34 Karen Johnson, Licensing Coordinator
35 Jacquelin Everhart, Continuing Education/ Renewals Coordinator
36 Jason Glasspiegel, Central Services Coordinator
37 Dr. Elizabeth Winkelman, California Psychological Association
38 Dr. Jo Linder-Crow – California Psychological Association (CPA)
39 Matt McAlear – California Association for Behavior Analysis
40 Ben Triffo, Department of Consumer Affairs, Legislative & Regulatory Review

41
42 **Agenda Item #2: Chair Welcome**

43
44 Ms. Jones welcomed the Committee members and those in attendance both in person
45 and via telephonic connection.

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

48
49 There were no public comments.

50
51 **Agenda Item #4: Approval of Minutes January 6, 2016**

52
53 Ms. Jones requested the middle initial of "J" be added to her name on lines 1 and 25.
54 Dr. Erickson requested lines 132 through 134 read as "M(Arias-Bhatia)/S(Jones)/C to
55 update the Administrative Procedures Manual to include a procedure to include
56 delegation to amend Board positions on bills between Board meetings."

57
58 It was M(Erickson)/S(Arias-Bhatia)/C to accept the January 6, 2016 committee meeting
59 minutes as amended.

60
61 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No – 0

62
63 **Agenda Item #5: Review and Consideration of Legislation**

64
65 **#5 (a) Legislative Matrix**

66
67 Ms. Jones thanked staff for the inclusion of the Legislative Matrix in the agenda items.

68
69 **#5 (a)(1) - AB 796 (Nazarian) Health Care Coverage: Autism and Pervasive**
70 **Developmental Disorders**

71
72 A summary of this bill was read by Mr. Glasspiegel who advised the staff
73 recommendation to the Committee was to recommend that the full Board maintain its
74 "Oppose" position.

75
76 Dr Erickson commented that he approved of the Oppose letter that was issued by Board
77 President Dr. Stephen Phillips.

78
79 Committee members agreed to maintain the "Oppose" position on the bill. No motion
80 was deemed necessary.

81
82 **#5 (a)(2) - AB 1715 (Holden) Healing Arts: Behavior Analysis: Licensing**

83
84 A summary of the bill was read by Mr. Glasspiegel. He also advised that an amended
85 version of the bill had gone to hearing the day prior, and at the hearing, the author
86 advised they are removing the exemption for regional centers due to the
87 recommendation of the Chair of the Assembly Business and Professions Committee.
88 Due to the amendments which addressed all of the concerns communicated in the
89 "Oppose unless Amended" letter Ms. Sorrick, with approval of Ms. Jones and Dr.
90 Stephen Phillips, pulled the Board's opposition to this bill and testified as such at the
91 legislative hearing.

92

93 The amended version of this bill does contain, along with another registration category,
94 a new exemption for public and non-public education agencies.
95

96 Ms. Arias-Bhatia advised the Committee of the frequency in which regional center
97 employees are also certified to work for public/non-public schools, thus addressing a
98 potential back door situation where the same people that were to be exempted as a
99 regional center employee may now be exempt under the public/nonpublic school
100 exemption.
101

102 Dr. Linder-Crow asked about training for school officials that would be exempt from this
103 bill. She was not sure if these people were special education teachers.
104

105 Ms. Sorrick asked about oversight relating to the public/non-public school exemption, if
106 not licensed with the Board of Psychology.
107

108 Mr. McAlear advised that those currently exempt from licensure under the public/non-
109 public school exemption would have oversight through the Department of Education.
110 Mr. McAlear also gave background regarding a prior certification (the BICUM) which
111 was a certification that was given for behavioral training, but has since gone away,
112 leaving each school to train their own employees for behavioral health training.
113

114 The Committee agreed with all of the staff recommended changes with the exception of
115 2999.32(e) and 2999.35(e) regarding defining the education and experience
116 requirements for the Licensed Behavior Analyst, and Licensed Assistant Behavior
117 Analyst. Ms. Marks advised if the language was left in, it allows the Board discretion to
118 use the Behavior Analyst Certification Board (BACB) for verification of education and
119 experience, as long as the standards remain consistent with that of the Board of
120 Psychology. Should BACB change their standards, the Board would be able to take
121 over the review of education and experience. The Committee was adamant that non-
122 public and public agencies under the Department of Education not be exempt from
123 licensure and registration requirements.
124

125 It was M(Ms. Arias-Bhatia)/S(Dr. Erickson)/C to recommend a "Support if Amended"
126 position to the full Board with the recommended changes.
127

128 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No – 0
129

130 It was M(Ms. Jones)/S(Dr. Erickson)/C to delegate the authority to staff and Ms. Arias-
131 Bhatia to relay all recommended technical changes in a meeting with the author's office
132 and the Sponsor of the bill on behalf of the Committee.
133

134 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No – 0
135

136 Attached to the minutes are the Committee's approved recommended changes.
137

138 **#5 (a)(3) - AB 1835 (Holden) Private Postsecondary Education: Exemptions**

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A summary of this bill was read by Mr. Glasspiegel who advised the staff recommendation to the Committee was to recommend the full Board take a Neutral position.

Dr. Erickson asked whether taking a Neutral position would negate our efforts to move away from approved schools.

Ms. Sorrick and Mr. Glasspiegel advised Committee members of a meeting which staff attended between the Department of Higher Education, Department of Consumer Affairs, Bureau for Private Postsecondary Education (BPPE), Board of Psychology, Board of Behavioral Sciences, and the author's office. The meeting was to discuss the possible exemption of psychoanalysis programs that meet specified criteria. It was clear after the meeting that the intent was not to exempt these institutions from oversight completely, but just from the requirement for accreditation.

Due to the explanation, and amendment to the bill which made the appropriate changes to maintain oversight by BPPE, the Committee members chose to watch this bill.

#5 (a)(4) - AB 2017 (McCarty) College Mental Health Services Program

A summary of this bill was read by Mr. Glasspiegel who advised the staff recommendation to the Committee was to recommend that the full Board take a "Support" position.

Dr Linder-Crow advised CPA has taken a "Support" position on this bill. Ms. Jones and Dr. Erickson agreed a support position for this bill should be taken.

It was M(Dr. Erickson)/S(Ms. Arias-Bhatia)/C to recommend a Support position for AB 2017 to the full Board.

Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No – 0

#5 (a)(5) - AB 2086 (Cooley) Worker's Compensation: Neuropsychologists

A summary of this bill was read by Mr. Glasspiegel who advised the staff recommendation to the Committee was to recommend that the full Board take a "Support" position.

Dr. Linder-Crow stated that CPA is co-sponsoring this bill. She provided a background regarding the removal of the option to request a neuropsychologist panel from the Qualified Medical Examination request form with the Division of Workers' Compensation. Dr. Linder-Crow also advised that the bill passed the Insurance Committee on consent today. She asks that we support this bill.

184 It was M(Dr. Erickson)/S(Ms. Arias-Bhatia)/C to recommend a "Support" position for AB
185 2086 to the full Board.

186

187 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No – 0

188

189 **#5 (a)(6) - AB 2443 (Baker) Improving Mental Health Access for Students**

190

191 A summary of this bill was read by Mr. Glasspiegel who advised the staff
192 recommendation to the Committee was to recommend that the full Board take a
193 "Support" position.

194

195 It was M(Ms. Arias-Bhatia)/S(Dr. Erickson)/C to recommend a Support position for AB
196 2443 to the full Board.

197

198 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No – 0

199

200 **#5 (a)(7) - AB 2507 (Gordon) Telehealth: Access**

201

202 A summary of this bill was read by Mr. Glasspiegel who advised the staff
203 recommendation to the Committee was to recommend that the full Board take a
204 "Support" position.

205

206 Ms. Arias-Bhatia asked if this bill has been reviewed by the Telepsychology Committee.
207 Staff responded that the Committee had not discussed the bill.

208

209 It was M(Arias-Bhatia)/S(Jones)/C to send the bill to the Telepsychology Committee for
210 review, and defer to their recommendation for a full Board position.

211

212 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No – 0

213

214 **#5 (a)(8) - AB 2859 (Low) Professions and Vocations; Retired Category; Licenses**

215

216 A summary of this bill was read by Mr. Glasspiegel who advised the staff
217 recommendation to the Committee was to watch this bill as the Board currently has their
218 own language for a retired license pending introduction in the Board's Sunset bill.

219

220 The Committee did not have any questions and agreed to watch this bill.

221

222 **#5 (a)(9) - SB 1033 (Hill) Medical Board: Disclosure of Probationary Status**

223

224 A summary of this bill was read by Mr. Glasspiegel who advised the staff
225 recommendation to the Committee watch this bill, as there is no direct affect to the
226 Board at this time on the Board of Psychology.

227

228 The Committee had no comments and agreed to watch this bill.

229

230 **#5 (a)(10) - SB 1034 (Mitchell) Health care coverage: Autism**

231

232 A summary of this bill was read by Mr. Glasspiegel who advised the staff
233 recommendation to the Committee was to watch this bill.

234

235 Dr. Linder-Crow and Ms. Arias-Bhatia advised of specific concerns related to the review
236 of the treatment plan no more than every six months. Ms. Sorrick advised that the bill
237 does state that should there be a request for a more frequent review by the qualified
238 autism service provider, then it would be approved.

239

240 The Committee had no further comments and agreed to watch this bill.

241

242 **#5 (a)(11) - SB 1101 (Weickowski) Alcohol and Drug Counselors: Regulation**

243

244 A summary of this bill was read by Mr. Glasspiegel who advised the staff
245 recommendation to the Committee was to watch this bill.

246

247 Dr. Linder-Crow advised that CPA has an "Oppose" position on this bill. She advised
248 they have concerns regarding the licensure being under the Department of Public
249 Health. CPA also advises they believe this bill will change from a Title Act to a Practice
250 Act.

251

252 The Committee had no comments and agreed to watch this bill.

253

254 **#5 (a)(12) - SB 1155 (Morrell) Professions and Vocations: Licenses: Military**

255

256 A summary of this bill was read by Mr. Glasspiegel who advised the staff
257 recommendation to the Committee was to watch this bill.

258

259 Dr. Erickson asked if staff knew how many people this would effect. Mr. Glasspiegel
260 advised that it looks like the Board of Psychology has less than 10 a year. Ms. Jones
261 asked if the Department of Consumer Affairs has a position on this bill. Mr. Triffo
262 advised he is unaware of the Department's position on this bill.

263

264 The Committee had no further comments and agreed to watch this bill.

265

266 **#5 (a)(13) - SB 1194 (Hill) Psychology: Board of Psychology: Personnel**

267

268 A summary of this bill was read by Mr. Glasspiegel who advised the staff
269 recommendation to the Committee was to recommend that the full Board take a Support
270 position. Mr. Glasspiegel advised the committee that they have been provided with the
271 draft legislative changes requested by the Board of Psychology.

272

273 Ms. Sorrick advised that she was notified that section 2914 and 2902 of the Business
274 and Professions Code will be amended in this bill to require regional accreditation
275 starting in 2020.

276
277 It was M(Arias-Bhatia)/S(Erickson)/C to recommend a "Support" position for SB 1194 to
278 the full Board.

279
280 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No – 0

281
282 **#5 (a)(14) - SB 1204 (Hernandez) Health Professions Development: Loan**
283 **Repayment**

284
285 A summary of this bill was read by Mr. Glasspiegel who advised the staff
286 recommendation to the Committee was to recommend that the full Board take a
287 "Support" position.

288
289 It was M(Jones)/S(Erickson)/C to recommend a "Support" position for SB 1204 to the
290 full Board.

291
292 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No – 0

293
294 **#5 (a)(15) - SB 1217 (Stone) Healing Arts: Reporting Requirements: Liability**

295
296 A summary of this bill was read by Mr. Glasspiegel who advised the staff
297 recommendation to the Committee was to watch this bill.

298
299 The Committee had no comments and agreed to watch this bill.

300
301 **#5 (b) - Update regarding the California Child Abuse and Neglect Reporting Act**
302 **(CANRA) and Mandated Reporting – Penal Code Sections 261.5, 288, and 11165.1**

303
304 Mr. Glasspiegel gave an overview of the findings from the discussion with the Board of
305 Behavioral Sciences regarding the steps they have taken to disseminate the legal
306 opinion they received regarding CANRA.

307
308 It was M(Jones)/S(Arias-Bhatia)/C to delegate that staff follow up with Assembly
309 Member Garcia's office after Dr. Harlem's letter, which was requested in the last Board
310 meeting, is sent out.

311
312 Vote: 3 Aye (Arias-Bhatia, Erickson, Jones) No – 0

313
314 **#5 (c) - Regulation Update and Review**

315
316 1) Title 16, CCR, Section 1397.12 – Uniform Standards Related to Substance
317 Abuse and Disciplinary Guidelines

318
319 Mr. Glasspiegel advised that the extension for this rulemaking file was approved
320 by the Office of Administrative Law (OAL). The new deadline to resubmit this

321 back to OAL is July 11, 2016. He indicated that the Board will need to post a 4th
322 Modified text for a 15-day notice and that the revisions are currently in process.

323
324 2) Title 16, CCR, Section 1380.5 – Filing of Addresses

325
326 Mr. Glasspiegel advised that this rulemaking file was approved by OAL on March
327 21, 2016. The regulations change will become effective July 1, 2016.

328
329 3) Title 16, CCR, Sections 1387, 1387.1 – Verification of experience, supervision
330 plans

331
332 Mr. Glasspiegel advised that this rulemaking file was noticed for the initial 45-day
333 comment period April 1, 2016. The hearing will take place at the May Board
334 meeting, and that the noticed location will need to be updated through OAL to
335 notice the correct location for the meeting.

336
337 There were no questions or comments from the Committee or public.

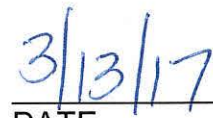
338
339 **#6 Recommendations for Agenda Items for Future Committee Meetings. Note:**
340 **The Board may not discuss or take action on any matter raised during this public**
341 **comment section, except to decide whether to place the matter on the agenda of**
342 **a future meeting [Government Code Sections 11125 and 11125.7(a)]**

343
344 No recommendations were made for future committee meeting agenda items.

345
346 **#7 - Adjournment**

347
348 Ms. Jones adjourned the meeting at 4:25 p.m.

349
350 
351
352 _____
353 CHAIR

354
355
356 
357 _____
358 DATE

359 ENCLOSURE:

360 Staff recommended changes to #5 (a)(2) - AB 1715 (Holden) Healing Arts: Behavior
Analysis: Licensing