

1 **Legislative and Regulatory Affairs Committee**
2 **Minutes**

3
4 **Monday, July 8, 2019**

5
6 Seyron Foo, Committee Chair, called the open session meeting to order at 9:35 a.m. A
7 quorum was present and due notice had been sent to all interested parties.

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9 **Members Present**

10 Seyron Foo, Chairperson
11 Sheryll Casuga, PsyD
12 Stephen Phillips, JD, PsyD

13
14 **Others Present**

15 Antonette Sorrick, Executive Officer
16 Jeffrey Thomas, Assistant Executive Officer
17 Norine Mark, DCA, Legal Counsel
18 Cherise Burns, Central Services Manager
19 Stephanie Cheung, Licensing Manager
20 Sandra Monterrubio, Enforcement Program Manager
21 Jason Glasspiegel, Central Services Coordinator

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23 **Agenda Item #2: Welcome from the Chair**

24
25 Mr. Foo welcomed those in attendance and read the goal of the Legislative and
26 Regulatory Affairs Committee.

27
28 **Agenda Item #3: Public Comment(s) for Items not on the Agenda.**

29
30 No public comment received.

31
32 **Agenda Item #4: Review and Approval of Committee Meeting Minutes: March 18,**
33 **2019**

34
35 Dr. Phillips Requested line 255 be changed to read “the Committee requested staff
36 bring the bill to our OAG liaison on why this bill is needed”. He also requested line 368-
37 369 be changed to read “official department review stage.”

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39 It was M(Phillips)/S(Casuga)/C to approve the minutes as amended.

40
41 No public comment received.

42
43 Vote: 3 ayes (Casuga, Foo, Phillips), 0 no
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45 **Agenda Item #5: Board Sponsored Legislation for the 2019 Legislative Session:**
46 **Review and Potential Action, Recommendations to the Board**

47
48 a. **SB 275 (Pan) – Amendments to Section 2960.1 of the Business and**
49 **Professions Code Regarding Denial, Suspension and Revocation for**
50 **Acts of Sexual Contact**

51
52 Ms. Burns introduced this agenda item. She advised this bill adds sexual behavior to
53 section 2960.1 of the California Business and Professions Code regarding the
54 mandatory proposed decision of an Administrative Law Judge. She stated the bill will be
55 heard tomorrow the 9th in the Assembly Committee on Business and Professions. Dr.
56 Phillips will be testifying tomorrow at the hearing. She confirmed staff met with
57 legislators and staff last week.

58
59 The Committee had no questions or comments.

60
61 Public comment: An anonymous caller asked questions about the current language in
62 2960.1 of the Business and Professions Code and its relation to 10.08 of the APA
63 Ethical Code.

64
65 b. **SB 786 (Committee on Business, Professions and Economic**
66 **Development) Healing Arts – Update on Amendments to Sections**
67 **2940-2944 of the Business and Professions Code Regarding**
68 **Examinations**

69
70 Mr. Foo introduced the agenda item. He advised that two of the requested provisions were
71 not accepted into the Omnibus bill by the Senate Committee on Business Professions and
72 Economic Development. Mr. Foo advised that the remaining provision about exams was
73 accepted and amended into the bill and staff is requesting the Committee support SB 786.

74
75 Ms. Sorrick asked if staff can voice support during the hearing tomorrow or if waiting for the
76 full Board's approval is needed.

77
78 Ms. Marks advised that because the Board has voiced approval of the language prior to it
79 being added into the Bill, then verbal support can be provided during the hearing.

80
81 It was M(Casuga)/S(Phillips) to recommend the Board support SB 786.

82
83 No public comment was received.

84
85 Vote: 3 ayes (Casuga, Foo, Phillips), 0 no

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87 **Agenda Item 6: Review and Consideration of Proposed Legislation: Potential**
88 **Action to Recommend Positions to the Board**

89
90 a. **Review and Consideration of Proposed Legislation: Potential Action**
91 **to Take Positions on Bills**

92
93 1) **Potential Action to Recommend Active Positions to the Board**
94

95 **i. AB 1076 (Ting) Criminal Records: automatic relief.**

96
97 Mr. Foo introduced this agenda item. Ms. Burns provided further information regarding
98 the bill. She specified the sections of the bill that staff have serious concerns with, which
99 is why staff recommended an oppose position. Ms. Burns went into detail regarding
100 concern with loss of information when it comes to petitions before the Board such as
101 petitions for reinstatement.

102
103 Dr. Phillips asked for clarification regarding the carve out for registered sex offenders.
104 Ms. Burns advised while this one random carve out does exist, convictions related to
105 elder abuse or financial crimes would fall off.

106
107 It was M(Phillips)/S(Casuga)/C to recommend the Board take an oppose position.

108
109 No public comment received

110
111 Vote: 3 ayes (Casuga, Foo, Phillips), 0 no

112
113 **2) Potential Action to Recommend the Board Watch Bills**

114
115 **i. AB 798 (Cervantes) Maternal Mental Health.**

116
117 Mr. Foo introduced this agenda item. Ms. Burns advised of the similarity between this
118 bill to a similar one in 2017. Regarding the previous bill, the Board took a Support if
119 Amended position to add language. Requested amendments never made into the
120 legislation and the bill died.

121
122 Ms. Burns advised that staff is recommending the Board watch this bill as this is a pilot
123 program.

124
125 No committee comment or public comment received.

126
127 **ii. SB 660 (Pan) Postsecondary education: mental health**
128 **counselors.**

129
130 Mr. Foo introduced this item. Ms. Burns discussed the bill in further detail.

131
132 No committee comments or public comment.

133
134 **b. Review of Bills with Active Positions Taken by the Board**

135
136 Foo advised the next group of bills have current positions taken by the Board.

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138 **1) AB 1145 (Garcia) Child abuse: reportable conduct.**

139
140 Mr. Foo introduced the bill. Ms. Burns discussed additional details of the bill. She
141 advised the Board has a support position on the bill. At this time the bill is two-year bill
142 and the Board will continue to advocate if the Bill moves next year.

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144 No committee comments or public comment.

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2) SB 53 (Wilk) Open meetings.

Mr. Foo introduced the bill. He advised the Board currently has an oppose position. Ms. Burns went into further detail. She provided the Board's reasoning for the oppose position, and discussed our two-person committee structure, and how all items are brought to the full Board in a public meeting. Ms. Burns advised the hearing for this bill is on Wednesday and Staff will be in attendance.

No Committee comments or public comment.

3) SB 66 (Atkins) Medi-Cal: federally qualified health center and rural health clinic services.

Foo introduced bill and advised the Board currently has a support position.

Ms. Burns went into further detail. She advised staff will continue to support the bill as it moves through the legislature.

No public or committee comment.

4) SB 425 (Hill) Health care practitioners: licensee's file: probationary physician's and surgeon's certificate: unprofessional conduct.

Mr. Foo introduced bill and advised the Board currently has a support position.

Ms. Burns went into further detail. She advised staff will continue to support the bill as it moves through the legislature.

No public or committee comment.

c. Review of Bills with Watch Status

Mr. Foo introduced this agenda item. He asked the committee if they had any specific watch bills that they wanted to discuss. No watch bills were brought forward by the committee.

- 1) SB 163 (Portantino) Health care coverage: pervasive developmental disorder or autism.**
- 2) AB 5 (Gonzalez) Worker status: employees and independent contractors.**
- 3) AB 8 (Chu) Pupil health: mental health professionals.**
- 4) AB 166 (Gabriel) Medi-Cal: violence preventive services.**
- 5) AB 189 (Kamlager-Dove) Child abuse or neglect: mandated reporters: autism service personnel.**
- 6) AB 241 (Kamlager-Dove) Implicit bias: continuing education: requirements.**
- 7) AB 289 (Fong) California Public Records Act Ombudsperson.**

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- 8) **AB 469 (Petrie-Norris) State records management: records management coordinator.**
 - 9) **AB 476 (Rubio, Blanca) Department of Consumer Affairs: task force: foreign-trained professionals.**
 - 10) **AB 496 (Low) Business and professions.**
 - 11) **AB 512 (Ting) Medi-Cal: specialty mental health services.**
 - 12) **AB 565 (Maienschein) Public health workforce planning: loan forgiveness, loan repayment, and scholarship programs.**
 - 13) **AB 577 (Eggman) Health care coverage: postpartum period.**
 - 14) **AB 613 (Low) Professions and vocations: regulatory fees.**
 - 15) **AB 630 (Arambula) Board of Behavioral Sciences: marriage and family therapists: clinical social workers: educational psychologists: professional clinical counselors: required notice.**
 - 16) **AB 744 (Aguiar-Curry) Healthcare coverage: telehealth.**
 - 17) **AB 895 (Muratsuchi) Pupil Mental Health Services Program Act.**
 - 18) **AB 1058 (Salas) Medi-Cal: specialty mental health services and substance use disorder treatment.**
 - 19) **AB 1184 (Gloria) Public records: writing transmitted by electronic mail: retention.**
 - 20) **SB 331 (Hurtado) Suicide-prevention: strategic plans.**
 - 21) **SB 601 (Morrell) State agencies: licenses: fee waiver.**
 - 22) **SB 639 (Mitchell) Medical services: credit or loan.**

217 No committee comment and no public comment.

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219 **d. Review of Two-Year Bills with Watch Status**

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221 Mr. Foo introduced this agenda item. He asked the committee if they had any specific
222 two-year bills that they wanted to discuss. No two-year bills were brought forward by the
223 committee.

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- 1) **AB 71 (Melendez) Employment standards: independent contractors and employees.**
 - 2) **AB 184 (Mathis) Board of Behavioral Sciences: registrants and licensees.**
 - 3) **AB 193 (Patterson) Professions and vocations.**
 - 4) **AB 312 (Cooley) State government: administrative regulations: review.**
 - 5) **AB 396 (Eggman) School employees: School Social Worker Pilot Program.**
 - 6) **AB 536 (Frazier) Developmental services.**
 - 7) **AB 544 (Brough) Professions and vocations: inactive license fees and accrued and unpaid renewal fees**
 - 8) **AB 768 (Brough) Professions and vocations.**
 - 9) **AB 770 (Garcia, Eduardo) Medi-Cal: federally qualified health clinics: rural health clinics.**
 - 10) **AB 1201 (Boerner Horvath) Unfair Practices Act.**
 - 11) **AB 1271 (Diep) Licensing examinations: report.**
 - 12) **AB 1601 (Ramos) Office of Emergency Services: behavioral health response.**

- 244 13) SB 181 (Chang) Healing arts boards.
245 14) SB 201 (Wiener) Medical procedures: treatment or intervention:
246 sex characteristics of a minor.
247 15) SB 546 (Hueso) Unlicensed activity.
248 16) SB 700 (Roth) Business and professions: noncompliance with
249 support orders and tax delinquencies.
250

251 No committee comment and no public comment.
252

253 **Agenda Item #7: Regulatory Update, Review, and Consideration of Additional**
254 **Changes**

- 255 a. 16 CCR Sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10,
256 1391.11, 1391.12, 1392.1 – Psychological Assistants
257 b. 16 CCR Sections 1391.13, and 1391.14 – Inactive Psychological
258 Assistant Registration and Reactivating A Psychological Assistant
259 Registration
260 c. 16 CCR Section 1396.8 – Standards of Practice for Telehealth
261 d. 16 CCR Sections 1381.9, 1381.10, 1392 – Retired License, Renewal of
262 Expired License, Psychologist Fees
263 e. 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 –
264 Continuing Professional Development
265 f. 16 CCR Sections 1394 – Substantial Relationship Criteria; Section
266 1395 – Rehabilitation Criteria for Denials and Reinstatements;
267 Section 1395.1 – Rehabilitation Criteria for Denials Suspensions or
268 Revocations; Section 1395.2 – Disciplinary Guidelines
269

270 Mr. Foo introduced this agenda item. He advised the regulatory package regarding
271 Telehealth is now in a review period.
272

273 Ms. Burns advised the need to discuss item e. She advised on page 13 of the language,
274 staff added (k)(1). This language advises the need to hold the CPD items for specified
275 number of years.
276

277 **§ 1397.61. Continuing Professional Development Requirements. [Effective January 1,**
278 **2021.]**

279 ...
280

281 (k)(1) Each person who applies to renew his or her license shall certify under penalty of
282 perjury that he or she has complied with all the requirements of this section within the
283 licensure period they are currently in and shall maintain proof of compliance for four (4)
284 years from the effective date of the renewal, and shall submit such proof to the Board upon
285 request.
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287 It was M(Casuga)/S(Phillips)/C to recommend that the Board approve the language as
288 amended for public noticing.
289

290 No public comment received
291

292 Vote: 3 ayes (Casuga, Foo, Phillips), 0 no
293

294 **Agenda Item #8: Update on California Psychological Association Legislative**
295 **Proposal Regarding New Registration Category for Psychological Testing**
296 **Technicians**
297

298 Mr. Foo introduced this agenda item. He advised Dr. Winkleman and Dr. Linder Crow
299 are able to speak to this agenda item. Ms. Burns advised this item is to allow the
300 California Psychological Association (CPA) an opportunity to provide an update on the
301 addition of this registration category.
302

303 Dr. Winkleman thanked the committee for the opportunity to speak on this. She advised
304 that CPA plans to seek a legislator to author this bill in the fall.
305

306 **Agenda Item #9: Recommendations for Agenda Items for Future Committee**
307 **Meetings.**
308

309 None received.
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311 **ADJOURNMENT**
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313 The Committee adjourned at 10:51am
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316 _____
317 Chairperson Date