

1 **Legislative And Regulatory Affairs Committee Meeting**

2

3 **Committee Members**

4 Marisela Cervantes, EdD, MPA, Chairperson

5 Sheryll Casuga, PsyD

6 Stephen Phillips, JD, PsyD

7

8 **Board Staff**

9 Antonette Sorrick, Executive Officer

10 Jonathan Burke, Assistant Executive Officer

11 Stephanie Cheung, Licensing Manager

12 Cynthia Whitney, Central Services Manager

13 Sandra Monterrubio, Enforcement Program Manager

14 Liezel McCockran, CPD/Renewals Coordinator

15 Troy Polk, Legislative and Regulatory Analyst

16 Curtis Gardner, Central Services Analyst

17 Sarah Proteau, Central Services Technician

18 Evan Gage, Special Projects Analyst

19 Brittany Ng, Board Counsel

20 Karen Halbo, Regulatory Counsel

21

Friday, June 16, 2023

22

23 **Agenda Item #1: Call to Order/Roll Call/Establishment of a Quorum**

24

25 Dr. Cervantes called the meeting to order at 10:09 a.m. A quorum was present and due
26 notice had been sent to all interested parties.

27

28 **Agenda Item #2: Chairperson's Welcome and Opening Remarks**

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30 Dr. Cervantes offered opening remarks.

31

32 **Agenda Item #3: Public Comment for Items Not on the Agenda. Note: The Board**
33 **May Not Discuss or Take Action on Any Matter Raised During this Public**
34 **Comment Section, Except to Decide Whether to Place the Matter on the Agenda**
35 **of a Future Meeting [Government Code sections 11125 and 11125.7(a)].**

36

37 Dr. Cervantes called for public comment.

38

39 No public comment was offered.

40

41 **Agenda Item #4: Discussion and Possible Approval of Legislative and Regulatory**
42 **Affairs Committee Meeting Minutes: June 10, 2022**

43

44 It was (M)Phillips(S)Casuga(C) to adopt the June 10, 2022, Legislative and Regulatory
45 Affairs Committee meeting minutes.

46
47 Dr. Cervantes called for public comment.

48
49 No public comment was offered.

50
51 Votes: 3 ayes (Casuga, Cervantes, Phillips), 0 noes

52
53 Motion passed.

54
55 **Agenda Item #5: Legislation from the 2023 Legislative Session: Review and**
56 **Possible Action**

57
58 Mr. Polk provided the update on this item.

59
60 **a) Review of Bills for Active Position Recommendations to the Board**

61
62 1) **SB 815 Healing Arts**

63
64 SB 815 would make various changes to the Medical Board of California (MBC) by the
65 Legislature through the Sunset Process. Section 10 of the bill would transfer the
66 registration, regulations, and enforcement of Research Psychoanalysts from the MBC to
67 the Board of Psychology.

68
69 SB 815 would transfer funds collected from the licensing and regulation of Research
70 Psychoanalysts to the Board. Board staff met with MBC staff and requested to delay
71 implementation until January 1, 2025, as the Board is underway with preparations for a
72 new registration category for psychological testing technicians under SB 1428 which
73 was signed into law last year. This delayed implementation would give the Board time to
74 prepare for the additional registration category of Research Psychoanalysts.

75
76 On May 19th, the Board adopted a Support if Amended position. The amendment
77 included the delayed implementation until January 1, 2025.

78
79 The bill passed the Senate and was ordered to the Assembly on May 31st.

80
81 On June 8th, SB 815 was referred to the Assembly Committee on Business and
82 Professions.

83
84 A Support if Amended letter has been submitted to the Committee Members and the
85 Committee Consultant.

86
87 Board staff will continue to monitor this bill.

88
89 No Committee discussion and no public comment offered.

90
91 **b) Bills with Active Positions Taken by the Board**

92

93 1) AB 282 (Aguiar-Curry) Psychologist: Licensure

94
95 AB 282 would revise section 2914 of the Business and Professions Code (BPC) by
96 adding language to allow applicants seeking licensure to be eligible to take the required
97 licensure exams, which include the Examination for Professional Practice in Psychology
98 (EPPP) and the California Psychology Law and Ethics Examination (CPLÉE), at any
99 time after all academic coursework required for a qualifying doctoral degree is
100 completed.

101
102 In addition, this bill would require the Board to revise CCR sections 1388 and 1388(c) to
103 remove the requirements to complete the qualified supervised professional experience
104 hours to be eligible to take the licensure exams.

105
106 On April 7th, the Board adopted an Oppose Unless Amended position. The proposed
107 amendment was to add “as specified by the Board” to section d of the proposed
108 language.

109
110 The bill passed the Assembly and was ordered to the Senate on April 27th.

111
112 On May 10th, AB 282 was referred to the Senate Committee on Business, Professions,
113 and Economic Development.

114
115 On May 12th, an Oppose Unless Amended letter was submitted to the Senate Business,
116 Professions and Economic Development Committee.

117
118 Board staff will continue to monitor this proposal.

119
120 Dr. Cervantes called for public comment.

121
122 No public comment offered.

123
124 2) AB 883 (Mathis) Business Licenses: U.S. Department of Defense SkillBridge
125 Program

126
127 AB 883 proposes that boards under the Department of Consumer Affairs expedite the
128 initial licensure process for an applicant who supplies satisfactory evidence to the Board
129 that the applicant is enrolled in the U.S Department of Defense SkillBridge program.

130
131 SkillBridge allows Service Members to gain civilian experience through specific industry
132 training, apprenticeships, or internships during the last 180 days of service.

133
134 On April 7th, the Board adopted a Support position.

135
136 On May 30th, AB 883 passed the Assembly and was ordered to the Senate.

137
138 On June 7th, AB 883 was referred to the Senate Committee on Business, Professions
139 and Economic Development.

140

141 A support letter was submitted to the Committee, and board staff provided in-person
142 testimony in Support of AB 883 at the Committee hearing on June 12th.

143
144 AB 883 passed the Committee with full support of all Committee members and was
145 referred to the Senate Committee on Military and Veterans Affairs.

146
147 A Support letter was submitted to all Committee members and the Committee
148 Consultant.

149
150 Board staff will continue to monitor AB 883.

151
152 No Committee discussion and no public comment offered.

153
154 3) AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of-
155 interest policy

156
157 AB 996 proposes that boards under the Department of Consumer Affairs develop and
158 maintain a conflict-of-interest policy that would discourage the qualification of any
159 continuing education course if the provider of that course has an economic interest in a
160 commercial product or enterprise directly or indirectly promoted in that course.

161
162 On April 7th, the Board of Psychology (Board) adopted an Oppose position.

163
164 On May 25th, AB 996 passed the Assembly and was ordered to the Senate.

165
166 On June 7th, AB 996 was referred to the Senate Committee on Business, Professions
167 and Economic Development, and a hearing was scheduled for June 12th.

168
169 An Oppose letter was submitted to the Committee, and staff attended the hearing;
170 however, AB 996 was pulled from the agenda at the request of the author and has been
171 rescheduled to June 19th.

172
173 Ms. Sorricks commented that this was a placeholder bill to be amended later, though it
174 had been moving forward with no amendments since March 2023. Ms. Sorricks called for
175 further legal guidance ahead of the August Board meeting.

176
177 Discussion ensued about operational implications, such as what it might mean as far as
178 approving providers.

179
180 Public comment raised the question about what would be considered conflict of interest
181 in individual instances of an author using their own book as reference while teaching an
182 approved course.

183
184 Dr. Phillips commented that a substantial portion of courses have an economic interest
185 that is not so large as to create a conflict of interest but noted that this bill was
186 overbroad in its application of conflict of interest.

187

188 Board Legal Counsel Ms. Ng commented that boards would be required to develop and
189 maintain a conflict-of-interest policy which disqualified a coursework provider which had
190 an economic interest, and also to disclose that conflict of interest. She commented that
191 boards would have flexibility to tailor their own policy in this regard.

192

193 Board staff will continue to monitor AB 996.

194

195 4) SB 372 (Menjivar) Department of Consumer Affairs: licensee and registrant records:
196 name and gender changes

197

198 SB 372 would require each licensing board under the Department of Consumer Affairs
199 (DCA) to update a licensee or registrant's legal name and/or gender when the Board of
200 Psychology (Board) receives government-issued documentation. The bill would prohibit
201 the Board from charging a higher fee for reissuing a document with a corrected or
202 updated legal name or gender.

203

204 This bill was amended so that in the case of licensees or registrants who are changing
205 name and gender, the Board would be required to remove the former name or gender
206 from the online license verification system and treat the former name or gender as
207 confidential.

208

209 The Board would also be required to establish a process to allow a person to request
210 and obtain the confidential information.

211

212 On April 7th, the Board adopted an Oppose position.

213

214 On May 22nd, SB 372 passed the Senate and was referred to the Assembly.

215

216 On May 31st, the Board met with DCA, the author's office, sponsors, and affected
217 boards to discuss possible amendments. DCA proposed technical amendments to
218 address most of the concerns the Board had with the bill.

219

220 On June 12th, the bill was amended to include the technical amendments, and the
221 amended bill text included in the hand carry item.

222

223 Since the Board's concerns were addressed in new amendments, board staff
224 recommends that the Board remove its opposition and continue to watch the bill.

225

226 It was (M)Casuga(S)Phillips(C) to recommend to Board to remove opposition to SB 372
227 and to watch it instead.

228

229 Dr. Cervantes called for public comment.

230

231 Public comment was appreciative of the Committee's recommendation to remove
232 opposition to SB 372.

233

234 Votes: 3 ayes (Casuga, Cervantes, Phillips), 0 noes

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Motion passed.

5) SB 816 (Roth) Professions and vocations

On April 21st, the Board was notified that SB 816 would include proposed fee increases for boards not currently going through sunset, and that the proposed fee increases would be included if there was no significant opposition.

On April 26th, the updated language was submitted to DCA's Legislative Affairs Division.

On May 17th, the Board was notified that SB 816 would be amended once the bill was ordered to the Assembly.

On May 24th, SB 816 passed the Senate and was ordered to the Assembly.

On June 1st, SB 816 was referred to the Assembly Committee on Business and Professions.

Board staff will continue to monitor the bill for amendments as the bill moves through the Assembly.

No Committee discussion and no public comment.

6) SB 887 Consumer Affairs

SB 887 included language that would streamline the application process to allow verification following review of a transcript that clearly indicated in the course title that the specified coursework had been completed.

Additionally, this bill would allow the department chair to act as an additional entity who could provide written certification, in cases where the course title did not adequately indicate the coursework completed.

On May 11th, SB 887 passed the Senate and was ordered to the Assembly.

On May 18th, SB 887 was referred to the Assembly Committee on Business and Professions.

On May 30th, a Support position letter was submitted to all Committee members.

Board staff will continue to monitor this proposal.

No Committee discussion and no public comment offered.

c) Watch Bills

Items 2, 6, and 8 were taken out of order.

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6) SB 331 (Rubio) Child custody: child abuse and safety

The item was informational, but Drs. Phillips and Casuga called for discussion on this item.

Mr. Polk provided the update on this item.

Committee discussion ensued.

It was (M)Phillips(S)Casuga(C) to recommend a support position on SB 331.

Dr. Cervantes called for public comment.

Public commenters were generally in favor of the Committee's decision to support SB 331, but advised caution given the broad implications of the bill to the practice of psychologists with families.

Dr. Phillips suggested CPA provide additional language for Board consideration ahead of the August Board meeting.

Votes: 3 ayes (Casuga, Cervantes, Phillips), 0 noes

Motion passed.

8) SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing

Dr. Cervantes called for discussion on this item.

It was (M)Phillips(S)Casuga(C) to adopt a Support if Amended position on SB 544.

Dr. Cervantes called for public comment.

Public comment questioned the provision in SB 544 requiring individuals 18 years or older to be disclosed as participants in an open meeting.

Ms. Ng commented that this was a long-standing provision, but she was not sure of its original intent.

Ms. Sorrick commented about the potential burden placed on individuals and licensees who take the time to attend online meetings and that by requiring disclosure of individuals who, for example, may simply be in the vicinity of the Board member's office, we would be placing additional restraints on the ability to conduct Board business. She commented further that requiring disclosure of a Member's spouse or partner could be impinging on the privacy of a Member who was participating in a meeting from home.

329 Dr. Phillips commented that while it is never the intention of the Board or its Committees
330 to exclude individuals from a meeting if that individual were to experience technical
331 difficulties, that the business of the day must be allowed to proceed.

332

333 No further Committee discussion and no further public comment offered.

334

335 Votes: 3 ayes (Casuga, Cervantes, Phillips), 0 noes

336

337 Motion passed.

338

339 2) AB 665 (Carrillo) Minors: consent to mental health services

340

341 Dr. Casuga called for discussion on this item.

342

343 Mr. Polk provided the update on this item.

344

345 AB 665 would allow a minor who is 12 years of age or older to consent to mental health
346 treatment or counseling on an outpatient basis, or to residential shelter services, if the
347 minor is mature enough to participate intelligently in the outpatient services or
348 residential shelter services, and without having to present a danger of serious physical
349 or mental harm to themselves or to others, or if the minor is the alleged victim of incest
350 or child abuse.

351

352 This bill would align the existing laws by removing the additional requirement that, in
353 order to consent to mental health treatment or counseling on an outpatient basis, or to
354 residential shelter services, the minor must present a danger of serious physical or
355 mental harm to themselves or to others or be the alleged victim of incest or child abuse.

356

357 The bill is currently in the Senate, and was referred to the Committee on Judiciary, and
358 a hearing was scheduled; however, the hearing was cancelled at the author's request.

359

360 Dr. Casuga recommended a support position of this bill.

361

362 Ms. Sorrick commented that substantive amendments have since been made and
363 suggested having a discussion at the August Board meeting based on the new
364 language.

365

366 No motion was necessary, but staff was requested to follow up on amendments and
367 provide analysis for August Board meeting.

368

369 No public comment offered.

370

371 1) AB 248 (Mathis) Individuals with intellectual or developmental disabilities: The Dignity
372 for All Act

373

374 AB 248 addresses terms that refer to people with intellectual and developmental
375 disabilities using outdated terms like "mentally retarded," "mentally retarded children,"

376 "retardation," and "handicap." The bill revises these terms to read "individuals with
377 intellectual or developmental disabilities", which is more in line with current language
378 referring to people with intellectual and developmental disabilities in a more respectful
379 and accepting way.

380
381 On April 7th, Board Member Dr. Casuga recommended that the Board watch AB 248.

382
383 On May 17th, AB 248 was amended to remove outdated terms missing in the
384 introduction of the bill.

385
386 The bill is currently in the Senate and was referred to the Committee on Human
387 Services.

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389 3) AB 1163 (Rivas) State forms: gender identity

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391 AB 1163 would amend the Lesbian, Gay, Bisexual, and Transgender Disparities
392 Reduction Act to require additional State entities to collect voluntary self-identification
393 information pertaining to sexual orientation and gender identity.

394
395 The State agencies include:

- 396 • The Business, Consumer Services, and Housing Agency
- 397 • The California Health and Human Services Agency
- 398 • The Department of Housing and Community Development
- 399 • The California Commission on Disability Access

400
401 This bill requires that by July 1, 2025, the specified State agencies must revise their
402 public use forms that collect demographic data to be inclusive of individuals who identify
403 as transgender, gender non-conforming, or intersex.

404
405 The bill is currently in the Senate and was referred to the Committee on Rules.

406
407 4) AB 1707 (Pacheco) Health professionals and facilities: adverse actions based on
408 another state's law

409
410 Not taken up for discussion.

411
412 5) SB 58 (Wiener) Controlled substances: decriminalization of certain hallucinogenic
413 substances

414
415 Not taken up for discussion.

416
417 7) SB 373 (Menjivar) Board of Behavioral Sciences, Board of Psychology, and Medical
418 Board of California: licensee's and registrants' addresses

419
420 Not taken up for discussion.

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422 9) SB 802- (Roth) Licensing Board: disqualification from Licensure

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SB 802 would require that applicants for licensure by a DCA program are made aware within 30 days if their license is denied based on a prior criminal conviction.

The bill is currently in the Assembly and was referred to the committee on Business and Professions.

Ms. Sorrick commented on technical issues with online meetings regarding CPD and the time people take off to attend. Called attention to concerns regarding who-all would have to be declared if at a meeting even by happenstance (like spouses at home where attendee is on the meeting).

After discussion of items 6, 8, and 2 in that order, Dr. Cervantes opened the entire item for public comment.

No public comment offered.

Agenda Item #6: Legislative Items for Future Meeting. The Committee May Discuss Other Items of Legislation in Sufficient Detail to Determine Whether Such Items Should be on a Future Committee or Board Meeting Agenda and/or Whether to Hold a Special Meeting of the Committee or Board to Discuss Such Items Pursuant to Government Code Section 11125.4

Dr. Cervantes called for Committee and staff comments.

No Committee or staff comments offered.

Dr. Cervantes called for public comment.

No public comment offered.

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

Mr. Polk provided the update on this item.

a) 16 CCR sections 1391.13 and 1391.14 – Inactive Psychological Associates Registration and Reactivating a Psychological Associate Registration

On May 19th, the proposed regulatory language was accepted by the Board, and the regulatory package continued in the rulemaking process.

Currently, the package is in the drafting phase. This phase includes preparation of the regulatory package and collaborative reviews by board staff and legal counsel.

b) 16 CCR section 1395.2 - Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing Licensees

471 On April 21st, the review of the proposed language was completed by board Staff and
472 legal counsel.

473
474 The proposed new language will be presented to Board Members at the August 18th
475 Board Meeting.

476
477 c) 16 CCR sections 1380.3, 1381, 1381.1, 1381.2, 1381.4, 1381.5, 1382, 1382.3,
478 1382.4, 1382.5, 1386, 1387, 1387.1, 1387.2, 1387.3, 1387.4, 1387.5, 1387.6, 1387.10,
479 1388, 1388.6, 1389, 1389.1, 1391, 1391.1, 1391.3, 1391.4, 1391.5, 1391.6, 1391.8,
480 1391.11, and 1391.12 – Pathways to Licensure

481
482 This package is in the drafting phase, which includes collaborative review between
483 board staff and legal counsel.

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485 d) 16 CCR sections 1380.6, 1393, 1396, 1396.1, 1396.2, 1396.3, 1396.4, 1396.5, 1397,
486 1397.1, 1397.2, 1397.35, 1397.37, 1397.39, 1397.50, 1397.51, 1397.52, 1397.53,
487 1397.54, and 1397.55 - Enforcement Provisions

488
489 This package is in the drafting phase.

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491 e) 16 CCR sections 1397.35, 1397.37, 1397.39, and 1937.40 - Corporations

492
493 This package is in the drafting phase, under collaborative review between board staff
494 and legal counsel.

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496 f) 16 CCR sections 1381, 1387, 1387.10, 1388, 1388.6, 1389, and 1389.1 EPPP-2

497
498 This package is in the drafting phase.

499
500 Dr. Cervantes called for public comment.

501
502 No public comment offered.

503
504 **Agenda Item #8: Recommendations for Agenda Items for Future Board Meetings.**
505 **Note: The Committee May Not Discuss or Take Action on Any Matter Raised**
506 **During This Public Comment Section, Except to Decide Whether to Place the**
507 **Matter on the Agenda of a Future Meeting [Government Code Sections 11125 and**
508 **11125.7(a)].**

509
510 Ms. Sorrick commented on the schedule of upcoming Board and Committee meetings.
511 Dr. Casuga commented on how technological advances may apply to the practice of
512 psychology, such as AI, and that the Committee should consider discussing it at future
513 meetings.

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515 Dr. Cervantes opened the floor for public comment.

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517 No public comment offered.

518

519 **ADJOURNMENT**

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521 The meeting adjourned at 11:53 a.m.

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