

MINUTES OF LEGISLATIVE & REGULATORY AFFAIRS COMMITTEE MEETING
APRIL 11, 2025

Primary Location (Staff):

Department of Consumer Affairs
1625 N. Market Blvd., El Dorado Room
Sacramento, CA 95834

Committee Members

Sheryll Casuga, PsyD, CMPC, Chairperson (remote)
Marisela Cervantes, EdD, MPA (remote)
Shacunda Rodgers, PhD (remote)

Committee Members Absent

None

Board Staff

Jonathan Burke, Executive Officer
Stephanie Cheung, Licensing Manager
Cynthia Whitney, Central Services Manager
Sandra Monterrubio, Enforcement Program Manager
Jacklyn Mancilla, Legislative and Regulatory Affairs Analyst
Troy Polk, Continuing Professional Development (CPD) Coordinator
Anthony Pane, Board Counsel
Sam Singh, Regulatory Counsel

Friday, April 11, 2025

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

Dr. Casuga called the meeting to order at 10:00 am. A quorum was present and due notice had been sent to all interested parties.

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

Dr. Casuga commented on the honor of being the new Chairperson of the Committee, and welcomed the newest Committee Member, Dr. Shacunda Rodgers, to the Committee. She acknowledged the years of service Dr. Cervantes provided in her role as Chairperson, as well.

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

Dr. Casuga called for public comment.

Dr. Trisha Wallis requested that the Committee recommend that the Board take a support position on AB 82, to extend protections to licensees who provide gender-affirming care.

Agenda Item #4: Review and Possible Approval of the Committee Meeting Minutes: June 14, 2024

Dr. Casuga introduced this item, starting on page nine of the meeting materials.

It was (M)Cervantes(S)Rodgers(C) to adopt the Committee meeting minutes from June 14, 2024.

Dr. Casuga pointed out an error on line 142, where 'thought' should be corrected to 'though'.

Dr. Casuga called for public comment.

No public comment was offered.

Votes

3 ayes (Casuga, Cervantes, Rodgers), 0 noes

Agenda Item #5: Legislation from the 2025 Legislative Session: Review and Possible Action

a) Legislative Proposals

1) 2025 Sunset Review Report

Mr. Burke presented this item verbally, summarizing the outcome of the recent Sunset Review Hearing with the Senate Business, Professions and Economic Development Committee and commenting on the upcoming steps.

Dr. Casuga called for public comment.

No public comment was offered.

b) Review of Bills for Review and Consideration for Action Position Recommendation to the Board

Ms. Mancilla provided the update on this item, starting on page 18 of the meeting materials.

90 1) SB 470 (Laird) Bagley-Keene Open Meeting Act: teleconferencing.

91
92 Dr. Casuga called for Committee comment.

93
94 Dr. Cervantes expressed concerns about the safety of Board and Committee Members
95 if they were required to provide access to a publicly noticed location to members of the
96 public, even in instances where this was the Member's personal address.

97
98 Dr. Casuga commented that there would continue to be options to meet in a more
99 secure public setting, and that the incidence of technical issues like internet connectivity
100 or audio/video coverage, or physical considerations like adequate seating and ADA-
101 Compliance could be lessened by using state facilities.

102
103 Mr. Pane commented that current law allows the majority of the Members to appear in
104 one central publicly noticed location while allowing the remaining Member(s) to appear
105 online without disclosing their location(s). He added that SB 470 does not change this,
106 but only removes the sunset date associated with it.

107
108 Dr. Cervantes moved to take a watch position.

109
110 This motion was not seconded and therefore did not carry.

111
112 Dr. Casuga commented that staff is recommending a position of supporting this bill.

113
114 It was (M)Rodgers(S)Casuga to recommend that the Board take a support position on
115 SB 470.

116
117 Dr. Casuga called for public comment.

118
119 Christi van Eyken of the Department of Consumer Affairs Legislative Affairs Office
120 commented that the bill had been amended and would now extend the sunset date to
121 January 1, 2030. She added that the sunset dates are therefore merely being extended,
122 not abolished.

123
124 No further public comment was offered.

125
126 Votes

127 2 ayes (Casuga, Rodgers), 1 no (Cervantes)

128
129 2) AB 677 (Solache) Professions and vocations: license examinations: interpreters.

130
131 Ms. Mancilla provided the update on this item, starting on page 36 of the meeting
132 materials.

134 Dr. Casuga called for Committee comment.

136 Dr. Cervantes asked about potential impacts of this bill on licensees.

138 Dr. Casuga commented that the bill would shift to the board the costs associated with
139 providing interpretive services to an applicant taking the examination.

141 Ms. Mancilla commented that staff had sought clarification in the bill about whether the
142 board would also be responsible for the costs associated with the applicant taking the
143 required Test of English as a Foreign Language (TOEFL). If so, she added, then
144 regulatory changes would be necessary. She said that this bill had already been
145 amended once and could be amended again, so it was not clear what the operational
146 costs to the board might be.

148 Dr. Casuga commented that since the Board falls under Division II, it is exempt under
149 this bill.

151 Mr. Burke commented that, given the recent amendments of this bill and the possibility
152 of future amendments, it made sense to watch the bill without taking a position of
153 support.

155 Dr. Casuga called for public comment.

157 No public comment was offered.

159 3) SB 641 (Ashby) Department of Consumer Affairs and Department of Real Estate:
160 states of emergency: waivers and exemptions.

162 Ms. Mancilla provided the update on this item, starting on page 51 of the meeting
163 materials.

165 Dr. Casuga asked how licensees were to prove they worked or resided within the
166 impacted zones covered by this bill.

168 Ms. Whitney commented that Executive Order N-15-25 provided a specific list of zip
169 codes that fell within its scope, and that staff would not otherwise seek proof of eligibility
170 to waivers or exemptions under this bill.

172 Dr. Cervantes asked whether there had been a fiscal impact to the board as a result of
173 these waivers and exemptions.

175 Ms. Whitney commented that there had been approximately twelve approved waivers.
176 She added that licensees who deferred their renewal fees now would end up paying two

177 years in a row. Licensees had the option of paying now on their regular renewal cycle, if
178 they so chose, rather than deferring payment for a year.

180 Mr. Burke commented that, despite the damage from the wildfires extending across a
181 wide range of zip codes, the fiscal impact to the board has not been tremendously
182 significant, in part because many licensees are not availing themselves of the deferral.

184 It was (M)Rodgers(S)Cervantes to recommend that the Board take a position of support
185 on SB 641.

187 Dr. Casuga called for public comment.

189 No public comment was offered.

191 Votes

192 3 ayes (Casuga, Cervantes, Rodgers), 0 noes

194 c) Bills with Active Positions Taken by the Board

196 1) AB 489 (Bonta) Health care professions: deceptive terms or letters: artificial
197 intelligence.

199 Ms. Mancilla provided the update on the item, starting on page 68 of the meeting
200 materials.

202 Dr. Casuga asked Mr. Burke to comment on the efforts staff made to bring amendments
203 to the authors of this bill.

205 Mr. Burke commented that staff originally took a position to support this bill if amended,
206 and that Assemblymember Bonta's office had been very receptive to the language that
207 staff had introduced.

209 Dr. Casuga commented that she appreciated the addition of language referring to
210 reports and assessments, since this was a part of her own practice, and she wanted it
211 made clear when such products were being delivered by an unlicensed person using
212 artificial intelligence (AI) tools.

214 Dr. Rodgers asked how Enforcement staff would view complaints arising from the use
215 AI technology to impersonate a healthcare professional, especially when the potential
216 violation might have been committed by a company and not an individual.

218 Ms. Monterrubio commented that Enforcement staff were going to rely heavily on
219 assistance from Division of Investigation (DOI) to conduct interviews and collect
220 evidence to determine whether there has been a departure from the standards of care.

221 She added that staff would need to recruit Subject Matter Experts (SMEs) who
222 specialized in AI, but that staff would continue to process these cases the same way
223 they would process any complaint.
224

225 Dr. Casuga commented that since staff can only investigate complaints that are
226 submitted to the board, staff relied on all stakeholders to share what they see in the
227 wider world of psychology practice.
228

229 Ms. Monterrubio amplified Dr. Casuga's comment and added that even if there was not
230 a clear violation, submitting a complaint allowed staff to perform due diligence and
231 investigate the case to be able to make a final determination.
232

233 Dr. Casuga called for public comment.
234

235 Dr. Elizabeth Winkelman of the California Psychological Association (CPA) thanked the
236 Board for its position to support this bill, if amended.
237

238 Dr. Marilyn Immoos of California Department of Corrections and Rehabilitation (CDCR)
239 commented that CDCR is dealing with AI issues as well, and is developing policies and
240 procedures around it. She asked for clarification as to how one might recognize when
241 material had been generated by AI.
242

243 Ms. Monterrubio commented that, since the topic of AI is still so new, and since
244 Enforcement staff are only starting to see cases centering on this technology, it was
245 hard to say how a consumer might identify materials produced using AI tools.
246

247 Doug Cort commented on whether the use of AI raised the question of liability. He
248 added that there should be guidelines for psychologists and practitioners that they might
249 communicate with their patients about the potential risks of using AI for therapy
250 exclusively, or in tandem with a licensed practitioner. He commented that for a patient to
251 rely on both kinds of service at the same time, there might arise a dual relationship
252 situation.
253

254 Dr. Courtney Knapp commented about the use of AI in her own practice, in particular
255 whether using AI-generated prompts to formulate notes fell under the current
256 discussion.
257

258 Dr. Casuga commented that this discussion centered on whether AI tools were being
259 used to impersonate a psychologist in providing therapy, an assessment, or a report,
260 and that Dr. Knapp's use of such tools was not uncommon in the situation she
261 described in her own practice.
262

Dr. Cervantes commented that the Board might consider creating an ad hoc committee to address the recent AI developments, and how these tools are finding their way into different aspects of professional practice.

d) Watch Bills

7) SB 579 (Padilla) Mental health and artificial intelligence working group.

[This item was taken out of order]

Ms. Mancilla provided the update on this item, starting on page 131 of the meeting materials.

Dr. Casuga asked which stakeholders would be considered for the SB 579 working group.

Ms. Mancilla commented that stakeholders were not specified, outside of health organizations and academic institutions.

Dr. Casuga called for Committee comment.

Dr. Cervantes commented further on her previous statement, adding that there could be gaps in the sort of guidance available to licensees if this legislation passed, which could be addressed in an ad hoc committee.

Mr. Burke commented that an ad hoc committee would be comprised of two members, and as such would not be publicly noticed. He added that this Committee was not empowered to create an ad hoc committee, but that the Board President could take such a recommendation under advisement from this Committee.

Dr. Rodgers asked whether this discussion had taken place during the Board's strategic planning process, and if so, suggested that could provide a framework for moving forward.

Dr. Casuga commented that this was the case, and it was either discussed under the Enforcement or Legislation section of the strategic plan.

Dr. Cervantes asked whether a motion should be made to recommend that the Board create an ad hoc committee as discussed.

Mr. Burke commented that he could have a conversation with President Tate about whether this topic could be brought up on the May 2025 Board meeting agenda.

Mr. Pane confirmed Mr. Burke's approach would be best.

Dr. Casuga commented that the Board should support legislation that provided more information regarding the use of AI tools in the provision of mental health care.

Dr. Cervantes commented that she favored a watch position for SB 579.

Dr. Rodgers echoed Dr. Cervantes in favoring a watch position for this bill.

1) AB 81 (Ta) Veterans: mental health.

Ms. Mancilla provided the update on this item, starting on page 84 of the meeting materials.

2) AB 257 (Flora) Specialty care network: telehealth and other virtual services

Ms. Mancilla provided the update on this item, starting on page 87 of the meeting materials.

3) AB 277 (Alanis) Behavioral health centers, facilities, and programs: background checks

Ms. Mancilla provided the update on this item, starting on page 103 of the meeting materials.

4) AB 346 (Nguyen) In home support services: licensed healthcare professionals' certification

Ms. Mancilla provided the update on this item, starting on page 112 of the meeting materials.

6) SB 518 (Weber Pierson) Descendants of enslaved persons: reparations

[This item was taken out of order]

Ms. Mancilla provided the update on this item, starting on page 125 of the meeting materials.

5) AB 742 (Elhawary) Licensing: applicants who are descendants of slaves.

Ms. Mancilla provided the update on this item, starting on page 120 of the meeting materials.

8) AB 479 (Tangia) Criminal procedure: vacatur relief.

Ms. Mancilla provided the update on this item, starting on page 136 of the meeting materials.

9) AB 985 (Ahrens) Health care practitioners: titles: name tags¹.

Ms. Mancilla provided the update on this item, starting on page 151 of the meeting materials.

Dr. Casuga called for Committee comments.

Dr. Cervantes asked if there were generally more issues arising in the field of practice with people using the protected title “Dr.” that was causing more legislative activity to address it.

Ms. Mancilla commented that the bill originally sought to address issues with the use of that title in the field of nursing.

Dr. Casuga commented that the Board watches closely whenever the title of “Dr.” arises in legislation, trying to head off any difficulties that might arise for its licensees if the term is restricted.

No further Committee comment was offered.

Dr. Casuga called for public comment.

Tyler Rinde from California Psychological Association (CPA) commented that CPA asks for a recommendation to the Board to adopt a support position on SB 579. He spoke to Dr. Cervantes’ earlier question about the makeup of the stakeholder workgroup, stating that while CPA did hope the Board would be represented in the workgroup, it was more important that the workgroup move forward even without the Board’s direct participation.

Dr. Zyanya Mendoza echoed Mr. Rinde’s statements as well with those made by Drs. Casuga and Cervantes regarding the membership of the workgroup, adding that she suggested the Board submit an amendment to require the Board’s participation in the workgroup.

No further public comments were offered.

Dr. Cervantes spoke in favor of a motion to recommend that the Board take a position to support SB 579.

¹ The name of this bill changed to “Anesthesiologist assistants” on March 24, 2025, after the agenda had been posted for this meeting.

Dr. Casuga commented that a recommendation to adopt a position to support this bill if amended was closer to the spirit of the discussion.

Dr. Rodgers concurred with Dr. Casuga, on the grounds that the workgroup should certainly include a psychologist.

It was (M)Cervantes(S)Rodgers to make a recommendation to the Board to adopt a support position on SB 579 if it is amended to include a psychologist in the workgroup.

Votes

3 ayes (Casuga, Cervantes, Rodgers), 0 noes

Agenda Item #6: Legislative Items for Future Meeting

Dr. Casuga suggested that AB 82 (Ward) be added for future discussion, as requested by Dr. Trisha Wallis in an earlier public comment.

Dr. Casuga called for further Committee comment.

No further Committee comment was offered.

Dr. Casuga called for public comment.

No public comment was offered.

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

Ms. Mancilla provided the update on this informational item, starting on page 162 of the meeting materials.

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

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

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

d) 16 CCR sections 1397.35, 1397.37, 1397.39, and 1937.40 – Corporations

e) 16 CCR sections 1381, 1387, 1387.10, 1388, 1388.6, 1389, and 1389.1 – Implementation of AB 282

439
440 f) 16 CCR sections 1390 – 1390.14 – Research Psychoanalyst Regulation

441
442 g) 16 CCR section 1396.8 – Standards of Practice for Telehealth Services

443
444 Dr. Casuga called for public comment.

445
446 No public comment was offered.

447
448 **Agenda Item #8: Recommendations for Agenda Items for Future Board Meetings**

449
450 Dr. Casuga recommended that Dr. Rodgers lead a mindfulness exercise at the next
451 committee meeting.

452
453 Dr. Cervantes commented that, if an ad hoc committee is formed to investigate the
454 ways AI might be affecting the field of practice, it could be an information item at a
455 future meeting.

456
457 Dr. Casuga called for public comment.

458
459 Dr. Doug Cort requested that the Board advocate for providers being able to receive
460 reimbursement for telehealth from Medicare.

461
462 **ADJOURNMENT**

463
464 The meeting adjourned at 1:30 pm.

465
466 Mr. Polk commented that attendance at the meeting provided 6 hours of CPD credit
467 under Category 1.

468
469