

Journal

***** The California Department of Consumer Affairs, Board of Psychology Newsletter *****

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President's Message



SEYRON FOO, PRESIDENT

Seyron Foo, Board of Psychology

We come upon one year since the world radically changed in response to the pandemic. Despite the hardship and challenges brought by this global public health emergency, the Board has remained steadfast in our mission to protect consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession.

I want to take this opportunity to welcome Ana Rescate, who joins the Board as an appointee of Governor Gavin Newsom. Ms. Rescate brings to the Board deep expertise in multimedia and community affairs, drawing from her experience in various communication roles in her career. She currently is an LGBTQ communications specialist at Stanford University's PRIDE Study, the first large-scale, long-term national health study of people who identify as lesbian, gay, bisexual, transgender, queer, or another sexual or gender minority (LGBTQ+). The study seeks to answer how being an LGBTQ+ person influences physical, mental, and social health.

A resident of the Bay Area, Ms. Rescate believes that all people have a right to be themselves without fear, and this philosophy is a through-line in various communications roles throughout her career. The credence that people deserve to tell their own stories underpins Ms. Rescate's work. She earned her Master of Business Administration in marketing from Baker College and a Bachelor of Fine Arts in film and television from New York University's Tisch School of the Arts. We are absolutely delighted to welcome Ms. Rescate, who attended her first Board meeting in November.

The Board will continue to hold its meetings virtually, at minimum through the summer, as we continue to respond to the coronavirus pandemic. Our Board meetings are public and we welcome the opportunity for your participation during the public comment period. People interested in the Board's meeting dates and agenda can visit www.psychology.ca.gov/about_us/meetings.

At our February Board meeting, we announced the creation of the ad hoc Committee on Examination for Professional Practice in

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Psychology (EPPP), chaired by Dr. Sheryll Casuga. Dr. Casuga previously chaired the Board's EPPP Task Force. Dr. Harb Sheets, chair of our Licensure Committee, will also join the Committee. I will join as the third member of the Committee.

The Committee will monitor national developments regarding the use of the EPPP Part 2 Skills exam, which has been launched in other jurisdictions. California is not an early adopter of the EPPP Part 2 Skills exam and the Board has no plans to be an early adopter. The EPPP Part 2 is not a requirement for licensure. The Committee will work to ensure that the Board's requests to the Association of State and Provincial Psychology Boards (ASPPB) are met. This includes a request to ASPPB to make available

to the Board and the California Department of Consumer Affairs' Office of Professional Examination Services data from beta testing from participating jurisdictions to evaluate the validity of the enhanced EPPP. The Committee will meet publicly, post agenda items, and provide opportunities for interested stakeholders to attend—virtually or in person, dependent on the conditions of the pandemic.

As a Board, we are able to conduct our business because of our staff and our partners at the Department of Consumer Affairs and Department of Justice. I admire their adaptability to meet the ever-evolving changes due to the pandemic and reiterate the Board's gratitude to our staff and partners.

Stop, Drop, and Roll: What to Do When There's Fire

By Shacunda Rodgers, Ph.D., Board Member, Board of Psychology

Stop, drop, and roll: These are the three things every child is taught to do if their clothes ever catch on fire. But what do we do as adults when our country is metaphorically aflame? 2020 brought us challenges too numerous to name, asking more of us than we ever anticipated giving. Similarly, the dawning of 2021 brought chaos, confusion, uncertainty, and distress as the pandemic escalated out of control in our state, and the political climate, too, escalated to a fever pitch.

So, how do we find meaningful ways to care for ourselves in these continually overwhelming times? During a talk given by psychotherapist and meditation teacher Ruth King, she used the phrase, “turn in and drop down.” After hearing that, I added one of my own: “open up.” But, before we can do any of these things, I go back to our childhood training and suggest that we must stop first. For a moment, or even a few moments, we have to stop what we are doing. Stop watching the news. Stop scrolling on social media. Stop reading blog posts. Stop listening to the chatter of others. Stop talking. Stop everything. This creates stillness, spaciousness, and allows our minds, hearts, and bodies to settle. And it is when we stop that we can do as Ruth King suggests—turn inward.

When we turn inward, we can examine what's there—really seeing the narratives we have, the judgments that might be present, the various emotional states at work, and perhaps those things lurking in the shadows of our awareness that we'd rather not see. By turning inward and acknowledging the presence of it all, we give it all permission to be here—as Dr. Marsha Linehan says, “clinging to nothing, pushing away nothing.” It's simply what is in this moment.

The second step of our childhood fire safety training is to drop: drop to the ground. Ruth King says, “drop down.” To where? For me, it's a dropping down beneath the narrative, thoughts, judgments, and emotions that are present and getting in touch with the felt sense of how all these things show up in the body. The angst you feel, where and how does that make itself known physically? A clenched jaw? Stomach discomfort? Tension in your neck or shoulders? How's your breathing? Smooth and steady? Short and halting? Again, no matter what you find, it all gets to be there—felt, known, and validated. Do this form of inquiry for any aspect of your awareness that makes itself visible during your moments of turning inward. The body is the container for all our lived experience and has meaningful

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answers for us if we simply drop in the question. A useful way of thinking about it, as mindfulness teacher Vinny Ferraro says, is to drop beneath the story and into the sensation.

The last part of our childhood fire safety training is to roll: over and over and back and forth until the flames are out. As adults, perhaps we can R.O.L.L. instead: Refrain (and remain), open (our hearts), listen (with curiosity), and love (across differences). This last step is a call to action to lead with compassion. Dr. Kristin Neff says, “With self-compassion, we give ourselves the same kindness and care we’d give to a good friend.” In 2021, I am asking myself and those around me to widen the circle of compassion to also include those who are different from us or have different values than we have. It seems to be the path that allows me to soften and extend understanding, which helps to build bridges instead of erecting barriers between us. Consider the following:

Refrain from reacting impulsively to what you may see or hear and remain with it instead, allowing yourself to notice how what you’re experiencing shows up in the body. Again, check for the felt sense instead of fleeing what’s uncomfortable.

Open your heart to the suffering that may be present beneath the surface. Even if we don’t understand the perspective of another, opening our hearts to say, “I care about your suffering” can, again, help to turn toward another instead of away.

Listen with curiosity. As psychologists, I will assume that we are all good at this! Let’s take this same approach to really listen with our full selves to those we may differ from, showing genuine curiosity, concern, and most notably, care. We may learn something that we might have otherwise missed if we were closed off.

Love across differences. For me, this is where the “heart” of the work is. This is about honoring one another as fellow human beings on this path of life. While we may all have our differences, we each have a shared humanity as living, breathing beings on this planet we all call home. We all want to live a life of ease, to be free from harm and danger, and to be well physically and emotionally. The practice of lovingkindness suggests that the simple act of sending another a silent wish for wellbeing makes our own hearts more tender. And, with the harsh edges of reality in the world, we could all use an extra dose of tenderness. This practice allows us to care for ourselves through caring for one another.

So, there you have it—Stop, Drop, and Roll: The Adult Version. I sure hope some of these musings will stay with you and that you will make good use of them as you traverse your own life’s path. May you each be safe and well, and may you be held in compassion along the way.





Psychological Assessments During the Pandemic: Practice Adaptations Across the State

By Sheryll Casuga, Psy.D., Board Member, Board of Psychology

For almost a year now, California psychologists have faced the unprecedented challenge of adapting their practices to meet the needs of diverse consumers during this pandemic. I have been amazed by the remarkable ability of many psychologists to rise to this challenge as essential workers. It was outstanding to see how so many psychologists who have never done telehealth in the past have embraced learning a whole new modality of rendering psychological services in a relatively short amount of time in order to provide continuity of care and timely access to services. It has been extra challenging for psychologists who perform psychological assessments to adapt their practice, given validity considerations of different test measures.

I had the pleasure of learning from various psychologists working up and down the state on ways they adapted to the needs of their community, from autism assessors practicing near the Oregon and Nevada borders to asylum evaluators working near the Mexican border. Here are some of the ways in which psychologists modified their practices during this pandemic:

Health and safety adaptations—Many psychological assessments can only be administered in person, such as neuropsychological batteries for a traumatic brain injury or for a disability claim. There have been additional expenses, particularly for psychologists in private practice, to transform their offices in accordance with COVID-19 safety guidelines, using plexiglass barriers and rooms with connecting one-way mirrors to allow for the safe administration of in-person psychological assessments. In a more rural area of the state, a psychologist created a temporary tent office in a secluded backyard that provides appropriate privacy to conduct observation-based

evaluations for young children who are unwilling or unable to keep on a facial mask. The outdoor tent office briefly served its purpose for a couple of months until wildfires brought about unsafe air conditions.

There are psychologists who may not have as much control over their work environment, however, such as those working in hospitals and forensic settings. For instance, some forensic settings are set up for remote evaluations while others have minimal safety provisions, such as facial masks for the inmate and nothing else. Given the surge in cases and outbreaks happening across the state, it is essential for psychologists to get information on COVID-19 infection rates and review the institution's safety protocols before performing in-person psychological evaluations.

Technological adaptations—Psychological tele-assessments flourished during the pandemic as many psychologists spent the early months researching tests that can be validly administered remotely and practicing these tests until they can comfortably administer them through technology. This was not an easy task for many psychologists who are not technically savvy, but many were able to transition into a remote practice and were able to broaden their practice beyond their local area. Psychologists who perform tele-assessments should be aware, however, that the technology requirement for some of these tests creates disparities in access. Consumers who do not have access to internet or a computer may not be able to participate in a tele-assessment. Psychologists may need to work with agencies that can provide technological assistance to consumers, such as providing a quiet room and computer with internet access for the duration of the evaluation.

Increased education, training, and consultation—Many psychologists have made the most of their time staying safe in their homes by taking more continuing education courses online. This may be a good time to learn a new assessment tool that can be administered remotely. There are psychology training webinars on various topics provided by universities all over the country, some of which



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are free or at a discounted rate. Peer consultation has been helpful, particularly for me, in connecting with other psychologists. I have a biweekly virtual consultation group with a few psychologists wherein we talk about cases but also provide each other with emotional support. I also participate in a statewide virtual group consultation of other psychologists doing the same work as I do wherein we exchange ideas and discuss current trends in the field.

The need for psychological assessments continued if not increased during this pandemic. I am impressed by the thoughtful ways psychologists across the state adapted their practices to meet the needs of consumers. I do not know how long until this pandemic will be under control or how the practice of psychology will look like post-pandemic, but I am hopeful that the growth we all had during this time will help us adapt to whatever lies ahead.



IN LOVING MEMORY OF FAITH TANNER, PSY.D. (1967-2020). DR. TANNER WAS AN EXCEPTIONAL CALIFORNIA-LICENSED PSYCHOLOGIST WHO PERFORMED PSYCHOLOGICAL ASSESSMENTS.





Association for State and Provincial Psychology Boards—Certemy Access

By Lavinia Snyder, Examination Coordinator, Board of Psychology

Effective October 15, 2020, the Association for State and Provincial Psychology Board (ASPPB) implemented a new pre-registration system called Certemy. Access to this system is by invitation-only from the Board of Psychology. Eligible candidates approved to take the Examination for Professional Practice in Psychology (EPPP) will receive an email notification directly from Certemy to create a profile and complete their registration.

Candidates who have not received notification are encouraged to check your spam/junk mail or contact the Board's Examination Coordinator Lavinia Snyder at lavinia.snyder@dca.ca.gov to request a new EPPP workflow assignment. A new assignment can only be granted if an applicant's eligibility has not expired or withdrawn. Candidate eligibility is determined by the Board's Licensing Unit. For any questions regarding eligibility, please call (916) 574-7720, ext. 3, or email boplicensing@dca.ca.gov.

When accessing Certemy, it is best to use Google Chrome, Safari, Firefox, or Microsoft Edge. Before logging in, it is advisable that candidates clear their browser history and ensure that there are no security measures in place that can block the site from operating properly. Using home internet is usually the best option. If you have any issues accessing the new system, please first visit <https://certemy.com/asppbcandidates> for helpful hints and videos. Certemy can also provide support via email at support@certemy.com.

Once the candidate has accessed Certemy, they are required to complete the registration in its entirety before they can schedule their exam. This

includes certifying completion of the Candidate Acknowledgement Statement, reading the Candidate Handbook, and paying their exam fee. Those that successfully complete their registration will be directed to Pearson Vue to schedule their exam. It is important to note that the option to view exam dates prior to paying is no longer allowed by ASPPB and once the exam fee is paid, refunds are no longer available.

Applicants are given a year to pay and schedule their exam. Once eligibility expires via the Board and/or Certemy, applicants will need to resubmit a new application for licensure to the Board. The licensure application is available on the Board's website at www.psychology.ca.gov/forms_pubs/application.pdf.

For applicants who need to retake the EPPP, candidate scores must be reported to the Board first before a new eligibility is created. Scores are reported to the Board every Wednesday by ASPPB. For those who failed the EPPP, new exam eligibility records are automatically generated by the Board and sent to Certemy every Thursday. Please be aware that the Board can generate 40 or more eligible candidates per week. Allow ASPPB/Certemy at least 24 hours to process those records. Candidates should be able to access their new assignment by Friday. Candidates no longer have the option to request retakes directly from ASPPB/Pearson Vue.

For more frequently asked questions about the Certemy system, visit the Board's website at www.psychology.ca.gov/applicants/asppb_portal.shtml.



Our Commitment to Inclusion: Request for Accommodations for Persons with Disabilities

By Lavinia Snyder, Examination Coordinator, Board of Psychology

The Board of Psychology is committed to the full inclusion of all qualified individuals. As a part of this commitment, we encourage candidates with a disability to contact us. The Board will work with people with disabilities to provide reasonable accommodations. If a reasonable accommodation is needed during the application process, please contact the Board either by phone at (916) 574-7720, ext. 3, by email at boplicensing@dca.ca.gov, or by completing the Request for Accommodation form that is available on the Board's website at www.psychology.ca.gov/forms_pubs/adaform.pdf. Applicants can mail or email the form directly to lavinia.snyder@dca.ca.gov.

Applicants should also review and consider the following:

- 1) Exam accommodations can only be processed if the applicant has applied to the Board and is eligible to take the exam.
- 2) Request a reasonable accommodation as described above from the Board before scheduling an exam—the Examination for Professional Practice in Psychology (EPPP) or California Psychology Law and Ethics Exam (CPLEE).
 - a. EPPP—Applicants (with an accommodation approved by the Board) can register, request accommodation, and schedule their exam through Certemy, the registration portal for the EPPP. Note that applicants who schedule their exam first and request accommodation with the Board after will not have the ability to apply any accommodations until their existing exam is cancelled. This is a new process established by the Association of State and Provincial

Psychology Boards. EPPP exam cancellations are done through Pearson Vue. Email a copy of the cancellation notice and a request for a new EPPP assignment with accommodations to lavinia.snyder@dca.ca.gov.

- b. CPLEE—Exam accommodations are applied automatically provided that the accommodation approval has not expired, and the applicant is eligible to take the CPLEE. Accommodations are sent directly to PSI, Inc. (the testing vendor) by the Board.
- 3) Accommodation approvals are valid one year from the date of approval unless the disability is deemed permanent by the evaluator.
- 4) Approval of an accommodation can be applied to both exams, provided the exams are taken before the accommodation expires. Once an accommodation expires, applicants must submit a new request to the Board.
- 5) Accommodation approvals do not extend a candidate's exam eligibility period. Exam eligibility expires one year from the date of approval. Unless the applicant qualifies under the Department of Consumer Affairs' Waiver Extending Time to Satisfy Examination Requirements. For more information about waiver requirements, please visit the Board's website at www.psychology.ca.gov/covid/index.shtml. Any questions regarding exam eligibility must be directed to the Board's Licensing Unit at (916) 574-7720 ext. 3, or via email at boplicensing@dca.ca.gov.

For more questions regarding accommodations, email the Board's Examination Coordinator at lavinia.snyder@dca.ca.gov.



The Neighborhood Justice Program: A Relational Response to Crime

Michael Evans-Zepeda, Psy.D., City Attorney's Office, Los Angeles, Neighborhood Justice Program

The Neighborhood Justice Program (NJP) is one of many community-based initiatives created by Mike Feuer, the Los Angeles city attorney, to reshape how a governmental prosecutorial agency engages with the numerous public safety challenges a city like Los Angeles faces. NJP and other programs underneath the Community Justice Initiative (CJI), such as the Dispute Resolution Program (DRP), the Homeless Engagement and Response Team (HEART), the LA Diversion Outreach and Opportunities for Recovery (LA DOOR) program, and the Prostitution Diversion Program (PDP) among others, view these challenges from a relational perspective. It is, in part, this relational perspective, where crime is viewed as a rupture in our interconnectedness, that makes NJP and the other programs so effective. Through a broad overview of NJP, I will explore how this relational perspective is implemented and some of the results created by it.

NJP is a diversionary program based on restorative justice principles and handles a variety of misdemeanor offenses at the pre-filing and post-filing stages. It gives participants the opportunity to go through a community-based intervention instead of the traditional criminal justice system and avoid the possibility of a misdemeanor conviction while repairing the potential harm to the community caused by the offense. Participants must take responsibility for their actions, go through a panel process, and complete co-created obligations within a two-month time period for their case to be closed. Once participants' cases have been closed, they are invited to participate in the program as a volunteer.

The panel process is at the heart of NJP. The panel consists of a participant, a trained facilitator, three volunteer community panelists, the victim when available, and an administrative coordinator (AC). Generally, all members of the panel sit in a circle, shoulder to shoulder, without tables or other physical obstructions between them. The intentional positioning of the members of the panel in a circle begins to lessen the inherent power dynamics and

reminds us of our shared humanity. Currently, NJP has adopted a virtual format via videoconferencing due to the pandemic. The facilitator opens the panel by going over the confidentiality of the process and the basic format of the conversation to follow.

The panel conversation occurs in four main parts: 1) getting to know the participant and/or victim; 2) what happened and why from the participant and/or victim's perspective; 3) what was the harm caused by the participant's choices and to whom, and; 4) how we can repair the harm. Getting to know the participant and/or victim is one step in humanizing the process. Open-ended questions are asked, and the participant and/or victim are given the space to share as much or as little as desired. Commonality with, and understanding of the other, is sought by the panelists. We begin to explore what might be some of the root causes to the event and the harm caused by it. The next phase of the conversation explores what happened from the participant's and/or victim's perspective and why. Details and reasons often range from clear and concise to blurred or nonexistent on a case-by-case basis. We ask ourselves to sit in the discrepancies between the police report depicting the event and the participant's and/or victim's recollection. In the process, we are not tasked with fact-finding. We are tasked to engage in deep active listening.

In the third phase of the conversation we, starting with the participant, name the potential harms created by the participant's choices. We examine how the event ripples out and affects all of us and the community in different ways. We also include the impact on the participant. By doing this, we break down the concepts of "us" and "them" and move deeper into operating from a relational framework of simply "us" as an interconnected community. The last phase of the process is exploring how we repair the harm and co-create obligations for the participant to complete within a two-month period of post-panel engagement. If we have listened well,

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these obligations are created out of the conversation organically and activate our capacity for creative problem solving. Obligations are individualized to each participant on a case-by-case basis and can range from community service to letters of reflection and/or apology to other creative solutions. We do not want to over- or under-burden the participant, and during this process we ask ourselves to hold the dynamic tension between compassion and accountability. At the end of the two-month engagement period, participants show proof of completion of the agreed-upon obligations or the case is returned for prosecution.

Initially, participants qualified for NJP if they committed a narrow range of eight misdemeanor offenses and had no previous convictions. Due to the effectiveness of the program, participants are now eligible from a wide range of misdemeanors and individuals with previous convictions are deemed eligible on a case-by-case basis. Participants are all adults, ranging in age from 18 to approximately 93 years of age. Participants also represent a wide range of socioeconomic classes and racial/cultural identities with a majority of the participant population skewing to the 18 to 25 age range, lower to median socioeconomic class, and Latino demographics.

All the participants in the panel process are volunteers. The only exception is the AC who is a paid employee of the City Attorney's Office. The program cannot function without the ongoing participation of the volunteer community members. Panelists and facilitators all go through required trainings, fingerprinting, and background checks to volunteer with NJP. There are close to 200 active panelists every month in order to cover each panel location. NJP has trained over 400 volunteers to date. Volunteers also represent a wide range of age, socioeconomic classes, and racial/cultural identities with a majority of the volunteer population skewing toward middle to older age range, median to upper socioeconomic class, and White demographics.

The ACs, who are trained in motivational interviewing, implicit bias, intergroup relations, and effective questioning, also serve a key role in the program's functioning and success. The AC makes initial contact with each participant, breaks down the program, completes a risk and needs assessment, schedules and attends the participant's panel, maintains contact with participants post-panel, and returns cases for filing if necessary. To be successful in their role, ACs must be adept at building and maintaining relationships, community engagement, data management, and program development, along with other areas of expertise. They also provide the containing relational space for the process to unfold and must protect it when necessary.

What are the results of this process? We first look at quantifiable and then qualitative results. The primary measures that can be quantified are recidivism rates and overall cost per case. NJP tracks recidivism over a two-year period at six-, 12-, 18-, and 24-month intervals. The NJP database is fluid and recidivism percentages have a degree of variance depending on when data is processed. With that being said, the recidivism rate for NJP participants is generally around 4% to 5% with a variance of approximately 0.5%. Compare this with the potential recidivism rate for felonies from 35% to roughly 50%. Granted, there may be a margin of error in comparing recidivism rates between misdemeanor and felony offenses. Misdemeanor recidivism rates data is not as widely available for direct comparison purposes. Due to this, NJP engaged an independent third party to track a cohort of successfully completed NJP participants and convicted misdemeanor offenders over a two-year period. NJP participants' recidivism rate was approximately three to five times lower than the convicted misdemeanor offender's recidivism rate¹. These are promising results though they can also be skewed due to case type, severity, case selection process, etc.

The next quantifiable data that can be measured to a degree is the overall fiscal cost per case to taxpayers and defendants. There is a high level

¹ NJP recidivism data and source material provided by Jose A. Egurbide, Assistant to the Chief of the Criminal and Special Litigation Branch, Senior Assistant City Attorney, Office of the Los Angeles City Attorney.



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of complexity in calculating an accurate cost per crime or judicial case. When we consider per case or per crime cost, we must factor in multiple variables including, but not limited to, the following: court personnel costs, police personnel costs, prosecutorial costs, public defender costs, length and duration of case costs, and potential long-term costs of recidivism. The combination of all these factors would most likely lead to a relative high cost per case when compared to NJP. Secondly, we must consider the immediate and potential ongoing cost of a misdemeanor conviction to our participants. Our current misdemeanor system inflicts multiple fiscal penalties on individuals and can be viewed as a way to monetize low-level offenses. These financial burdens can lead to individuals spending time in jail or probation as they struggle to pay off the debt, thus creating a greater overall fiscal cost to all of us for a low-level offense. For one man, as PBS NewsHour highlights, the impact a misdemeanor conviction has on his ability to be employed remains long after his initial conviction and consequent restitution. The difficulty he or she experiences in getting and maintaining employment is not uncommon.

NJP and programs like it avoid or minimize these potential costs. To get a rough determination of the per-case cost for NJP, we need to take into consideration the salaries of six ACs, one legal clerk, and one supervising attorney along with other miscellaneous costs. We would then divide the total operating cost of NJP by the total number of cases resolved to get an approximate cost per resolved case. The NJP average cost per participant is approximately \$710. This represents an average savings of 83% when compared to the \$4,277 cost of a typical misdemeanor case in California². Secondly, NJP provides two primary benefits to participants: There is no financial burden to go through the program, and there is no risk of a misdemeanor conviction nor the long-term consequences that follow a conviction. These benefits provide a stark contrast to the previously explored costs.

What are some of the qualitative results? Participants complete an exit survey after each panel. Participants frequently report they enjoy the NJP process, feel respected, valued, and understood. Due to having multiple participants become volunteer panelists, I imagine those positive results and impact of the program would continue over time for other individuals. Due to budgetary and staffing constraints, the ability to track survey results over the same two-year period as recidivism is limited. The panel process gives us an opportunity to model healthy ways of being in relationship, especially when in conflict and holding each other accountable. Any disagreements among panelists are resolved in front of the participant, further modeling the individualized nature of the process. All parties are changed when we engage in a relational process with courage and vulnerability. Volunteers often express how they have become better people through their involvement in NJP and the panel process. My own ability to be in relationship has also grown, matured, and developed both personally and professionally. I come from a family system that did not provide healthy examples of how to be in conflict, relationship, or community. Participants and volunteers have modeled for me the courage, vulnerability, and commitment it takes to be deeply engaged in community and relationship. I often feel that I have gained more from my experience with them than they may have from me. Other ACs report similar experiences of growth and development.

Restorative justice is not a new concept nor are programs based on it. It does, though, provide a much-needed shift from our hyper-individualistic notion of justice and reminds us of our interconnectedness. If these concepts resonate with you, I invite you to find out more about NJP at www.lacityattorney.org/njp and consider volunteering. NJP operates at the intersection of mental health and criminal justice reform. NJP and programs like it need the support and skill sets trained mental health professionals can offer.

² NJP average cost per participant data and source material provided by Jose A. Egurbide, Assistant to the Chief of the Criminal and Special Litigation Branch, Senior Assistant City Attorney, Office of the Los Angeles City Attorney.



The Association of Psychology Postdoctoral and Internship Centers' Call for Action—Grant Proposals to Address Training and Education

By Allison Aosved, Ph.D., and Jeff Baker, Ph.D.

The events of 2020—global pandemic, racial pandemic, social inequities, and continued divisions have illustrated how much work there is needed to mitigate the impact of the pandemics and systemic racism and inequality. To further this critical work, the Association of Psychology Postdoctoral and Internship Centers' (APPIC) board of directors put forth two calls to action to the health service psychology (HSP) education and training community.

The first call to action requested proposals on equity, inclusion, diversity, and social responsiveness. The profession of HSP has defined diversity as a competency area that is applicable across doctoral, internship, and postdoctoral levels of training. Systemic racism, inequality, and disparities persist, and true change is needed to achieve equity, inclusion, diversity, justice, and social responsiveness in the HSP education and training community. The APPIC board of directors believes that elevating voices and strong practices from the HSP training community will benefit everyone in our community in addressing the racism pandemic.

The second call to action was a request for proposals on tele-supervision and tele-training. The current COVID-19 public health crisis is unparalleled, and the impact is significant, multipronged, and ongoing. Disruptions to HSP training in the U.S. and Canada, at all points in the education to workforce pipeline, have occurred, will likely endure, and possibly worsen. Similarly, it is likely there will be continued COVID-19 impacts on health service delivery, education, training, travel, in-person meetings, and public gatherings. The APPIC board of directors is aware that the HSP education and

training community has already responded to COVID-19 with creativity and innovation regarding remote, distance, and tele-based education, training, service provision, and supervision. Further, the APPIC board of directors believes that shared strategies and practices, across programs and institutions, will reduce stress and confusion and may improve outcomes for all with regard to meeting American Psychological Association and Canadian Psychological Association accreditation standards as well as APPIC membership criteria for internship and postdoctoral programs. The APPIC board of directors believes that shared innovations and better practices from the HSP training community will benefit everyone in our effort to provide high quality HSP education and training amidst a global pandemic.

To advance these efforts, APPIC will fund up to \$5,000 per program (to total no more than \$50,000 for each Request for Proposal (RFP) and a sum total of \$100,000 across both RFPs) to support projects that develop and disseminate reusable and ongoing tools and products that focus on 1) combatting systemic racism, inequality, and disparities and/or elevating justice, equity, diversity, and inclusion or 2) technology, innovation, tele-supervision, and tele-training. These tools are meant to be shared with the HSP training community.

The submissions will be reviewed in early spring. The project will be evaluated, and future funds may be available for a second round of funding in 2022. Please visit the APPIC website (www.appic.org) to review more information about the grants, and the first round of awardees will be notified in early 2021.



Explanation of Disciplinary Language and Actions

Gross negligence: An extreme departure from the standard of care.

Incompetence: Lack of knowledge or skills in discharging professional obligations.

Public letter of reproof: Formal discipline that consists of a reprimand of a licensee that is a matter of public record for conduct in violation of the law.

Accusation: A formal, written statement of charges.

Stipulated settlement of decision: The case is formally negotiated and settled prior to hearing.

Surrender: To resolve a disciplinary action, the licensee has given up his or her license, subject to acceptance by the Board of Psychology.

Suspension from practice: The licensee is prohibited from practicing or offering to provide psychological services during the term of suspension.

Revoked: The right to practice has ended due to disciplinary action.

Revocation stayed, probation with terms and conditions: “Stayed” means the revocation is postponed. Professional practice may continue so long as the licensee complies with specific probationary terms and conditions. Violation of any term of probation may result in the revocation that was postponed.



Administrative Citations:

October 1 to December 31, 2020

None for unlicensed individuals.

Disciplinary Actions:

October 1 to December 31, 2020

SURRENDER

Leon F. Seltzer, Ph.D.

Psychologist License No. PSY 9596, Del Mar

Dr. Seltzer stipulated to the voluntary surrender of his license following a June 11, 2020, decision by the Board that placed his license on probation for five years, and which allowed him to request the voluntary surrender of his license if he ceased practicing or was otherwise unable to satisfy the terms and conditions of probation. The surrender took effect October 9, 2020.

Steven Herrick, Ph.D.

Psychologist License No. PSY 10338, Fallbrook

Dr. Herrick stipulated to the voluntary surrender of his license following a May 15, 2020, decision by the Board that placed his license on probation for five years, and which allowed him to request the voluntary surrender of his license if he ceased practicing or was otherwise unable to satisfy the terms and conditions of probation. The surrender took effect October 19, 2020.

Jacqueline S. Smith

Psychologist License No. PSY 29190, Elk Grove

Dr. Smith stipulated to the surrender of her license after the Board filed an accusation, which alleged she committed gross negligence by engaging in sexual misconduct with a patient, was convicted of a crime substantially related to the practice of psychology, and violated the standards of ethical conduct relating to the practice of psychology. The surrender took effect October 21, 2020.

Michelle Harris Wierson, Ph.D.

Psychologist License No. PSY 14659, Avondale Estates, GA

Dr. Wierson stipulated to the surrender of her license after the Board filed an accusation, which alleged the cause for discipline imposed on her license to practice psychology in Georgia constitutes grounds for disciplinary action. The surrender took effect October 15, 2020.

Thomas Michael Smith, Psy.D.

Psychologist License No. PSY 22707, Dixon

Dr. Smith stipulated to the surrender of his license after the Board filed an accusation, which alleged he committed gross negligence by engaging in sexual harassment when making inappropriate sexual comments, inappropriate nonverbal behavior, and requesting intimate physical contact, as well as by questioning patients about sexual topics utilized by those who have specific training in sex therapy

interventions even though he has no such training, failing to take reasonable steps to avoid harm, and attempting to disclose confidential information without patient consent and through an unsecure form of communication with clients. Additionally, Dr. Smith failed to provide records to the Board, and failed to maintain, store, and retain complete records. The surrender took effect October 15, 2020.

William W. Martin, Ph.D.

Psychologist License No. PSY 9840, San Clemente

Dr. Martin stipulated to the surrender of his license after the Board filed an accusation, which alleged he committed gross negligence by entering into multiple relationships with patients, committing dishonest acts such as instructing one or more subordinates to mislead certain third parties and submitting or causing to be submitted requests for clinical laboratory testing that misrepresented the requesting health care provider, failing to maintain accurate records, failing to adequately document suicidal statements by a patient or any corresponding clinical intervention, failing to adequately document contact with prior or adjunct treatment providers, failing to document a patient's drug use or abuse behaviors, or the patient's history thereof; maintaining incomplete clinical patient forms, failing to maintain a copy of behavioral agreements entered into with a patient; failing to adequately obtain



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agreement regarding charges and fees, or document discussions thereof; practicing beyond the scope of his competence by communicating medication use instructions; failing to adequately obtain or document informed consent; and failing to adequately or promptly review and sign clinical documentation pertaining to services rendered by persons purportedly operating under his supervision. Additionally, Dr. Martin entered into or maintained multiple relationships that could reasonably be expected to impair his objectivity, competence, or effectiveness, or otherwise risked exploitation or harm. The surrender took effect November 26, 2020.

Tracy Pobuda, Psy.D.

Psychologist License No. PSY 22221, Palm Desert

Dr. Pobuda stipulated to the surrender of her license after the Board filed an accusation, which alleged she was convicted of a crime substantially related to the qualifications, function, or duties of a psychologist, and used alcoholic beverages to the extent, or in such a manner, as to be dangerous and injurious to herself or to any other person or the public. The surrender took effect November 29, 2020.

Daniel A. Fuselier, Psy.D.

Psychologist License No. PSY 20830, San Luis Obispo

Dr. Fuselier stipulated to the surrender of his license after the Board filed an accusation, which alleged he was convicted of a crime substantially related to the qualifications, function or duties of a psychologist, and used alcoholic beverages to the extent, or in such a manner, as to be dangerous to himself, any other person, or the public, or to an extent that this use impaired his ability to perform the work of a psychologist with safety to the public. The surrender took effect December 3, 2020.

PROBATION

Jennifer Banta, Ph.D.

Psychologist License No. PSY 20473, San Francisco

Dr. Banta stipulated to placing her license on probation for four years, and is subject to its revocation if she fails to comply with the terms and conditions of probation, after the Board filed an accusation that alleged she was convicted of a crime substantially related to the qualifications, functions, or duties of a psychologist; used alcoholic beverages to the extent, or in such a manner, as to be dangerous to herself, any other person, or the public, or to an extent that this use impaired her ability to perform the work of a psychologist with safety to the public; and failed to report to

the Board within 30 days of her conviction. The decision and order took effect October 9, 2020.

Charnea M. Campbell, M.A.

Psychological Assistant
Registration No. PSB 94025736,
Rancho Cucamonga

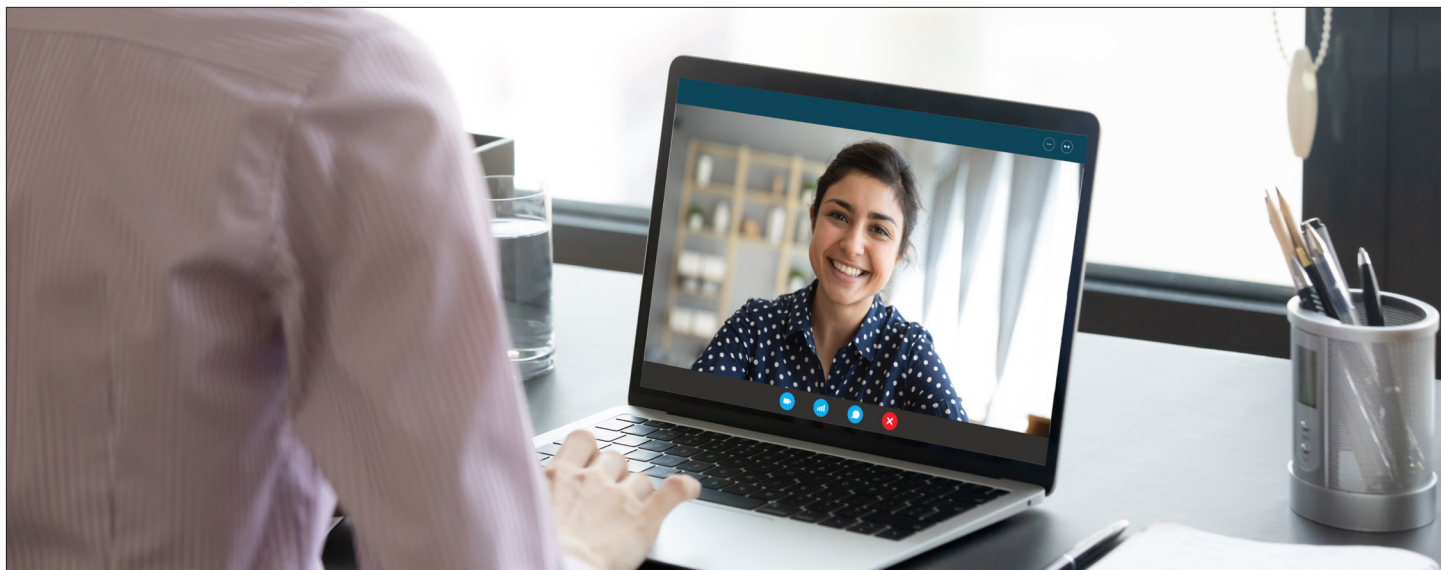
Ms. Campbell stipulated to placing her registration on probation for five years, and is subject to its revocation if she fails to comply with the terms and conditions of probation after the Board filed a Statement of Issues that alleged she was convicted of a crime substantially related to the qualifications, functions, or duties of a psychologist; committed a dishonest, corrupt, or fraudulent act or acts; and committed an act or acts, which if done by a licensee would be grounds for revocation or suspension of a license. The decision and order took effect November 21, 2020.

PUBLIC LETTER OF REPROVAL

Ellen J. Balis, Ed.D.

Psychologist License No. PSY 18031, Berkeley

Dr. Balis stipulated to the issuance of a public letter of reproof against her license, with terms, after the Board filed an accusation that alleged she failed to ensure the psychological assistant she supervised held an unexpired registration when providing psychological services. The order took effect December 6, 2020.



Regulatory Update

Below are the Board's pending regulatory changes and their status in the formal rulemaking process.

Title 16, California Code of Regulations (CCR) sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, 1392.1—Psychological Assistants

Status: Initial Review Phase. This phase includes reviews by the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency before formal Notice of Public Hearing with the Office of Administrative Law.

This regulatory package does the following:

Conforms CCR to statutory changes made in SB 1193 (Hill, Chapter 484, Statutes of 2016), which requires psychological assistants to obtain a single registration with the Board, to be renewed annually. This registration will be independent from their supervisor(s) or employer(s) but does not remove the requirement that psychological assistants practice only under supervision. Additionally, the proposed regulatory language is to avoid duplication as to who pays the psychological assistant registration fee, as this is already specified in statute.

Title 16, CCR section 1396.8—Standards of Practice for Telehealth

Status: Notice of Modified Text. The Board considered the comments received during the 45-day comment period at the November 2020 Board meeting and made amendments to the language. The modified text went through a 15-day comment period that ended on December 22, 2020. The Board is scheduled to review the comments received at their meeting in February 2021.

This regulatory package does the following:

Establishes standards of practice for telehealth by licensed California psychologists and psychology trainees to an originating site in this state, to a patient or client who is a resident of California who is temporarily located outside of this state, and to clients or patients who initiate psychological health care services while in this state, but who may not be a resident of this State to improve access to psychological care for underserved populations and to support clients or patients between regularly scheduled office visits or while they are temporarily located outside of this state.

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Title 16 CCR sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67—Continuing Professional Development

Status: Notice of Modified Text. The Board considered the comments received during the 45-day comment period at the November 2020 Board meeting and made amendments to the language. The modified text went through a 15-day comment period that ended on January 6, 2021. The Board will review the comments received at their meeting in February 2021.

This regulatory package does the following:

Changes the continuing education guidelines and requirements that must be completed by licensed psychologists from the continuing education (CE) model to the broader continuing professional development (CPD) model.

Title 16 CCR sections 1381.9, 1381.10, 1392—Retired License, Renewal of Expired License, Psychologist Fees

Status: Initial Review Phase. This phase includes reviews by the Department of Consumer Affairs, and Business, Consumer Services and Housing Agency before formal Notice of Public Hearing with the Office of Administrative Law.

This regulatory package does the following:

Adopts section 1381.10 in Division 13.1 in the California Board of Psychology's regulations and be titled "Retired Status." This proposal would allow a licensee to apply to have their license placed in a retired status.

Title 16 CCR sections 1394, 1395, 1395.1, 1392—Substantial Relationship Criteria, Rehabilitation Criteria for Denials and Reinstatements, Rehabilitation Criteria for Suspensions and Revocations

Status: Board staff submitted the final package to the Office of Administrative Law on August 27, 2020, and the package was approved on Tuesday, February 9, 2021.

This regulatory package does the following:

Brings the Board into compliance with the upcoming changes to the law and, to the extent possible, maintains adequate consumer protections by ensuring Board licensees are fit to practice independently with potentially vulnerable consumer populations.

2020 Advisories

LEGISLATIVE ADVISORY

Assembly Bill 1145 (Cristina Garcia, Chapter 180, Statutes of 2020)—Child abuse: reportable conduct.

OPERATIVE DATE OF LEGISLATION: JANUARY 1, 2021

Attention Board stakeholders:

AB 1145 (Cristina Garcia, Chapter 180, Statutes of 2020) was signed by Governor Gavin Newsom on September 26, 2020, and took effect January 1, 2021.

For the purposes of the Child Abuse Neglect Reporting Act, this law will revise the definition of sexual assault to no longer include any acts under Penal Code sections 286 (sodomy), 287 or former section 288a (oral copulation), and section 289 (sexual penetration), if committed voluntarily and if there are no indicators of abuse, unless the conduct is between a person 21 years of age or older and a minor who is under 16 years of age.

IMPLEMENTATION:

The Board does not have any implementation activities associated with AB 1145.

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**AB 2113 (Low, Chapter 186, Statutes of 2020)—
Refugees, asylees, and special immigrant visa
holders: professional licensing: initial licensure
process.**

OPERATIVE DATE OF LEGISLATION: JANUARY 1, 2021

Attention Board stakeholders:

AB 2113 (Low, Chapter 186, Statutes of 2020) was signed by Governor Gavin Newsom on September 27, 2020, and took effect January 1, 2021.

AB 2113 added Business and Professions Code section 135.4, which requires boards and bureaus under the Department of Consumer Affairs (DCA) to expedite the initial licensure process for the following applicants:

1. Refugees pursuant to section 1157 of title 8 of the United States Code.
2. Those granted asylum by the secretary of Homeland Security or the attorney general of the United States pursuant to section 1158 of title 8 of the United States Code.
3. Individuals with a special immigrant visa that has been granted a status pursuant to section 1244 of Public Law 110-181, Public Law 109-163, or section 602(b) of title VI of division F of Public Law 111-8.

The law also grants boards and bureaus some additional flexibility when processing these initial applications by authorizing them to assist applicants to be processed in an efficient manner.

IMPLEMENTATION:

The Board is working with DCA to make necessary changes to forms and the BreZE licensing system to properly process applications pursuant to the operative date of this law.

**AB 2253 (Low, Chapter 279, Statutes of 2020)—
Professional licensure.**

OPERATIVE DATE OF LEGISLATION: JANUARY 1, 2021

Attention Board stakeholders:

AB 2253 (Low, Chapter 279, Statutes of 2020) was signed by Governor Gavin Newsom on September 29, 2020, and took effect January 1, 2021.

This law clarifies that in a training setting exempt from registration with the Board pursuant to either the Health and Safety Code, Penal Code, or Welfare and Institutions Code, experience that constitutes qualifying experience for licensure, means experience that meets the requirements of 2914(d) of the California Business and Professions Code. Specifically, the section specifies that individuals:

Have engaged for at least two years in supervised professional experience under the direction of a licensed psychologist, the specific requirements of which shall be defined by the board in its regulations, or under suitable alternative supervision as determined by the board in regulations duly adopted under this chapter, at least one year of which shall be after being awarded the doctorate in psychology.

Please be aware, this bill does not change the Board's existing authority in reviewing qualifying experience necessary for licensure pursuant to our laws and regulations. The Board does not grant or extend waivers authorized under the Welfare and Institutions Code, the Penal Code, or the Health and Safety Code. Individuals will need to contact the department issuing the waiver with any questions.

IMPLEMENTATION:

The Board does not have any implementation activities associated with AB 2253.

Below is a list of Exempt Settings and Authorizing Statute, for clarity.

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EXEMPT SETTING TYPE	AUTHORIZING STATUTE	WAIVER GRANTING ENTITY	WAIVER LIMITATION
California Department of Corrections and Rehabilitation (CDCR) facilities, Department of State Hospitals facilities	Penal Code section 5068.5	CDCR	4 years (from the date employment commences) and only for the purposes of gaining qualifying experience required for licensure. Note: extensions may be granted to employees with extenuating circumstances (1 year) and part-time employees (proportional to the extent of part-time employment), but not exceeding 5 years total.
California Department of Public Health (CDPH) licensed facilities under Health and Safety Code (HSC) section 1250 et. seq.	Health and Safety Code section 1277(b)	CDPH	4 years (from the date employment commences) and only to the extent necessary to qualify for licensure. Note: extensions may be granted to employees with extenuating circumstances (1 year) and part-time employees (proportional to the extent of part-time employment), but not exceeding 5 years total.
Local mental health programs	Welfare and Institutions Code section 5751.2(d)	Department of Health Care Services	5 years (from the date of employment/contract) and only for the purposes of gaining experience required for licensure.



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Senate Bill 1474 (Committee on Business, Professions, and Economic Development), Chapter 312, Statutes of 2020—Business and Professions.

OPERATIVE DATE OF LEGISLATION: JANUARY 1, 2021

Attention Board stakeholders:

SB 1474 (Committee on Business, Professions, and Economic Development, Chapter 312, Statutes of 2020) was signed by Governor Gavin Newsom on September 29, 2020, and took effect January 1, 2021.

This bill makes changes to the Board section of the Business and Professions Code (section 2920) as follows:

The statutory authority of the Board is extended until January 1, 2022.

IMPLEMENTATION:

The Board does not have any implementation activities associated with SB 1474.

Board Members

Seyron Foo (President)
 Lea Tate, Psy.D. (Vice President)
 Sheryll Casuga, Psy.D.
 Marisela Cervantes
 Julie Nystrom
 Stephen Phillips, J.D., Psy.D.
 Ana Rescate
 Shacunda Rodgers, Ph.D.
 Mary Harb Sheets, Ph.D.

2021 Meeting Calendar

BOARD

May 21	Webex
August 27	Webex
November 18-19	Sacramento

LEGISLATIVE AND REGULATORY AFFAIRS COMMITTEE

March 19	Webex
June 11	Webex

LICENSURE COMMITTEE

July 16	Webex
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OUTREACH AND COMMUNICATIONS COMMITTEE

September 23	Webex
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