

Journal

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

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President's Message

Stephen C. Phillips, J.D., Psy.D., Board of Psychology

Welcome to the winter 2020 edition of the California Board of Psychology *Journal*. The Board's mission is to protect consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession.

Since I last wrote, the Board held its annual election of officers. The president of the Board for 2020 is Mr. Seyron Foo. Mr. Foo has been a public member of the Board since 2017 and is the chair of the Legislative and Regulatory Affairs Committee, formerly the Policy and Advocacy Committee. He also serves on the Licensure Committee and the Sunset Review Committee, the committee working to prepare for the state Legislature's regular review of the purpose and performance of the Board. Mr. Foo is the vice president of public policy and governmental relations at an organization devoted to its many members, comprised of foundations, philanthropic organizations, and other grant makers in California. He has extensive experience in legislative affairs having previously worked as a key legislative aide to the state Senate majority leader and holds a master's degree in public affairs from Princeton's Woodrow Wilson School. He capably served as vice president of the Board in 2019. It was wonderful working with him more closely this year.

Our other incoming officer for 2020 is Dr. Mary Harb Sheets, a San Diego-area psychologist and licensed member of the Board. She will assume the responsibilities of the Board's vice president. She is currently a member of the Licensure Committee. Dr. Harb Sheets' distinguished career has spanned a variety of pursuits, including as a former faculty member at Alliant International University, San Diego, as a consultant, and, most prominently, as a practicing clinician. She is the former chair of the Ethics Committee of the California Psychological Association. She joined the Board in 2018. Both Mr. Foo and Dr. Harb Sheets are highly capable and well positioned to lead the Board's policy and advocacy efforts in the year ahead. I am confident they will make a wonderful leadership team.

In other news, Dr. Sherryl Casuga, of the Bay Area, has been reappointed for a second term on the Board by Governor Gavin Newsom. Dr. Casuga, a staff psychologist for a regional center and

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a sports psychologist, is currently a member of the Board's Legislative and Regulatory Affairs Committee. She ably served as the chair of the EPPP-2 Task Force, which presented recommendations to the Board on the subject of the yet-to-be-adopted Enhanced EPPP. She is also the chair of the Applied Behavioral Analysis Task Force. As a more recently licensed psychologist than the remainder of the licensed Board members, she brings a refreshing and thoughtful voice to the Board's discussions and deliberations. Dr. Casuga originally joined the Board in 2017.

The Board recently held a meeting in San Diego on October 3-4. It was an action-packed meeting with two lengthy hearings on a petition for early termination of probation and a petition for reinstatement of a license. Other subjects addressed included: the potential consumer confusion as to licensed psychologists, licensed educational psychologists, and school psychologists, each of which are regulated by different state bodies; the current legislation impacting consumers of psychological services, the Board's licensees, and Board operations; implementation of changes in the enforcement process related to child custody evaluations; and a variety of other topics as to policy and board operations.

After four years as president of the Board, I will be returning to the ranks as the new leadership team takes the reins on January 1, 2020. It has been a tremendous honor to serve in the role of president. I have received wonderful support from my fellow Board members, past and present, in particular, my

fellow "old timer" and dear friend Dr. Jacqueline Horn, our hugely gifted and dedicated Executive Officer Antonette Sorrick; our institutional memory and long-serving Assistant Executive Officer Jeffrey Thomas; our inimitable and endlessly helpful Board counsel Norine Marks; our splendid and erudite managers, Sandra Monterrubio, Stephanie Cheung, and Cherise Burns; the remarkable and dedicated staff of the Board; and the encouraging and highly capable Christopher Castrillo and Karen Nelson in the Office of Board and Bureau Services at the Department of Consumer Affairs. I am thankful for this wonderful opportunity to have been of service to the consumers of psychological services, our licensees, and California. It has been one of the most remarkable and meaningful chapters in my career as a psychologist and as an attorney.

I will continue to be a member of the Board in 2020, where I currently serve as chair of the Enforcement and Telepsychology committees, and as a member of the Legislative and Regulatory Affairs and Sunset Review committees. I look forward to continuing to be a part of such a remarkably thoughtful and hardworking Board.

The Board hopes that you have a wonderful 2019 holiday season. The Board expresses its gratitude to its hardworking staff and management team for their outstanding work and dedication. Without their too often unacknowledged efforts, the Board would be unable to move forward toward a better future for consumers of psychological services and the profession of psychology. And to all of you—happy holidays!

Loan Repayment Programs Available to You

By Norlyn Asprec, Executive Director, Health Professions Education Foundation

Interested in paying off your student loan debt? Here are two loan repayment programs for psychologists:

- Licensed Mental Health Services Provider Education Program: Individuals can receive up to \$15,000 in loan repayment. <https://oshpd.ca.gov/loans-scholarships-grants/loan-repayment/lmhspep/>
- California State Loan Repayment Program (SLRP): If working in a health professional shortage work area, eligible health care providers can receive up to \$50,000 in loan repayment. www.oshpd.ca.gov/HWDD/SLRP.html



Legislator Profile



DR. RICHARD PAN

Dr. Richard Pan is a pediatrician and former University of California, Davis, educator who represents the Sacramento region. He chairs the Senate Committee on Health and the Budget and Fiscal Review Subcommittee on Health and Human Services. Dr. Pan also serves on the Senate Committee on Business, Professions and Economic

Development. Dr. Pan was first elected to the state Assembly in 2010, and was elected to the Senate (District 6) in 2014 and re-elected in 2018.

This year, Dr. Pan authored Senate Bill 275, sponsored by the Board of Psychology, to ensure that appropriate boundaries are respected in the relationship between a psychotherapist and their client. Specifically, the bill adds sexual behavior with a client or former client (within two years following termination of therapy) to the list of violations that would require an administrative law judge's proposed decision to include an order of revocation. Under this bill, sexual behavior means inappropriate contact or communication of a sexual nature for the purpose of sexual arousal, gratification, exploitation, or abuse, but would not include the provision of appropriate therapeutic interventions relating to sexual issues.

Sexual behavior in the psychotherapist-client relationship by the licensed professional is one of the most flagrant ethical violations possible, as it violates the duty of care inherent in a therapeutic relationship, abuses the trust of the client, and can create harmful, long-lasting, emotional and psychological effects. Dr. Pan will continue to champion SB 275 for consumers in 2020.

Dr. Pan has also worked tirelessly to protect the health and welfare of California's residents by supporting policies that enhance consumer access to health and mental health care, enhance grant programs that encourage healing arts professionals to work in underserved communities, and strengthen oversight over medical exemptions to bolster community immunity from preventable contagions.

Dr. Pan has devoted his career to keep our communities safe and healthy by solving problems and helping everyone in the community. Prior to serving in the Legislature, Dr. Pan was a UC Davis faculty member and director of the Pediatric Residency Program, where he created a nationally recognized service learning curriculum—Communities and Health Professionals Together—to build partnerships between health profession students and neighborhoods to build healthier communities. Dr. Pan also cofounded and served as chair of Healthy Kids Healthy Future, where he helped secure health, dental, and vision coverage for over 65,000 children in the Sacramento area.

Phone Scammers Targeting Psychologists Top Five Ways to Spot a Scam

By American Psychological Association Legal and Regulatory Affairs staff

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Psychologists are reporting increased calls from phone scammers who use licensure threats or book fake appointments to steal money from providers. In one scenario, phone scammers pretending to be agents from the Drug Enforcement Agency (DEA) tell psychologists that their license has been revoked as a result of an investigation by the Department of Justice. The scammers recite the call recipient's license and national provider numbers (NPI) and offer

to reinstate the license if the call recipient pays them with bank information over the phone or by wiring money to an account.

Another scam involves someone calling—usually from out of state—asking to book an appointment and wanting to pay out-of-pocket in advance. The caller sends a check, often for more than the agreed upon rate. After the recipient cashes the check, the caller either cancels the appointment and asks for a total refund or asks for the difference for the “accidental”

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Phone Scammers Targeting Psychologists (continued from page 3)

overpayment. The scam is that the cashed check is no good—but it takes the bank a few days to figure that out—so the psychologist ends up paying the fake patient with their own money.

To protect yourself and your money, here are five things to remember about phone scams:

- Federal agents will never call you demanding payment over the phone. Hang up.
- Professional licenses are regulated by the state Board, not federal law enforcement agencies.
- Licenses are suspended or revoked only after due process, or in extreme cases by emergency action by a state enforcement agency. If you're in trouble, you will probably not first be informed over the phone by someone purporting to be a federal agent.
- New patients will not likely be eager to pay you in

advance by check, especially if you've never met.

- Callers may try to sound legitimate by having your license and NPI numbers. Remember that this information is easily found online.

According to the Federal Trade Commission, fraud cost people [\\$1.43 billion last year](#). As people become savvy to the swindles out there, scammers are becoming more cunning in their attempts to take your hard-earned money. And new technology makes it harder to differentiate fact from fiction. Con artists may use “spoofing” software, for example, causing caller ID systems to display a false number that might trace back to a state or federal agency.

If you receive a call from a scammer or believe you have been a victim of a phone scam, you can file a report with the [Federal Trade Commission](#). If someone has called you claiming to be an agent with the DEA, you may file a report with [the agency](#).

Cultural Diversity and Adaptation to Prison Life

By Marilyn Immoos, Ph.D., Senior Psychologist Specialist, California Department of Corrections and Rehabilitation, Statewide Mental Health Program, Mental Health Training Unit

The study of cultural diversity takes on special meaning in working with patients in a prison population. Understanding some of the important psychosocial factors associated with the types of environment to which each individual has had to adapt during his or her development presents very interesting challenges, as well as enrichment of the therapeutic process. Exploring culturally related thinking patterns, attitudes, motivation, rules of interpersonal relationships, basic life philosophies, religion, and many other aspects of human thought and behavior can provide enormous insight and guidance in the designing of creative tools for diagnosing and treating mental disorders. Each patient brings his or her own cultural history to prison, which can be viewed as a type of “social microcosm.”

“Inmate culture is the collective response of inmates to the institution regime that is captured in the values, the informal rules and the behaviors of inmates.” (Gaes and Camp, 2009). The inmate lives, works, and socializes in the prison setting. Inmates form relationships and adapt to their lives in prison. Inmates with mental illnesses have particular difficulties in their adaptation processes to prison life.

Mental health treatment becomes a vital part of these processes, and clinicians work to enable the patients to develop coping skills, which will help them deal adequately with prison life and make better choices after release.

Our population at the California Department of Corrections and Rehabilitation (CDCR) is very diverse: It includes individuals of all ages, many races, ethnicities, and national origins, religions, and spiritual persuasions, and with varied socioeconomic and educational backgrounds. CDCR also has a significant number of inmates who are transitioning to their desired gender(s) in some of our institutions. In addition, many individuals at CDCR identify themselves as gay, lesbian, and bisexual. All contribute to the rich fabric of a diverse population that makes up the incarcerated population of a large state prison system.

In treating many patients, the clinician observes that many of the cognitive distortions, which are causing the patient to feel stressed, anxious, or aggressive, may be related to the “fear of the unknown” and feelings of not being able to cope



Cultural Diversity and Adaptation to Prison Life (continued from page 4)

with the correctional environment. A not insignificant number of these types of fears express themselves in xenophobia and prejudice. Often, these attitudes and fears have been conditioned from very early on, and they are rooted in various social systems, which generate this type of thought. Almost always, there is an element of educational deficit involved in these types of thought patterns. As clinicians, we have the privilege and challenge of working with these cognitive distortions, and the associated behaviors in individual and group therapeutic settings. Some of the most intense experiences you as a psychologist may have as a therapist will be related to the illumination of some of the “unknowns,” which were associated with xenophobic fears and aggression related to suspicions involving language barriers, ethnicity, national origin, or unfamiliar systems of thought. Psychologists work in individual and group therapeutic settings with a wide variety of methods and techniques that have been shown to support greater self-efficacy, individual taking of responsibility for one’s own actions, and the ability to better connect with people belonging to other cultural groups, which may previously have caused an individual to feel suspicious or insecure. It is truly gratifying to witness the successes in bringing different cultures together in a therapeutic project that succeeds in helping the “unknowns” slowly evolve into curiosity and interest in new worlds of thinking, behaving, and even language, music, religions, art, or mythology.

In one instance, participants in an outpatient therapy program were so diligent in asking questions about foreign countries, their customs, social structures, religions, and languages, that the group participants were motivated to make a plan of the countries, cultures, and languages they wanted to cover in future sessions. The participants requested that this plan be placed on the dayroom floor in view of the cells and preserved. For many months, this plan was a focal point for much discussion and many intellectual journeys. Having been taboo themes in the past, we were, after a time, able to discuss controversial subjects, such as various political systems, examining them analytically and working toward objective thought patterns. Without realizing it, some of the patients were able to incorporate these learning processes into their lives. The

richness of diversity had become a reality for a few individuals, who were able to chart new territory in their personal experiences. Four years after having co-created this plan, a patient who, in the interim, had been transferred to another prison, reported having learned about “those wondrous places on the other side of the world that had captured the interest and imagination of so many of the participants in that project.” Little did the clinical staff know at the time the project was in effect that some of the participants would carry these positive experiences with them for years in the future.

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What to Expect if You Are Under Investigation by the Board

By Ashley Castleberry, Enforcement Coordinator, Board of Psychology

Receiving notice from the Board of Psychology that you are the subject of a complaint and are under investigation can be understandably alarming and stressful. Such reactions may be due to the fear of the unknown, such as what to expect throughout this unnerving experience. To help provide insight into the process and, hopefully, ease some anxieties, this article will provide a general overview of what may occur throughout a Board investigation.

When the Board initially receives a complaint, the assigned enforcement analyst will review the case to ensure the Board has jurisdiction in the matter and, if so, determine how to prioritize the case based on the allegations made. Depending on the seriousness of the allegations, the analyst may recommend assigning the case to the Board's special investigator or transmitting the case to a Division of Investigation field office so that a sworn investigator may be assigned. If the case does not warrant an immediate field investigation, the analyst may contact the complainant for additional information and/or documentation. If, after reviewing the information received from the complainant, it is determined that no violation occurred or that proceeding with a desk investigation is not warranted, the case may be closed without contacting the subject.

Next, a letter may be sent to the subject at their address of record, which would contain an outline of the complaint, a request for the subject's response to the allegations, and a copy of the signed Authorization for Release of Client/Patient Record Information. The letter may also request a copy of the relevant records and a signed Declaration of Custodian of Records. The letter will set a two-week deadline for providing the response and records to the Board.

The analyst will review all materials received and determine the next appropriate step, which could include requesting further information from the parties; closing the case; requesting an expert review; or assigning the case to an investigator. If the case is assigned to an investigator, the complainant, subject, and any witnesses may be contacted via phone, email, letter, or in-person, and requested to participate in an interview. When the investigator has completed their work, a formal report will be submitted and reviewed by the analyst.

The subject of a complaint has the right to retain legal representation at any point during an investigation. If a legal representative is retained, a letter of representation is needed so the Board has permission to communicate directly with legal counsel.

Following the investigation, if it is found that there were no departures from the standard of care, or that there is insufficient evidence to substantiate the allegations, the case will be closed and the parties will be notified in writing. If minor violations are found, the Board may resolve the case by educating the subject or issuing a citation and fine. If more serious violations are identified, the case will be referred to the Office of the Attorney General for consideration in filing an accusation.

Ultimately, protecting the health, safety, and welfare of consumers of psychological services is the Board's primary mission, not to cause undue stress to its licensees. The Board appreciates receiving cooperation from the parties involved and welcomes any questions related to the investigation process.





Mandated Reporting: Your Responsibilities

By Danielle Boles, Enforcement Analyst, Board of Psychology

Professionals who work with or regularly come in contact with children have a crucial role in their protection. In 1980, California first passed the Child Abuse and Neglect Reporting Act (CANRA) with the primary intent to protect children by defining mandated reporting requirements for those professionals where abuse or neglect was suspected. Since 1980, CANRA has evolved through numerous amendments to expand the definition of child abuse, procedures for reporting abuse, and to include more professions that interact with children as mandated reporters, including psychologists. The full text of CANRA can be found in California Penal Code sections 11164–11174.3 and can be accessed online at <http://leginfo.legislature.ca.gov/>.

Penal Code section 11165.9 states, in part, that a mandated reporter must make a report “whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.”

Additionally, Penal Code section 11166(a)(1) states, in part, that “‘reasonable suspicion’ means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. ‘Reasonable suspicion’ does not require certainty that child abuse or neglect has occurred, nor does it require a specific medical indication of child abuse or neglect; any ‘reasonable suspicion’ is sufficient.”

What this means is that it is not for the psychologist to investigate a claim of child abuse or neglect or decide if child abuse has occurred, but for the psychologist to make the mandated report so that the appropriate agency is given the opportunity to investigate. If there is a reasonable suspicion that child abuse or neglect is occurring, it is the mandated reporter’s duty to report.

In order to file a mandated report, you must make a verbal report with the police or sheriff’s department, county probation department, if they have been designated to receive reports, or the child welfare



agency in the county in which you provide services. These reports should be made as soon as possible and if you believe that a child is in imminent danger you should call 911.

Within 36 hours of making the verbal report, you must file a Suspected Child Abuse Report (SCAR), on Department of Justice form SS8572, which is available online at <https://oag.ca.gov/childabuse/forms>. Some departments now allow you to file your report online at their website address. You will need to confirm how to file the SCAR with the department you call.

So, what happens if a mandated reporter fails to make a report of suspected child abuse or neglect? The Board may take administrative action against the license for failure to make a required report; or the Board could issue a citation and fine up to \$5,000. A failure to make a required report may also subject the mandated reporter to criminal prosecution of a misdemeanor. Additionally, you could be held civilly liable, which means you could be sued by or on behalf of the child harmed.

The Board cannot provide legal or ethical advice to licensees who are unsure about whether they should report suspected child abuse but encourages every licensee to become familiar with the law to avoid potential discipline against their license. For more information on CANRA, or your duty to report, go to <https://mandatedreporterca.com/>.



Subject Matter Experts Needed for Enforcement

By Daniel Phillips, Enforcement Analyst, Board of Psychology

The California Board of Psychology Enforcement Program is actively recruiting qualified subject matter expert psychologists to perform the duties of an expert reviewer. Specifically, the Board is looking for those with expertise in the areas of child custody evaluations, telehealth, and disability and insurance evaluations. By being an expert reviewer, you have the opportunity to improve the care of others and perform a service for California.

Role of an expert reviewer:

- Reviews cases and facts independently and impartially.
- Provides expertise and testimony regarding a complaint relating to the practice of psychology.
- Establishes whether a departure from the standard of care has occurred.
- Assists the Enforcement unit, investigators, prosecutors, and administrative law judges in understanding the psychological aspects of a case.
- Simplifies complexity and clearly articulates findings and the basis for opinions to laypersons throughout the disciplinary process.
- Complies with Board requirements when performing reviews or evaluations.
- Completes and submits a written opinion within 30 days of receipt of case materials.

Qualities of a successful expert reviewer:

- Able to maintain confidentiality.
- Accessible and cooperative.
- Effective communicator, both when testifying and in writing reports.
- Understands the standards of care in the community.
- Objective, fair, and unbiased.

Minimum requirements to participate in the program:

- Possess a current California psychology license in good standing.
- Have forensic experience and be willing to testify if a case proceeds to a hearing.

- Have an active practice, defined as at least 80 hours per month in direct patient care, clinical activity, psychometric testing, and/or teaching.
- Have three or more years of expertise in specific areas of practice.
- Have no prior or current charges or formal disciplinary actions related to any healing arts license, registration, certificate, or credential to practice psychology or any other profession or occupation in any state in the United States or foreign country.
- Have no criminal convictions, including any that were expunged or dismissed.

Compensation for expert reviewers:

- Initial case review—\$150 per hour.
- Consultation with legal/investigation team—\$150 per hour.
- Participate in a subject interview—\$150 per hour.
- Final review—\$200 per hour.
- Conference with deputy attorney general—\$200 per hour.
- Testimony at hearings—\$200 per hour.

If you are interested in becoming an expert reviewer for the Board's Enforcement Program, please visit the Board's website at <https://psychology.ca.gov/licensees/expertrev> and complete the Expert Reviewer Application. For additional information, please contact:

Board of Psychology ATTN: Enforcement Program

1625 North Market Blvd., Suite N-215
Sacramento, CA 95834
(916) 574-7119

BOPEnforcement@dca.ca.gov



REGULATORY UPDATE

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

1. Title 16, 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 a formal Notice of Public Hearing with the Office of Administrative Law.

This regulatory package does the following:

Conforms the California Code of Regulations 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 of Psychology, 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 removes duplication as to who pays the psychological assistant registration fee, as this is already specified in statute.

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

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

This regulatory package does the following:

Establishes standards of practice for the delivery of psychological health services via telehealth 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. These standards would apply to licensed California psychologists and psychology trainees.

3. Update on 16 CCR sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67—Continuing Professional Development

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

This regulatory package does the following:

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

4. Update on 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 the Business, Consumer Services and Housing Agency before a 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.

LEGISLATIVE UPDATE

For up-to-date bill status information, visit our website at www.psychology.ca.gov/laws_regs/legislation.shtml.

SPONSORED LEGISLATION

SB 275 (Pan)—Psychologist: prohibition against sexual behavior

This bill would add sexual behavior with a client (patient or client) or former client to the violations that would require an administrative law judge's proposed decision to include an order of revocation. SB 275 (Pan) would define sexual behavior as "inappropriate contact or communication of a sexual nature for the



Regulatory Update (continued from page 9)

purpose of sexual arousal, gratification, exploitation, or abuse. ‘Sexual behavior’ does not include the provision of appropriate therapeutic interventions relating to sexual issues.” This bill is a two-year bill and may be acted on by the Legislature in 2020.

Board Position: Sponsor

LEGISLATION WITH ACTIVE POSITIONS

1. AB 1076 (Ting)—Criminal records: automatic relief

This bill, commencing January 1, 2021, and subject to an appropriation in the annual Budget Act, requires the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for relief by having their arrest records, or their criminal conviction records, withheld from disclosure. The bill also requires the Department of Justice to grant relief to an eligible person, without requiring a petition or motion. This bill prohibits licensing boards and bureaus under the Department of Consumer Affairs from denying an application for licensure based on arrests or convictions for which relief has been granted under the bill. The bill also removes the ability for licensing boards and bureaus under the Department of Consumer Affairs from having access to court records or Rapp sheet information relating to arrests or convictions for which relief has been granted under the bill. The bill does not limit petitions, motions, or orders for relief, as required or authorized by any other law. This bill was signed into law by the governor on October 8, 2019.

Board Position: Oppose

2. AB 1145 (Garcia)—Child abuse: reportable conduct

For the purposes of the Child Abuse Neglect Reporting Act (CANRA), this bill would have revised 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. This bill is a two-year bill and may be acted on by the Legislature in 2020.

Board Position: Support

2. SB 53 (Wilk)—Open meetings

This bill would have modified the Bagley-Keene Open Meeting Act to require two-member advisory committees of a “state body” to hold open, public meetings if at least one member of the advisory committee is a member of the larger state body, and the advisory committee is supported, in whole or in part, by funds provided by the state body. This bill is a two-year bill and may be acted on by the Legislature in 2020.

Board Position: Oppose

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

This bill would have allowed Medi-Cal reimbursement for a patient receiving both medical and mental health services at a federally qualified health center (FQHC) or rural health clinic (RHC) on the same day. This bill is a two-year bill and may be acted on by the Legislature in 2020.

Board Position: Support

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

This bill requires hospitals, clinics, and other health facilities or peer review bodies to report allegations of patient sexual abuse and other sexual misconduct by healing arts professionals to the appropriate state licensing authorities within 15 days. This bill also makes changes to Medical Board of California (MBC) licensee records and the information in these records that are made public for a specified time, and the ability of MBC to temporarily suspend a licensee during investigations involving allegations of sexual misconduct by the licensee against a patient. This bill was signed into law by the governor on October 12, 2019.

Board Position: Support

5. SB 786 (Committee on Business, Professions and Economic Development)—Healing arts

Related to the Board of Psychology, this bill removes outdated examination requirements and makes the remaining provisions consolidated, more concise, and more easily understood by consumers and applicants. This bill was signed into law by the governor on October 2, 2019.

Board Position: Support



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:

July 1 to August 31, 2019

Selena R. Emond, Ph.D.
Unlicensed, Dana Point

On July 29, 2019, a citation containing an order of abatement and fine in the amount of \$4,000 was issued to Selena R. Emond, Ph.D., for misrepresenting herself as a psychologist in two declarations she submitted to the court when she was never licensed by the Board of Psychology.

Disciplinary Actions:

July 1 to August 31, 2019

SURRENDER

Kelly Lingerfeldt, Psy.D.
Psychologist License No. PSY 27543, Benbrook, TX

Dr. Lingerfeldt stipulated to the voluntary surrender of her license following an October 11, 2016, decision by the Board that placed her license on probation for five years, and which allowed her to request the voluntary surrender of her license if she ceased practicing, or was otherwise unable to satisfy the terms and conditions of probation. The surrender took effect July 17, 2019.

Sondra J. Mehlhop, Ph.D.
Psychologist License No. PSY 12374, La Mesa

Dr. Mehlhop stipulated to the surrender of her license after an Accusation was filed alleging that she violated regulations requiring her to verify continuing education hours and engaged in conduct that breaches the rules or ethical code of the profession. The surrender took effect August 9, 2019.

PROBATION

Carol A. Davis, Psy.D.
Psychological Assistant
Registration No. PSB 94024172,
Monrovia

Dr. Davis 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 an Accusation was filed alleging a 2018 conviction for driving with a blood alcohol level of .08% or higher, and use of alcohol in a manner dangerous to herself, any other person, or the public; or to the extent that this use impaired her ability to perform the work of a psychologist with safety to the public after she caused an automobile accident due to excessive speed and impairment from alcohol. The order took effect July 12, 2019.



Licensees Needed to Conduct Psychological Evaluations

By Curtis Gardner, Probation Monitor, Board of Psychology

The Board of Psychology’s Expert Reviewer Program is currently recruiting psychologists to conduct psychological evaluations for the Board. In particular, the Board is seeking licensees in the Central Valley and Northern regions of California who are qualified in conducting psychological evaluations.

A psychological evaluation is ordered when the licensee’s misconduct calls into question their judgment, ability, and/or emotional/mental condition, or where there has been a history of abuse or dependency of alcohol or drugs to a degree that affects their ability to practice psychology safely. Psychological evaluations are ordered as a condition of probation, or pursuant to Business and Professions Code section 820 to determine whether a licensee is impacted by either a mental illness or physical illness affecting their competency.

The expert conducting the psychological evaluation

provides the Board with a written report assessing the licensee’s judgment and/or ability to function independently as a psychologist with safety for the public and provides a current DSM 5 diagnosis. Experts are vital in helping the Board determine if a licensee is safe and competent to practice.

If you are interested in becoming an expert reviewer, please visit the Board’s website at <https://psychology.ca.gov/licensees/expertrev> and complete the Expert Reviewer Application. For additional information, please contact:

Board of Psychology
ATTN: Enforcement Program

1625 North Market Blvd., Suite N-215
Sacramento, CA 95834
(916) 574-7119

BOPEenforcement@dca.ca.gov

Board Members

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Marisela Cervantes

Mary Harb Sheets, Ph.D.

Shacunda Rodgers, Ph.D.

Lea Tate, Psy.D.

Meeting Calendar

2020 Board Meetings

February 27–28	Sacramento
July 9–10	Southern California
November 20	Sacramento



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