

The Florida

Board of Psychology

Draft Minutes

OCTOBER 17, 2014

**BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING**

**HYATT REGENCY MIAMI
400 SE SECOND AVE.
MIAMI, FL 33131
(305) 358-1234**



Dr. Luis Orta, Ph.D

Chair

Dr. Dean Aufderheide, Ph.D

Vice Chair

Minutes

**DEPARTMENT OF HEALTH
BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING
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MINUTES**

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To accommodate individuals wishing to address the board, the board Chair may adjust the sequence of the agenda items. The minutes reflect the actual sequence of events rather than the original agenda order.

CREDENTIALS COMMITTEE MEETING

MEMBERS PRESENT

Harry J. Reiff, Psy.D., Chair
J. Drake Miller, Psy.D
Ms. Mary D. O'Brien, J.D

STAFF PRESENT

Allen Hall, Executive Director
Anna L. Hart King, Program Operations Administrator

ASSISTANT ATTORNEY GENERAL

Rachel Clark, Esq.

Dr. Harry Reiff, Chair, called the Credentials Committee to order at approximately 8:00 a.m.

(The applicants were not present or represented at the committee meeting unless otherwise noted.)

Tab 1. Rose Merchant Exam with Waiver

Dr. Merchant was not present nor represented by counsel.

Dr. Merchant has applied for licensure under the Exam with Waiver method. Dr. Merchant received her doctorate degree from Howard University on May 11, 2002, however, the program was not APA accredited until April 29, 2002. The application, transcripts and supervision forms were provided for the Board's review.

Following discussion, Dr. J. Drake Miller moved to approve the application. Ms. Mary O'Brien seconded the motion, which carried 3/0.

Tab 2. Miguel Suarez Endorsement of Other State License (CT 1988)

Dr. Suarez was present and sworn in. He was not represented by counsel.

Dr. Suarez initially applied for licensure under the Endorsement of 20 Years of Licensed Psychology Experience, however, his doctoral program was not APA accredited at the time he was enrolled and graduated. Dr. Suarez has since changed his application method to

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Endorsement of Other State License. The application, license verification and the regulations that were in effect in Connecticut at the time the applicant was licensed, as well as the applicable regulations in effect in Florida during that time were provided for the Board's review.

Following discussion, Dr. J. Drake Miller moved to approve the application due to the regulations in Connecticut being substantially comparable to Florida's. Ms. Mary O'Brien seconded the motion, which carried 3/0.

Tab 3. Richard Townsend Endorsement of Other State License (ND 1986)

Dr. Townsend was not present nor represented by counsel.

Dr. Townsend initially applied for licensure under the Endorsement of 20 Years of Licensed Psychology Experience, however, his doctoral program was not APA accredited at the time he was enrolled and graduated. Dr. Townsend has since changed his application method to Endorsement of Other State License. The application, license verification and the regulations that were in effect in North Dakota at the time the applicant was licensed, as well as the applicable regulations in effect in Florida during that time were provided for the Board's review.

Following discussion, the Committee determined that the education and experience requirements in the 1986 North Dakota regulations were not equivalent to the Florida requirements during that same time. Dr. J. Drake Miller moved to deny the application with the option to withdraw within fourteen (14) days or change the application method. Ms. Mary O'Brien seconded the motion, which carried 3/0.

The Credentials Committee adjourned at 8:47 a.m.

GENERAL BUSINESS MEETING

Dr. Luis Orta, Chair, called the general business meeting to order at approximately 9:00 a.m. Those present for all or part of the meeting, included the following:

MEMBERS PRESENT

Luis E. Orta, Ph.D., Chair
Harry J. Reiff, Psy.D.
J. Drake Miller, Psy.D.
Mary D. O'Brien, J.D

STAFF PRESENT

Allen Hall, Executive Director
Anna L. Hart King, Program Operations Administrator

ASSISTANT ATTORNEY GENERAL

Rachel Clark, Esq.

ASSISTANT GENERAL COUNSEL

Lealand McCharen, Esq.
Elana Jones, Esq.

COURT REPORTER

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At this point in the meeting, Tab 3 was taken out of order.

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PROSECUTOR'S REPORT

Tab 3. Lealand McCharen, Esq

Total Cases open/active in PSU:	13
Cases under legal review:	3
Cases where PC Recom made:	3
Total Cases where PC has been found:	6
Cases in holding status:	0
Cases awaiting supp. invest.:	0
Cases in an 80 status:	6
Cases pending before DOAH:	0
Cases awaiting board action:	0
Cases on Appeal	1
Cases in Emergency Action Unit:	3

POST DISCIPLINARY PROCEEDINGS

Tab 1. Termination of Probation: Richard Schulman, Case # 2011-08435

Dr. Schulman and his probationary supervisor, Dr. Michael Healy were present and sworn in. Dr. Schulman was represented by Mr. James Meyer, Esq.

Dr. Schulman is before the Board as per the final order, which requires that he and his probationary supervisor appear at the last meeting before his probation is scheduled to conclude. As per the Board's order filed June 20, 2012, Dr. Schulman's probationary supervision was scheduled for termination on April 26, 2014.

The compliance report documenting Dr. Schulman's compliance with the requirements set forth by the Board in this case, along with all relevant documentation was provided for the Board's review.

Following discussion, Dr. Harry Reiff moved to approve the termination of probation. Ms. Mary O'Brien seconded the motion, which carried 4/0.

At this point in the meeting, Tab 2 was placed on hold.

ADMINISTRATIVE PROCEEDINGS

APPLICANTS FROM APA ACCREDITED PROGRAMS FOR EXAMINATION AND LICENSURE AS NOTED

Tab 4. List of Applicants

Following discussion, Ms. Mary O'Brien moved to approve the list of applicants for examination and licensure as noted. Dr. J. Drake Miller seconded the motion, which carried 4/0.

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CONTINUING EDUCATION RATIFICATION LIST

Tab 5. List of Applicants

Following discussion, Dr. Harry Reiff moved to approve the list of applicants for continuing education provider status and medical errors courses as noted. Dr. J. Drake Miller seconded the motion, which carried 4/0.

RECONSIDERATION OF APPLICATION DENIAL

Tab 6. Justin Anderson

Dr. Anderson was not present nor represented by counsel.

Dr. Anderson's application for licensure under the Endorsement of Other State License method was before the September 26, 2014 Board Quorum Conference Call. Due to the 2013 Kentucky regulations not being as stringent as Florida's was at that time, the Board denied the application. Dr. Anderson has requested the Board reconsider the denial of his application and allow his application to stay open under the Exam with Waiver method. Dr. Anderson's request, along with the documents reviewed by the Credentials Committee on September 26, 2014 was provided for the Board's review.

Dr. Harry Reiff moved to reconsider the denial of the application. Ms. Mary O'Brien seconded the motion, which carried 4/0.

Following discussion, Dr. Harry Reiff moved to allow Dr. Anderson's application to be considered under the Exam with Waiver method. Dr. J. Drake Miller seconded the motion, which carried 4/0.

PETITION FOR VARIANCE OR WAIVER

Tab 7. Rayna Godfrey

Dr. Godfrey was present and sworn in. She was not represented by counsel.

Dr. Godfrey petitions for a variance or waiver of Rule 64B19-11.005, F.A.C. Supervised Experience Requirements, for the Board to consider the hours she received during her post-doctoral experience, and based on her extensive experience in the field of psychology as meeting the supervised experience requirements.

The petition as well as Dr. Godfrey's licensure application was provided for the Board's review.

Following discussion, Dr. Harry Reiff moved to approve the petition for waiver of Rule 64B19-11.005, F.A.C. Supervised Experience Requirements. Dr. J. Drake Miller seconded the motion, which carried 4/0.

Following discussion, Dr. Harry Reiff moved to approve the application. Dr. J. Drake Miller seconded the motion, which carried 4/0.

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Tab 8. Despina Karfis

Dr. Karfis was not present nor represented by counsel.

The Board granted a twelve (12) month extension on Dr. Karfis' application for licensure during the July 26, 2013 General Business Meeting. The extension expires on September 27, 2014. The exam report indicates that no attempts have been made on either exam. Dr. Karfis has submitted a petition for variance or waiver from Rule 64B19-11.0075, F.A.C. so she may request an additional twelve (12) month extension. The petition and the rule were provided for the Board's review.

Following discussion, Ms. Mary O'Brien moved to approve the petition and grant an additional twelve (12) month extension. Dr. J. Drake Miller seconded the motion, which carried 4/0.

APPLICANT REQUESTS FOR EXTENSION PURSUANT TO §490.005(3)(b), F.S.

Tab 9. Elisa Diaz

Dr. Diaz was not present nor represented by counsel.

Dr. Diaz is requesting an extension on her Examination application. Passing scores of the EPPP have not been completed.

Following discussion, the Board determined there has been a good faith effort to complete the exam requirements. Dr. Harry Reiff moved to approve the request for an extension for an additional twelve (12) months. Ms. Mary O'Brien seconded the motion, which carried 4/0.

Tab 10. Helen Richardson

Dr. Richardson was not present nor represented by counsel.

Dr. Richardson is requesting an extension on her Examination application. Passing scores of the EPPP exam and the Laws and Rules exam have not been completed.

Following discussion, the Board determined there has been a good faith effort to complete the exam requirements. Dr. Harry Reiff moved to approve the request for an extension for an additional twelve (12) months. Ms. Mary O'Brien seconded the motion, which carried 4/0.

Tab 11. Beverly Trott

Dr. Trott was present and sworn in. She was not represented by counsel.

Dr. Trott is requesting an extension on her Examination application. Passing scores of the EPPP have not been completed.

Following discussion, the Board determined there has been a good faith effort to complete the exam requirements. Dr. Harry Reiff moved to approve the request for an extension for an additional twelve (12) months. Ms. Mary O'Brien seconded the motion, which carried 4/0.

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At this point in the meeting, Tab 29 was taken out of order.

ADDENDUM

APPLICANT REQUESTS FOR EXTENSION PURSUANT TO §490.005(3)(b), F.S.

Tab 29. Anaeli Ramos

Dr. Ramos was not present nor represented by counsel.

Dr. Ramos is requesting an extension on her Examination application. Passing scores of the EPPP have not been completed.

Following discussion, the Board determined there has been a good faith effort to complete the exam requirements. Dr. Harry Reiff moved to approve the request for an extension for an additional twelve (12) months. Ms. Mary O'Brien seconded the motion, which carried 4/0.

FILE CLOSURE APPLICANTS FOR DENIAL PURSUANT TO §490.005(3)(b), F.S.

Tab 12. List of Applicants

Dr. Elisa Diaz, Dr. Despina Karfis and Dr. Anaeli Ramos were all removed from the list due to the granting of a twelve (12) month extension.

Following discussion, Dr. J. Drake Miller moved to approve the amended list of applicants, for file closure as noted. Ms. Mary D. O'Brien seconded the motion, which carried 5/0.

PETITION FOR DECLARATORY STATEMENT

Tab 13. Traci Scherdell and Christina Zafiris

Dr. Scherdell and Dr. Zafiris were both present and sworn in.

Dr. Scherdell and Dr. Zafiris are requesting clarification from the Board on whether the scope of practice would allow psychologists to seek additional information about their patients by writing consultation orders.

Dr. Lori Butts, President Elect of the Florida Psychological Association and Dr. Zoe Proctor-Weber addressed the Board.

Following discussion, Dr. J. Drake Miller moved to deny the petition based on the fact that this is standard practice within the scope of psychology. Dr. Harry Reiff seconded the motion, which carried 4/0.

MOTION FOR FINAL ORDER AFTER HEARING INVOLVING NO DISPUTED ISSUES OF MATERIAL FACT

Tab 14. Ruth Prevor

Dr. Prevor was before the Board at the July 26, 2013 General Business meeting for a reconsideration of her petition and her license application. She filed a petition for a variance or

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waiver of rule 64B19-11.0035 F.A.C. so that her education would be acceptable for licensure. Dr. Prevor graduated with a Ph.D in Clinical Psychology from the Caribbean Center for Advanced Studies in Puerto Rico, which was not accredited by the APA.

After further review, the Board determined that even if they were to reconsider the rule, they are still bound by the statute and the Board does not have the authority to waive the statute. Consequently, the Board denied the petition. Dr. Prevor then requested that the application remain in abeyance for an additional six (6) months, which the Board granted.

Dr. Prevor appealed the Board's decision on the petition to the Division of Administrative Hearings (DOAH). The DOAH hearing was held on December 11, 2013 and the Recommended Order from the Administrative Law Judge was issued on January 28, 2014 with a recommendation that the Board enter a Final Order dismissing the petition. The Board accepted the Administrative Law Judge's recommendation at the April 25, 2014 General Business Meeting and a notice of Intent to Deny was issued on May 22, 2014.

Following a DOAH hearing held on August 18, 2014, it was established that there were no material facts in dispute. The Order Closing File and Relinquishing Jurisdiction as well as all items previously reviewed was provided for the Board's review. The entry of a Final Order is now pending.

This item was removed from the agenda due to the lack of a quorum to vote.

At this point in the meeting, Tab 2 was addressed by the Board.

POST DISCIPLINARY PROCEEDINGS

Tab 2. Appearance re: Final Order Compliance: April Kassover, Case # 2011-18815

Dr. Kassover and her probationary supervisor, Dr. Harvey Klein were both present and sworn in. She was not represented by counsel.

Dr. Kassover is before the Board as per the final order, filed May 6, 2014, which requires that she and her proposed probationary supervisor appear at the first meeting after her probation commences.

Enclosed for the Board's review was all relevant documentation, including verification documenting Dr. Kassover's compliance with the requirements set forth by the Board in this case.

Dr. Luis Orta requested type-written reports with more narrative.

Following discussion, Dr. Harry Reiff moved to approve Dr. Harvey Klein as the probationary supervisor. Dr. J. Drake Miller seconded the motion, which carried 4/0.

RULES REVIEW AND/OR DEVELOPMENT

Tab 15. Rule 64B19-15.003, F.A.C., Reactivation Application

During the January 24, 2014 General Business Meeting, the Board approved fee reductions, which included the active renewal fee reduced to \$295.00. Enclosed for the Board's review is

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the Application for Reactivation of Inactive Psychologist Licensure which reflects the new active renewal fee.

Following discussion, Dr. Harry Reiff moved to open the rule for development. Dr. J. Drake Miller seconded the motion, which carried 4/0.

Following discussion, Dr. Harry Reiff moved that the change in the rule would not have a negative impact on small businesses and the change in the rule would not have an economic impact on government or any entity in excess of \$200,000 within one year of the rule being implemented. Ms. Mary O'Brien seconded the motion, which carried 4/0.

Following discussion, Dr. J. Drake Miller moved to accept the form as revised. Ms. Mary O'Brien seconded the motion, which carried 4/0.

RULE STATUS REPORT

Tab 16. Rachel Clark, Assistant Attorney General

- Rule 64B19-11.010 F.A.C., Limited Licensure

Rule Number	Title	Approved by Board	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-11.010	Limited Licensure.		03/27/14	04/04/14	04/22/14	08/29/14	N/Change pub'd

- Rule 64B19-11.012 F.A.C., Application Forms

Rule Number	Title	Approved by Board	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-11.012	Application Forms.	06/27/14	07/28/14	08/22/14	09/05/14		

- Rule 64B19-12.002 F.A.C., Application and Examination Fee for Licensure by Examination; Review Fee

Rule Number	Title	Approved by Board	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-12.002	Application and Examination Fee for Licensure by Examination ; Review Fee.	07/25/14	08/26/14	08/27/14	09/11/14		

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- Rule 64B19-12.004 F.A.C., Application fee for Licensure by Endorsement

Rule Number	Title	Approved by Board	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-12.004	Application Fee For Licensure By Endorsement	07/25/14	08/26/14	08/27/14	09/11/14		

- Rule 64B19-12.0041 F.A.C., Initial Fee for Licensure

Rule Number	Title	Approved by Board	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-12.0041	Initial Fee For Licensure.	07/25/14	08/26/14	08/27/14	09/11/14		

- Rule 64B19-12.005 F.A.C., Biennial Active Renewal Fee

Rule Number	Title	Approved by Board	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-12.005	Biennial Active Renewal Fee.	07/25/14	08/26/14	08/27/14	09/11/14		

- Rule 64B19-12.007 F.A.C., Biennial Inactive Renewal Fee

Rule Number	Title	Approved by Board	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-12.007	Biennial Inactive Renewal Fee.	07/25/14	08/26/14	08/27/14	09/11/14		

- Rule 64B19-15.003 F.A.C., Reactivation of Inactive Licenses

Rule Number	Title	Approved by Board	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-15.003	Reactivation of Inactive Licenses.	04/25/14	06/30/14	07/02/14	07/17/14	07/25/14 JAPC ltr rec'd 08/14/14 JAPC ltr response	

- Rule 64B19-17.004 F.A.C., Citations

Rule Number	Title	Approved by Board	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-17.004	Citations.		11/07/13	11/15/13		08/20/14 WITHDRAWN	

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- Rule 64B19-17.007 F.A.C., Mediation

Rule Number	Title	Approved by Board	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-17.007	Mediation		11/07/13	11/15/13		08/20/14 WITHDRAWN	

REPORTS, IF ANY

Tab 17. Dr. Luis Orta, Ph.D.
Other Board Members

Informational Item

Tab 18. Executive Director

Report topics

- Cash Balance Reports
- Expenditures by Function Report

Dr. Harry Reiff requested that the initial licensure fees and application fees be reviewed at the January 2015 General Business Meeting. Fee scenarios will be obtained from the budget analyst.

Dr. Harry Reiff requested an update on Certified Behavioral Analysts during the November 21, 2014 Board Quorum Conference Call.

Tab 19. Annual Financial Reports and Projections

Informational Item

Tab 20. Credentials Committee Report

Dr. Harry Reiff reported to the full Board the Credentials Committee's recommendation. The committee recommended approval of tabs 1 and 2. Tab 3 was denied.

Ms. Mary O'Brien moved to ratify the recommendation of the committee. Dr. J. Drake Miller seconded the motion, which carried 4/0.

UNLICENSED ACTIVITY CAMPAIGN UPDATE

Tab 21. Unlicensed Activity (ULA) Campaign Update

Informational Item

NEW BUSINESS

Tab 22. ASPPB Interjurisdictional Telepsychology Compact

Enclosed for the Board's review is an introductory letter from ASPPB's President, Dr. Fred Millan, outlining ASPPB's current work and proposal regarding Interjurisdictional

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Telepsychology Practice. Also included is a draft version of the proposed Interjurisdictional Telepsychology Compact.

Dr. Harry Reiff and Ms. Anna King will be attending the ASPPB meeting on October 22-26, 2014. They will provide an update for the Board members during the November 21, 2014 Board Quorum Conference Call.

OLD BUSINESS

Tab 23. July 25, 2014 General Business Meeting Minutes

The Board noted that Dr. Dean Aufderheide will need to be added as being present at the meeting.

Dr. Harry Reiff requested more information be added to Tab 16 regarding the correspondence from The American Board of Professional Neuropsychology.

Tab 24. September 23, 2014 Probable Cause Panel Public Meeting Minutes

Informational Item

Tab 25. September 26, 2014 Board Quorum Conference Call Minutes

Dr. Harry Reiff moved to accept the minutes. Dr. J. Drake Miller seconded the motion, which carried 4/0.

OTHER BUSINESS AND INFORMATION

Tab 26. 2014 MQA Board/Council Chairs and Vice Chairs Annual Meeting

Informational Item

Tab 27. ASPPB Meeting Minutes

Informational Item

Tab 28. Psychology Staff Recognition

Informational Item

ADDENDUM

OTHER BUSINESS AND INFORMATION

Tab 30. ASPPB Disciplinary Data Report

Informational Item

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OLD BUSINESS

Tab 31. Discussion on Relocation of January 23, 2015 General Business Meeting

Enclosed for the Board's review are the 2015 meeting dates that the Board approved during the June 27, 2014 Board Quorum Conference Call. The Board's input is requested on a different location for the January 23, 2015 General Business Meeting so the Bureau of Operations will have more time to find a venue.

Following discussion, the Board chose to leave the date open so the Bureau of Operations will have more flexibility in locating a venue.

The meeting adjourned at 11:35 a.m.