

The Florida

Board of Psychology

Draft Minutes

November 21, 2014

**BOARD OF PSYCHOLOGY
BOARD QUORUM
BY TELEPHONE CONFERENCE CALL**

**DIAL-IN NUMBER: 1-888-670-3525
PUBLIC CONFERENCE CODE*: 4389078941**



Dr. Luis Orta, Ph.D

Chair

Dr. Dean Aufderheide, Ph.D

Vice Chair

Minutes

**BOARD OF PSYCHOLOGY
BOARD QUORUM MEETING
BY TELEPHONE CONFERENCE CALL
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MINUTES
(Draft)**

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Call to order-Board Quorum

Dr. Luis Orta, Chair, called the Board Quorum meeting to order at approximately 8:02 a.m. Those present for all or part of the meeting, included the following:

MEMBERS PRESENT

Luis E. Orta, Ph.D., Chair
Dean Aufderheide, Ph.D., Vice-Chair
Harry J. Reiff, Psy.D
J. Drake Miller, Psy.D
Andrew S. Rubin, Ph.D
Mary D. O'Brien, J.D

STAFF PRESENT

Allen Hall, Executive Director
Anna L. Hart King, Program Operations Administrator
Michelle Branch, Regulatory Specialist II
Annie Patterson, Regulatory Specialist II

ASSISTANT ATTORNEY GENERAL

Rachel Clark, Esquire

REVIEW OF MINUTES

Tab 1. July 25, 2014 General Business Meeting Minutes

Following discussion, Ms. Mary O'Brien moved to accept the minutes. Dr. Dean Aufderheide seconded the motion, which carried 6/0.

Tab 2. November 7, 2014 Credentials Committee Meeting Minutes

Following discussion, Ms. Mary O'Brien moved to accept the minutes. Dr. Andrew Rubin seconded the motion, which carried 6/0.

APPLICANTS FROM APA ACCREDITED PROGRAMS FOR EXAMINATION AND LICENSURE AS NOTED

Tab 3. List of Applicants

Dr. Andrew Rubin moved to accept the list of applicants for examination and licensure as noted. Ms. Mary O'Brien seconded the motion, which carried 6/0.

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

Tab 4. Madiley Broz

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Dr. Broz was present and was not represented by counsel.

This applicant is requesting an extension of time allowed to complete the requirements for licensure.

Following discussion, the Board determined that there has been a good faith effort to complete the exam requirements. Dr. Harry Reiff moved to approve the request for extension for an additional twelve (12) months. Dr. Andrew Rubin seconded the motion, which carried 6/0.

Tab 5. Marianela Caballero

Dr. Caballero was present and was not represented by counsel.

This applicant is requesting an extension of time allowed to complete the requirements for licensure.

Following discussion, the Board determined that there has been a good faith effort to complete the exam requirements. Dr. Harry Reiff moved to approve the request for extension for an additional twelve (12) months. Dr. Andrew Rubin seconded the motion, which carried 6/0.

Tab 6. Ilene Cohen

Dr. Cohen was present and was not represented by counsel.

This applicant is requesting an extension of time allowed to complete the requirements for licensure.

Following discussion, the Board determined that there has been a good faith effort to complete the exam requirements. Dr. Dean Aufderheide moved to approve the request for extension for an additional twelve (12) months. Dr. Andrew Rubin seconded the motion, which carried 6/0.

Tab 7. Tamara Raphaeli

Dr. Raphaeli was not present and was not represented by counsel.

This applicant is requesting an extension of time allowed to complete the requirements for licensure.

Following discussion, the Board determined that there has been a good faith effort to complete the exam requirements. Dr. Harry Reiff moved to approve the request for extension for an additional twelve (12) months. Ms. Mary O'Brien seconded the motion, which carried 6/0.

Tab 8. Johanna Woolman-Kirby

Dr. Woolman-Kirby was not present and was not represented by counsel.

This applicant is requesting an extension of time allowed to complete the requirements for licensure.

Following discussion, the Board determined that there has been a good faith effort to complete the exam requirements. Dr. Harry Reiff moved to approve the request for extension for an additional twelve (12) months. Dr. Andrew Rubin seconded the motion, which carried 6/0.

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

Tab 9. List of Applicants

Dr. Broz, Dr. Raphaeli and Dr. Woolman-Kirby were all removed from the list due to the granting of a twelve (12) month extension.

Following discussion, Ms. Mary O'Brien moved to approve the amended list of applicants, for file closure as noted. Dr. Harry Reiff seconded the motion, which carried 6/0.

PETITION FOR VARIANCE OR WAIVER AND REVIEW OF APPLICATION FOR LICENSURE

Tab 10. Katherine Daly Exam with Waiver

Dr. Daly was present and was not represented by counsel.

Dr. Daly has applied for licensure under the Exam with Waiver method. Dr. Daly petitions for a variance or waiver of Rule 64B19-11.005, F.A.C. respectfully requesting the Florida Board of Psychology determine that her postdoctoral supervision be considered as substantially equivalent to that described in 64B19-11.005 F.A.C. The supervisor in question, Kyle Bishop, was licensed in (Maryland) as a Mental Health Counselor, not a Psychologist.

Following discussion, Dr. Harry Reiff noted that 1,920 hours of supervision were received under a licensed psychologist, Dr. William Berez. He requested that supervision forms be submitted by Dr. Berez. Dr. Harry Reiff moved to request a personal appearance at the January 23, 2015 General Business Meeting. Dr. Dean Aufderheide seconded the motion, which carried 6/0.

Tab 11. Lisa Schwellinger Exam with Waiver

Dr. Schwellinger was not present and was not represented by counsel.

Dr. Schwellinger petitions for a variance or waiver of Rule 64B19-11.005, F.A.C. Supervised Experience Requirements, for the Board to consider her post-doctoral supervision hours as well as supervision hours she received after licensure in another state as acceptable for meeting Florida's requirements.

Following discussion, Dr. Dean Aufderheide moved to deny the petition as it does not meet the underlying requirements of the statute and imposing the rule will not create a hardship. Dr. Harry Reiff seconded the motion, which carried 5/1.

Following discussion, Dr. Harry Reiff moved to request a personal appearance at the January 23, 2014 General Business Meeting. Dr. Dean Aufderheide seconded the motion, which carried 6/0. This will give Dr. Schwellinger an opportunity to file an amended petition.

PETITION FOR DECLARATORY STATEMENT

Tab 12. Mary Wetherby

Dr. Wetherby was present and was represented by George Indest, Esq. and Lenis Archer, Esq.

Dr. Wetherby's original petition for a declaratory statement was considered at the November 22, 2013 Board Quorum meeting, where the Board denied the petition due to it being overly broad. Dr. Wetherby

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has filed a new petition seeking clarification from the Board on whether the psychology scope of practice will allow her to provide treatment to her patients while outside the state of Florida by telecommunication, specifically, video and telephone conferencing.

Following discussion, Dr. Dean Aufderheide moved to approve the petition and allow treatment by telecommunication, provided that all new patients are seen face to face for the initial evaluation and intake. Ms. Mary O'Brien seconded the motion, which carried 6/0.

RECONSIDERATION OF PETITION FOR DECLARATORY STATEMENT

Tab 13. Traci Scherdell and Christina Zafiris

Dr. Scherdell and Dr. Zafiris were both present. They were not represented by counsel.

Dr. Scherdell and Dr. Zafiris were before the Board at the October 17, 2014 General Business Meeting for consideration of their petition for a declaratory statement. They were requesting clarification on whether the scope of practice would allow psychologists to seek additional information about their patients by writing consultation orders. The Board denied the petition due to the petition dealing with past behavior and it appears the behavior would apply to all psychologists and not these two particular psychologists. Dr. Harry Reiff has since requested this petition be placed on the November 21, 2014 Board Quorum Conference call for reconsideration.

Following discussion, Dr. Harry Reiff moved to reconsider the petition. Dr. J. Drake Miller seconded the motion, which carried 5/1.

Following discussion, Dr. Scherdell and Dr. Zafiris requested to withdraw their petition. Dr. Harry Reiff moved to accept the withdrawal. Dr. J. Drake Miller seconded the motion, which carried 6/0.

PROVISIONAL PSYCHOLOGIST – REQUEST FOR APPROVAL OF NEW SUPERVISOR

Tab 14. Shaundel Boyce

Dr. Boyce was not present nor represented by counsel.

Dr. Boyce was licensed as a provisional psychologist on 01/28/2014

Dr. Shaundel Boyce informed the Board office on 11/03/2014 that Dr. Bonnie Migliosi will assume responsibility for her supervision beginning on 01/01/2015. The current supervisor, Dr. Anne Goldstein-Rafuls will cease her supervisory role on that date.

Following discussion, Dr. J. Drake Miller moved to approved Dr. Bonnie Migliosi as the new supervisor. Dr. Harry Reiff seconded the motion, which carried 6/0.

MOTION TO VACATE FINAL ORDER

Tab 15. Brian Kehoe

Dr. Kehoe was not present nor represented by counsel.

Dr. Brian Kehoe's application was presented to the Board on the file closure list at the October 17, 2014 General Business Meeting meeting, however, Dr. Kehoe completed all requirements and his license

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was issued on October 17, 2014. The Notice of Intent to Deny, which has not been filed, was provided for the Board's review.

Following discussion, Dr. J. Drake Miller moved to vacate the final order. Ms. Mary O'Brien seconded the motion, which carried 6/0.

OLD BUSINESS

Tab 16. ASPPB Meeting Highlights

The 54th Annual ASPPB Meeting of Delegates took place October 22 – 26, 2014 in Rancho Mirage, California at the Omni Ranchos Las Palmas Resort.

The meeting was well attended by representatives of many of the 64 member states and Canadian provinces that are part of the ASPPB. The ASPPB leadership and staff organized an agenda which provided opportunities to learn about innovations offered by the association towards streamlining the licensure credentialing process through its PLUS program, discussions on training and accreditation, behavioral analysts, telepsychology, legal updates and ethical vignettes.

Dr. Harry Reiff provided a very brief overview of some of the meeting highlights.

ADDENDUM

RULES REVIEW AND/OR DEVELOPMENT

Tab 17. Rule 64B19-11.012, F.A.C., Application Forms

During the January 24, 2014 General Business Meeting, the Board reduced the psychology application fee from \$250.00 to \$200.00 and the initial licensure fee was reduced from \$250.00 to \$100.00. Enclosed for the Board's review is the revised application with the reduced fees.

Following discussion, Ms. Mary O'Brien moved to approve the application with the fee changes. Dr. J. Drake Miller seconded the motion, which carried 6/0.

The meeting adjourned at 9:33 a.m.