

The Florida

## Board of Psychology

# Draft Minutes

**JANUARY 23, 2015**

**BOARD OF PSYCHOLOGY  
GENERAL BUSINESS MEETING**

**RADISSON RESORT ORLANDO CELEBRATION  
2900 PARKWAY BLVD.  
KISSIMMEE, FL. 34747  
(407) 396-7000**



**Vacant  
Chair  
Dr. Dean Aufderheide, Ph.D  
Vice Chair**

# Minutes

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**DEPARTMENT OF HEALTH  
BOARD OF PSYCHOLOGY  
GENERAL BUSINESS MEETING  
JANUARY 23, 2015  
AGENDA**

**RADISSON RESORT ORLANDO CELEBRATION  
2900 PARKWAY BLVD.  
KISSIMMEE, FL. 34747  
(407) 396-7000**

**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 8:04 a.m.**

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

**Tab 1.            Kristy Quackenbush-Orr                            Examination**

Dr. Quackenbush-Orr was present and sworn in. She was not represented by counsel.

Dr. Quackenbush-Orr has applied for licensure under the Examination method. Dr. Quackenbush-Orr's supervisor, April Jackson-James, holds a psychology license in North Carolina. The supervisor's North Carolina license verification indicates there was discipline in 2005 regarding inaccurate documentation of supervision that she provided. Provided for the Board's review was the license application as well as the supervisor's discipline information.

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

The Credentials Committee adjourned at 8:12 a.m.

# Minutes

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## **GENERAL BUSINESS MEETING**

**Dr. Dean Aufderheide, Vice-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**

Dean Aufderheide, Ph.D., Vice Chair  
Harry J. Reiff, Psy.D.  
J. Drake Miller, Psy.D.  
Andrew Rubin, Ph.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**

Elana Jones, Esq.  
Linda McMullen, Esq.

### **COURT REPORTER**

American Court Reporting  
3213 Hargill Dr.  
Orlando, FL 32806  
407-896-1813

## **DISCIPLINARY PROCEEDINGS**

**Tab 1.** Keenan Ray Ferrell, Case # 2011-14629 (p/c/p Dr. Luis Orta, Dr. Amy Swan, Ms. Ana Martin Lavielle)

Dr. Ferrell was not present nor represented by counsel.

Dr. Ferrell is before the Board due to a violation of Section 490.009(1)(w), F.S. (2011), through a violation of Section 456.072(1)(ii), F.S. (2011) by being found guilty of six (6) counts of health care fraud in violation of 18 U.S.C. Section 1347. Provided for the Board's review was the Administrative Complaint and all relevant documents.

Following discussion Ms. Mary O'Brien moved that the respondent has been properly served and has waived their right to a formal hearing. Dr. Harry Reiff seconded the motion, which carried 5/0.

Following discussion, Ms. Mary O'Brien moved that the material facts as alleged in the Administrative Complaint are not in dispute and to adopt the Findings of Fact set forth in the Administrative Complaint. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Following discussion, Ms. Mary O'Brien moved to adopt the allegations of law in the Administrative Complaint as the Board's conclusions of law. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Following discussion, Ms. Mary O'Brien moved to adopt the materials and any addendum materials in this Tab 1 as evidence. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Following discussion, Ms. Mary O'Brien moved that the respondent is in violation of Florida statutes as charged in the Administrative Complaint. Dr. Andrew Rubin seconded the motion, which carried 5/0.

# Minutes

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The Department recommends revocation of license and costs of \$265.80.

Following discussion, Dr. Harry Reiff moved to revoke Dr. Ferrell's license and impose a \$10,000.00 fine and costs. Dr. Andrew Rubin seconded the motion, which carried 5/0.

## **PROSECUTOR'S REPORT**

### **Tab 2. Elana Jones, Esq**

Cases under legal review:	7	(2 in Emergency Action; 1 on appeal)
Cases awaiting probable cause determination:	1	
Total Cases where PC has been found:	7	
<b>Total Cases open/active in PSU:</b>	<b>15</b>	
Cases Prepared for Board Action:	1	
Cases on Appeal:	1	

### **Total Number of Cases Older Than One Year:**

2009:	1
2010:	2
2011:	1
2012:	1
2013:	3

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**Total: 8**

Following discussion, Ms. Mary O'Brien moved to continue prosecuting cases older than a year. Dr. Andrew Rubin seconded the motion, which carried 5/0.

## **ULA PRESENTATION**

### **Tab 3. Scott Flowers, CSU, ISU Administrator, Bureau of Enforcement**

Mr. Scott Flowers provided an update on the Unlicensed Activity Program. He indicated that Mr. Sidronio Casas will be the new Unlicensed Activity Liaison. He stated the ULA program has distributed a public service announcement regarding the psychology profession to movie theaters across south Florida. They are also looking to increase ads in television and radio, including PBS and I Heart Radio. They have also increased their investigators from twelve (12) to nineteen (19) as well as provided re-training.

Dr. Harry Reiff indicated that he would like to provide information to ASPPB regarding the ULA program.

# Minutes

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## **ADMINISTRATIVE PROCEEDINGS**

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

#### **Tab 4. Ruth Prevor**

Dr. Prevor was not present nor represented by counsel. Mr. Sydney Prevor was present on behalf of Dr. Prevor. He was sworn in.

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 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. Provided for the Board's review was an Order Closing File and Relinquishing Jurisdiction as well as all items previously reviewed by the Board. The entry of a Final Order is now pending.

Mr. Sydney Prevor had the opportunity to present information and address the Board.

Following discussion, Ms. Mary O'Brien moved to uphold the denial of the application. Dr. Andrew Rubin seconded the motion, which carried 5/0.

### **APPLICANTS FROM APA ACCREDITED PROGRAMS FOR EXAMINATION AND LICENSURE AS NOTED**

#### **Tab 5. List of Applicants**

Following discussion, Dr. Harry Reiff moved to approve the list of applicants for examination and licensure under the examination method as noted. Dr. J. Drake Miller seconded the motion, which carried 5.0.

Following discussion, Dr. Harry Reiff moved to approve the list of applicants for examination and licensure under the Bifurcation/Examination method as noted. Dr. J. Drake Miller seconded the motion, which carried 5.0.

# Minutes

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Following discussion, Dr. Harry Reiff moved to approve the list of applicants for examination and licensure under the Endorsement of 20 Years of Licensed Psychology Experience method as noted. Dr. J. Drake Miller seconded the motion, which carried 5/0.

Following discussion, Dr. Harry Reiff moved to approve the list of applicants for examination and licensure under the Endorsement of ABPP Diplomate Status method as noted. Dr. J. Drake Miller seconded the motion, which carried 5/0.

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

### **Tab 6.** Haana Ali

Dr. Ali was not present nor represented by counsel.

Dr. Ali 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. J. Drake Miller moved to approve the request for an extension for an additional twelve (12) months. Ms. Mary O'Brien seconded the motion, which carried 5/0.

### **Tab 7.** Katia Araujo

Dr. Araujo was not present nor represented by counsel.

Dr. Araujo 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. J. Drake Miller moved to approve the request for an extension for an additional twelve (12) months. Dr. Andrew Rubin seconded the motion, which carried 5/0.

### **Tab 8.** Nancy Blair

Dr. Blair was not present nor represented by counsel.

Dr. Blair 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. Ms. Mary O'Brien moved to approve the request for an extension for an additional twelve (12) months. Dr. Andrew Rubin seconded the motion, which carried 5/0.

### **Tab 9.** Kim Conradson

Dr. Conradson was not present nor represented by counsel.

Dr. J. Drake Miller recused himself due to him being employed at the same facility as Dr. Conradson.

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

# Minutes

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

**Tab 10.** Lawrence Simon

Dr. Simon was not present nor represented by counsel.

Dr. Dean Aufderheide recused himself as he has personal knowledge of the licensee.

Dr. Simon is requesting an extension on his Examination application. Passing scores of the EPPP 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. Ms. Mary O'Brien moved to approve the request for an extension for an additional twelve (12) months. Dr. Andrew Rubin seconded the motion, which carried 4/0.

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

**Tab 11.** List of Applicants

Dr. Haana Ali, Dr. Katia Araujo, Dr. Nancy Blair, Dr. Kim Conradson and Dr. Lawrence Simon were all removed from the list due to the granting of twelve (12) month extensions. Following discussion, Dr. Harry Reiff moved to approve the amended list of applicants for file closure as noted. Dr. J. Drake Miller seconded the motion, which carried 5/0.

## **RECONSIDERATION OF LICENSURE APPLICATION**

**Tab 12.** Lisa Schwelling

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

Dr. Schwelling's application and petition for variance or waiver of Rule 64B19-11.005, F.A.C. Supervised Experience Requirements was before the November 21, 2014 Board Quorum Conference Call. The Board denied the petition based on it not meeting the underlying statute and requested that Dr. Schwelling file an amended petition. They also requested a personal appearance at the January 23, 2015 General Business Meeting. A clarifying statement submitted by Dr. Schwelling as well as a statement from her supervisor indicates that all of Dr. Schwelling's post-doctoral supervision was before licensure, therefore, an amended petition is no longer necessary.

Provided for the Board's review were the items previously reviewed as well statements from Dr. Schwelling and her post-doctoral supervisor.

Following discussion, Dr. J. Drake Miller moved to approve the application. Ms. Mary O'Brien seconded the motion, which carried 5/0.

## **PETITION FOR VARIANCE OR WAIVER AND REVIEW OF APPLICATION FOR LICENSURE**

**Tab 13.** Michele Brenneman

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

# Minutes

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Dr. Brenneman 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 as a certified school psychologist as meeting Florida requirements for license.

Provided for the Board's review was the petition as well as her licensure application.

Following discussion, the Board requested a signed letter from Dr. Brenneman's supervisor confirming they were a licensed psychologist during the time of supervision as well as indicating the hours of supervision she received from August 2007 through May 2014.

Dr. Brenneman waived the ninety (90) day requirement for Board action on her application and petition.

**Tab 14.** Katherine Daly

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

Dr. Daly's licensure application and petition for variance or waiver of Rule 64B19-11.005 F.A.C. was before the November 21, 2014 Board Quorum Conference Call. Dr. Daly petitioned for a variance or waiver of Rule 64B19-11.005 F.A.C. requesting the Board consider her post-doctoral supervision as substantially equivalent to Florida's requirements. The supervisor in question, Kyle Bishop, was licensed in (Maryland) as a Mental Health Counselor, not a Psychologist.

During the meeting 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. The Board also requested a personal appearance at the January 23, 2015 General Business Meeting. Dr. Berez has submitted supervision forms indicating only 1,720 hours.

Provided for the Board's review and action was the petition as well as her licensure application, transcripts and supervision forms, and a letter from Dr. Elizabeth Williams, Ph.D. from St. Mary College of Maryland.

Following discussion, the Board requested a signed letter from Dr. Daly's supervisor at The University of Central Florida verifying an additional 280 hours she has received.

Dr. Daly waived the ninety (90) day requirement for Board action on her application and petition.

Following discussion, Dr. J. Drake Miller moved to grant the petition and accept the 1,720 hours with one (1) hour of face-to-face supervision. Mr. Mary O'Brien seconded the motion, which carried 5/0.



# Minutes

## RULE STATUS REPORT

**Tab 15.** Rachel Clark, Assistant Attorney General

- 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
THE FOLLOWING RULES ARE <b>IN PROCESS</b> :							
64B19-11.012	Application Forms	11/21/14	01/09/15	01/12/15			

- 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
THE FOLLOWING RULES ARE <b>IN PROCESS</b> :							
64B19-15.003	Reactivation of Inactive Licenses	10/17/14	11/04/14	11/10/14	12/03/14		

## REPORTS, IF ANY

**Tab 16.** Dr. Luis Orta, Ph.D.  
Other Board Members

Dr. Dean Aufderheide requested that a letter of appreciation be sent to the staff at the Unlicensed Activity office for their presentation at this meeting.

Dr. Harry Reiff indicated that they had received several pieces of legislation that had been filed and after review, he expressed concerns regarding the Behavior Analysts bill. FPA Executive Director, Mr. Cheval Breggins addressed the Board informing the Board that the FPA lobbyist has been in communication with sponsors and has been targeting top legislators.

Dr. Harry Reiff acknowledged and congratulated Dr. Dean Aufderheide on his recognition in the Florida Veteran Health Hero's brochure.

Dr. Harry Reiff also recognized and thanked Dr. Luis Orta for his service on the Board.

**Tab 17.** Executive Director

Report topics

- Cash Balance Reports

Informational Item

- Expenditures by Function Report

Informational Item

# Minutes

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## **Tab 18.** Credentials Committee Report

Dr. Harry Reiff reported to the full Board the Credentials Committee's recommendation. The committee recommended approval of tab 1.

Dr. Harry Reiff moved to ratify the recommendation of the committee. Dr. Andrew Rubin seconded the motion, which carried 5/0.

## **Tab 19.** Continuing Education Ratification List

### List of Applicants

Dr. Harry Reiff moved to approve the list of applicants for continuing education provider status and medical errors courses as noted. Dr. Andrew Rubin seconded the motion, which carried 5/0.

## **NEW BUSINESS**

## **Tab 20.** 2015 Election of Officers

BOARD CHAIR: Dr. Dean Aufderhiede

VICE CHAIR: Dr. J. Drake Miller

BUDGET LIASION: Dr. Harry Reiff

LEGISLATIVE LIASION: Dr. J. Drake Miller

COMMUNICATIONS LIASION: Dr. Andrew Rubin

UNLICENSED ACTIVITY LIASION: Ms. Mary O'Brien

CONTINUING EDUCATION LIASION: Dr. Andrew Rubin with Dr. J. Drake Miller as back-up.

CREDENTIALS COMMITTEE: Dr. Harry Reiff, Dr. J. Drake Miller, Ms. Mary O'Brien

LEGISLATIVE SUBCOMMITTEE: Dr. J. Drake Miller, Dr. Harry Reiff, Ms. Mary O'Brien

EXAMINATION LIASION: Dr. Dean Aufderheide

IMPAIRED PRACTITIONERS LIASION: Dr. Andrew Rubin

HEALTHY WEIGHT LIASION: Dr. Andrew Rubin

PROBABLE CAUSE PANEL: Dr. Amy Swan, Chair, Dr. Harry Reiff, current Board Member, Ms. Ana Martin- Lavielle, past consumer member.

Following discussion, Dr. J. Drake Miller moved to approve the list of candidate assignments as nominated. Dr. Andrew Rubin seconded the motion, which carried 5/0.

## **Tab 21.** Sunshine Laws Refresher

Florida's Government in the Sunshine Law, commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels. The law is equally applicable to elected and appointed boards and has been applied to any gathering of two or more members of the same board to discuss some matter, which will foreseeably come before that board for action.

Ms. Rachel Clark provided an update on the Sunshine Laws.

## **Tab 22.** Delegation of Authority and Conviction Records Guidelines

Following discussion, the Board ratified the 2015 Delegation of Authority.

# Minutes

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Following discussion, Dr. Harry Reiff moved to approve the Conviction Records Guidelines. Dr. Andrew Rubin seconded the motion, which carried 5/0.

## **OLD BUSINESS**

### **Tab 23.** 2014 Fee History

The Florida Board of Psychology, in the past 5 years, has reduced the fees for licensure by more than 60 percent. In the Fall of 2009, the fees to apply for a Florida psychologist license exceeded \$1,000.00, exclusive of the additional fees applicants were required to pay to the national examination vendor. As of November 5, 2014, the total application and state exam fees for the psychologist license will be just under \$400.00, excluding national exam fees.

At the October 17, 2014 General Business meeting, the Board requested the Senior Health Budget Analyst review the feasibility of reducing fees associated with initial licensure. Ms. Simmons provided this statement.

“I would not recommend a fee reduction at this time. Psychology lowered fees in 3/2012, 7/2013 and 11/2014. I recommend waiting a year to ensure the impact of these reductions will not negatively impact the cash balance.”

The resultant scenarios and recommendations were provided for the Board’s consideration.

Following discussion, Dr. Harry Reiff suggested a reduction of fees for first time psychology applicants.

Following discussion, Dr. Harry Reiff moved to accept the report. Dr. Dean Aufderheide seconded the motion, which carried 5/0.

### **Tab 24.** October 17, 2014 General Business Meeting Minutes

Dr. Harry Reiff moved to accept the minutes. Ms. Mary O’Brien seconded the motion, which carried 5/0.

### **Tab 25.** November 21, 2014 Board Quorum Conference Call Minutes

Dr. Harry Reiff moved to accept the minutes. Ms. Mary O’Brien seconded the motion, which carried 5/0.

### **Tab 26.** Healthiest Weight Liaison Presentation

Mr. Allen Hall provided information and an update on the Department’s Healthiest Weight campaign. The Department questioned whether the Board would like quarterly emails and handouts on Healthiest Weight. Dr. Dean Aufderheide suggested a tab for each meeting for a brief presentation from the Board’s Healthiest Weight Liaison, Dr. Andrew Rubin. The Department also questioned on how the Board can work with their professional associations to further address the Healthiest Weight issue. FPA Executive Director, Mr. Cheval Breggins addressed the Board requesting the Healthiest Weight link be sent to him for posting to the FPA website. He also stated he will provide information to the Healthiest Weight Liaison to have a presentation booth at the FPA meetings.

# Minutes

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## **OTHER BUSINESS AND INFORMATION**

### **Tab 27.** Public Health Accomplishment

The Florida Board of Psychology has reduced licensing fees more than 60 percent over the past five years. In the fall of 2009, the fees to apply for a Florida psychologist license exceeded \$1,000, exclusive of the additional fees applicants were required to pay to the national examination vendor. As of November 5, 2014, the total application and state exam fees for the psychologist license will be just under \$400, excluding national exam fees. Dr. Harry Reiff, a member of the Florida board since 2008, was instrumental in achieving this due to his attention to the board's financial status and his goal to make licensure more attainable for prospective applicants, many of whom he understood were faced with significant financial obligations accrued while obtaining the required education and training.

### **Tab 28.** ASPPB Disciplinary Data Report

Informational Item

### **Tab 29.** ASPPB Meeting Minutes

Informational Item

### **Tab 30.** Psychology Staff Recognition

Informational Item

The meeting adjourned at 11:58 a.m.