

The Florida

Board of Psychology

Draft Minutes

APRIL 24, 2015

**BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING**

**BY TELEPHONE CONFERENCE CALL
APRIL 24, 2015**

**DIAL-IN NUMBER: 1-888-670-3525
PUBLIC CONFERENCE CODE: 7811783909#**



Dr. Dean Aufderheide, Ph.D
Chair
Dr. J. Drake Miller
Vice Chair

Minutes

**DEPARTMENT OF HEALTH
BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING
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(Draft)**

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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
Michelle Branch, Regulatory Specialist II
Annie Patterson, Regulatory Specialist II

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. Gregory Brown Bifurcation/Exam

Dr. Brown was not present nor represented by counsel.

Dr. Brown has applied for licensure under the Bifurcation/Examination method. He has answered "yes" to question 32 of the application indicating that he has been convicted of, or entered a plea of guilty, nolo contendere, or no contest to, a crime in any jurisdiction including a military court martial, other than a minor traffic offense. Provided for the Board's review was the application, transcripts, documentation and personal statement regarding criminal history.

Following discussion, Ms. Mary O'Brien moved to deny the application based on past criminal history. Dr. J. Drake Miller seconded the motion, which carried 2/1.

Tab 2. Kalayni Gopal Exam with Waiver

Dr. Gopal was not present nor represented by counsel. Ms. Shelly Joseph, the general manager who completed supervision forms was present on Dr. Gopal's behalf.

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Dr. Gopal has applied for licensure under the Exam with Waiver method. Dr. Gopal's post-doctoral supervisor, Dr. Alan DeWolfe is deceased; therefore she has submitted supervision forms completed by the General Manager of the office she is employed with. Provided for the Board's review was the application, supervision forms and transcripts.

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

Tab 3. Brett Valette Endorsement of Other State License (CO 1991)

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

Dr. Valette has applied for licensure under the Endorsement of Other State License method. He has answered "yes" to question 30 on page 10 of the application indicating that his license had been revoked, suspended or acted against. Provided for the Board's review was the application, Colorado license verification and discipline information, the regulations that were in effect in Colorado at the time the applicant was licensed, as well as the applicable regulations in effect in Florida during that time.

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

The Credentials Committee adjourned at 8:45 a.m.

Immediately following the adjournment of the Credentials Committee meeting.

Call to order – Continuing Education Committee

CONVENE THE CONTINUING EDUCATION COMMITTEE

MEMBERS PRESENT

Dr. Andrew Rubin, Ph.D
J. Drake Miller, Psy.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, Esq.

Dr. Andrew Rubin called the Continuing Education Committee to order at approximately 8:46 a.m.

REVIEW OF APPLICATION FOR CONTINUING EDUCATION PROVIDER STATUS

**Tab 1. Florida Mediation Training, Inc.
 Family Meditation Certification Training
 Course Number: 20 – 446435**

Following discussion, Dr. J. Drake Miller moved to approve the application. Dr. Andrew Rubin seconded the motion, which carried 2/0.

The Continuing Education Committee adjourned at 8:50 a.m.

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Immediately following the adjournment of the Continuing Education Committee meeting.
Call to order - General Business Meeting

GENERAL BUSINESS MEETING

Dr. Dean Aufderheide, Chair, called the general business meeting to order at approximately 8:51 a.m. Those present for all or part of the meeting, included the following:

MEMBERS PRESENT

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

STAFF PRESENT

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

Ms. Mary O'Brien was not present. Her absence has been excused.

ASSISTANT ATTORNEY GENERAL

Rachel Clark, Esq.

ASSISTANT GENERAL COUNSEL

Chelsea Enright, Esq.

COURT REPORTER

PROSECUTOR'S REPORT

Tab 1. Chelsea Enright, Esq.

Following discussion, Dr. J. Drake Miller moved to continue to prosecute the cases older than a year. Dr. Harry Reiff seconded the motion, which carried 5/0.

Case in Legal Intake	1	
Cases under legal review:	10	(1 in EAU)
Total Cases where PC has been found:	7	(3 in EAU 1 on Appeal)
Total Cases open/active in PSU:	18	
Cases on Appeal:	1	

Total Number of Cases Older Than One Year:

2009:	1
2010:	2
2011:	1
2012:	1
2013:	2
2014:	1
Total:	8

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ADMINISTRATIVE PROCEEDINGS

APPLICANTS FROM APA ACCREDITED PROGRAMS FOR EXAMINATION AND LICENSURE AS NOTED

Tab 2. List of Applicants

Following discussion, Dr. Randi Macintosh moved to approve the list of Examination applicants for examination and licensure as noted. Dr. Harry Reiff seconded the motion, which carried 5/0.

Following discussion, Dr. Reiff indicated that applicant Dr. Sabrina Martin on the Bifurcation list was in the internship program he was affiliated with, however, he did not provide direct supervision, therefore, that will not affect his vote. Dr. Harry Reiff moved to approve the list of Bifurcation applicants for examination and licensure as noted. Dr. Andrew Rubin seconded the motion, which carried 5/0.

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

Following discussion, Dr. Harry Reiff moved to approve the list of Endorsement of ABPP Diplomate Status for examination and licensure as noted. Dr. Randi Macintosh seconded the motion, which carried 5/0.

CONTINUING EDUCATION RATIFICATION LIST

Tab 3. List of Applicants

Following discussion, Dr. Andrew Rubin 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 5/0.

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

Tab 4. Lytal Pichon

Dr. Pichon was not present nor represented by counsel.

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

Following discussion, Dr. Harry Reiff moved to approve the request for an extension for an additional twelve (12) months. Dr. J. Drake Miller seconded the motion, which carried 5/0.

At this point in the meeting, Tab 24 was taken out of order.

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ADDENDUM

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

Tab 24. Orietta Coz

Dr. Coz was not present nor represented by counsel.

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

Following discussion, the Board determined there has been a good faith effort to complete the exam requirements. Dr. Randi Macintosh moved to approve the request for an extension for an additional twelve (12) months. Dr. Andrew Rubin seconded the motion, which carried 5/0.

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

Tab 5. List of Applicants

Dr. Tracy Perez and Dr. Sherrie Belack-Raz were removed from the list due to the withdrawing of their applications. Dr. Orietta Coz was removed due to the granting of an extension. Following discussion, Dr. J. Drake Miller moved to accept the withdrawals. Dr. Randi Macintosh seconded the motion, which carried 5/0. 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.

PETITION FOR VARIANCE OR WAIVER AND REVIEW OF APPLICATION FOR LICENSURE

Tab 6. Michele Brenneman

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

Dr. Brenneman was before the Board at the January 23, 2015 General Business Meeting and the March 20, 2015 Board Quorum. Dr. Brenneman petitioned 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. The Board requested a signed letter from Dr. Brenneman's supervisor, Christy Jaffe confirming the hours of supervision from August 2007 through May 2014.

Provided for the Board's review was the petition, licensure application, the requested letter from the supervisor as well as license verifications.

Following discussion, Dr. Harry Reiff moved to approve the petition based on it meeting the requirements of the statute and it would cause an undue hardship if not approved. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Following discussion, Dr. Harry Reiff moved to approve the application. Dr. Randi Macintosh seconded the motion, which carried 5/0.

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PETITION FOR DECLARATORY STATEMENT

Tab 7. 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 and the November 21, 2014 Board Quorum 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 based on the fact that writing consultation orders is standard practice within the scope of psychology. Dr. Harry Reiff requested this petition be placed on the November 21, 2014 Board Quorum Conference call for reconsideration. During the meeting, Dr. Scherdell and Dr. Zafiris withdrew the petition and have since submitted a new petition for the Board's consideration.

Following discussion, Dr. Harry Reiff moved to approve the petition based on the statute not being sufficiently clear regarding writing orders for consultations. This approval of the petition is restricted to these two petitioners under their specific circumstances only. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Tab 8. Dona Locke

Dr. Locke was not present or represented by counsel. Mr. John Lucas with the Mayo Clinic was present on Dr. Locke's behalf.

Dr. Locke has submitted a petition for declaratory statement regarding Section 490.014(2)(e), F.S., Exemptions. She is requesting to provide services in Florida from July 27, 2015 through August 7, 2015 under her active Arizona and Minnesota licenses. She is requesting the Board review the laws and regulations that were in effect in both states at the time she became licensed to determine that she is meeting the requirement of the statute that the laws from another state to be equivalent to Florida's requirements. Provided for the Board's review was the petition, the Arizona and Minnesota laws that were in effect at the time Dr. Locke became licensed as well as the current laws and regulations of Florida.

Following discussion, Dr. J. Drake Miller moved to approve the petition based on Dr. Locke meeting the statute requirement of being licensed in another state. The approval of this petition is restricted to Dr. Locke under her specific circumstances. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Dr. Harry Reiff has requested that Section 490.014(2)(e), F.S. be placed on the July 17, 2015 General Business Meeting agenda for further debate and discussion.

PROVISIONAL PSYCHOLOGIST – REQUEST FOR APPROVAL OF NEW SUPERVISOR

Tab 9. Son Il Yun

Dr. Yun was not present nor represented by counsel.

A provisional license is an option for applicants. A provisional licensee must work under the supervision of a licensed psychologist until the provisional licensee is in receipt of a license or a letter from the department stating that he or she is licensed as a psychologist. A provisional license expires 24 months after the date it is issued and may not be renewed or reissued.

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Dr. Yun's informed the Board office on 04/09/2015 that the supervisory relationship with Dr. Edward Cunliffe will terminate on May 1, 2015. Dr. Yun has proposed a new supervisor, Dr. Joseph Lupo. Dr. Lupo has provided the required documents indicating his agreement to supervise Dr. Yun.

Following discussion, Dr. Harry Reiff moved to approve Dr. Lupo as the new provisional supervisor. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Dr. Harry Reiff has requested a discussion at the July 17, 2015 General Business Meeting regarding the approval of new supervisors for provisional licensees.

RULES REVIEW AND/OR DEVELOPMENT

Tab 10. Rule 64B19-11.0075, F.A.C., Application Closure After 24 Months

During the March 20, 2015 Board Quorum Conference call, Dr. Reiff requested to add this item to the April 24, 2015 General Business Meeting agenda for discussion.

The Board discussed the possibility of extending the time allowed for applicants to complete the licensure requirements. Following discussion, the Board determined that the rule offers a reasonable amount of time.

RULE STATUS REPORT

Tab 11. 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 HAVE BEEN ADOPTED IN THE PAST THREE (3) MONTHS:							
64B19-11.012	Application Forms	11/21/14	01/26/15	01/28/15	02/13/15	03/10/15	04/06/15

- 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 HAVE BEEN ADOPTED IN THE PAST THREE (3) MONTHS:							
64B19-15.003	Reactivation of Inactive Licenses	10/17/14	11/04/14	11/10/14	12/03/14	01/20/15	02/09/15

REPORTS, IF ANY

Tab 12. Dr. Dean Aufderheide, Ph.D.
Other Board Members

Informational Item

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Tab 13. Executive Director

Report topics

- Cash Balance Reports

Informational Item

- Expenditures by Function Report

Informational Item

Tab 14. Credentials Committee Report

Dr. Harry Reiff reported to the full Board the Credentials Committee's recommendation. The committee recommended approval of tabs two (2) and three (3). They denied tab one (1).

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

Tab 15. Continuing Education Ratification List

List of Applicants

Dr. Andrew Ruin reported to the full Board the Continuing Education Committee's recommendation. The committee recommended approval of tab one (1). 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 5/0.

NEW BUSINESS

Tab 16. Annual Regulatory Plan

In accordance with Section 7 of Executive Order 11-72 "No later than July 1, 2011, and on July 1 of each successive year, each agency under the direction of the Governor shall submit to the Office of Fiscal Accountability and Regulatory Reform (OFARR), an annual regulatory plan that shall identify and describe each rule that the agency expects to begin promulgating during the next twelve-month period."

In general, the plan should include any rules the board/council plans to amend during the upcoming year and any rules currently under development that may still be in process as of July 1. Staff recommends that all application rules be added to the plan as changes to the application are often needed and cannot always be anticipated.

If a rule is not included and a subsequent need to change the rule arises, the board/council is not prohibited from making needed changes, conversely simply placing a rule on the plan does not require rule development be undertaken.

Chapter 64B19, Florida Administrative Code and the Executive Order 11-72 were included.

Following discussion, Dr. Harry Reiff requested that Rule 64B19-14.001, F.A.C., Request for Retired Status be added to the Regulatory Plan.

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Following discussion, Dr. Harry Reiff moved to accept the Annual Regulatory Plan. Dr. Randi Macintosh seconded the motion, which carried 5/0.

Tab 17. Proposed 2016 Psychology Meeting Dates

The Board approved the following dates. They have also approved Miami, Tampa, Orlando and Tallahassee as the cities for the General Business Meetings to be held.

GBM

January 15, 2016

April 22, 2016

July 22, 2016

October 7, 2016

Credentials Committee

March 4, 2016

June 3, 2016

September 9, 2016

November 4, 2016

Board Quorum

March 18, 2016

June 17, 2016

September 23, 2016

November 18, 2016

Probable Cause Panel Meeting

January 19, 2016

March 22, 2016

May 24, 2016

July 19, 2016

September 20, 2016

November 22, 2016

OTHER MEETINGS

American Psychological Association

- Annual Convention-August 4-8, 2016, Denver, Colorado

Florida Psychological Association

- Annual Convention-July 10-12, 2016, Wyndham Grand Orlando Resort at Bonnet Creek

ASPPB

- Annual Meeting- October 19-23, 2016, Baltimore, MD

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OLD BUSINESS

Tab 18. Discussion: Conference Calls vs. General Business Meetings

Dr. Harry Reiff has requested a discussion on conference calls vs. General Business Meetings.

Dr. Harry Reiff expressed his concerns regarding the General Business Meeting moving from a face-to-face meeting to a conference call. He stated during a conference call, the quality of discussion is compromised significantly and there is much more interaction with the public in a face-to-face meeting. He also stated that students and interns do not have the opportunity to see the Board in action, nor do psychologists obtain continuing education credit for attending a conference call. He has requested that in the future to not move General Business Meetings to a conference call format.

Following discussion, the Board was informed that this General Business Meeting was moved to a conference call due to no discipline cases on the agenda. Section 456.011, F.S., states that discipline cases are required for a meeting to be face-to-face. The Board agreed that a poll to each member asking for their preference on whether a General Business Meeting should be face-to-face or a conference call if there are no discipline cases on the agenda would be acceptable.

Tab 19. January 23, 2015 General Business Meeting Minutes

Following discussion, Dr. Harry Reiff moved to accept the minutes. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Tab 20. March 20, 2015 Board Quorum Call Minutes

Following discussion, Dr. Randi Macintosh moved to accept the minutes. Dr. Harry Reiff seconded the motion, which carried 5/0.

Tab 21. Cash Balance Report Inquiry

At the January 2015 meeting, an inquiry was made regarding line item 810000 (Non-Operating Distribution and Transfers) on the Cash Balance Report. It was noted that the amount of this item differed from the amount on the Expenditures by Function Report for (CH 215.32 Transfer of Funds). As you are aware, CH 215.32 Transfer of Funds represents the Board of Psychology portion of the Legislative sweep of the MQA trust fund.

The Senior Budget Analyst provided the following information using the reports dated 12/31/14. "The line item 810000 as of December 31, 2014 is \$162,415. This consists of \$154,626 for the cash sweep (215.32) and \$7,789 for direct and indirect reimbursement to the Admin TF. The direct reimbursements are direct expenditures made by IT (includes MQA dedicated FTEs and contractors) for the benefit of MQA. The indirect reimbursements are calculated at 8% of the MQA total salary and OPS employee costs and are for administrative services provided from the Division of Administration, which includes disbursements, budget, leases, revenue, contract, etc." Therefore, although line item 810000 includes the cash sweep it also accounts for other expenditures so these two items will not be equal.

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OTHER BUSINESS AND INFORMATION

Tab 22. ASPPB Disciplinary Data Report

Informational Item

Tab 23. Psychology Staff Recognition

Informational Item

The meeting adjourned at 11:10 a.m.