

The Florida

Board of Psychology

Draft Minutes

APRIL 22, 2016

**BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING**

**HYATT REGENCY JACKSONVILLE RIVERFRONT
225 EAST COASTLINE DRIVE, JACKSONVILLE, FL 32202
904-588-1234**



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

Ms. Mary O'Brien, J.D.
Dr. Randi Mackintosh, Psy.D
Dr. Catherine Drew, Ph.D

STAFF PRESENT

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

MEMBERS ABSENT:

Dr. J. Drake Miller, Psy.D
Excused

ASSISTANT ATTORNEY GENERAL

Deborah Loucks, Esq.

Dr. Randi Mackintosh, 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.	John Fletcher	Endorsement of 20 Years of Licensed Psychology Experience
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Dr. Fletcher was present and sworn in. He was not represented by counsel.

Dr. Fletcher applied for licensure on July 15, 2014. His application was approved for the Laws and Rules exam on September 3, 2014 and his passing score was received on February 26, 2016. Dr. Fletcher is before the committee due to his "yes" answer on number 30 of the application indicating that he had his license revoked, suspended, or in any way acted against (e.g. reprimand, administrative fine, probation, etc.) in any state, U.S. territory or foreign country. On February 22, 2016, a Massachusetts license verification was received indicating discipline on his license.

Provided for the committee's review was the application, transcripts and disciplinary documents from the Division of Professional Licensure in Boston, Massachusetts.

Following discussion, Dr. Randi Mackintosh moved to approve the application. Dr. Catherine Drew seconded the motion, which carried 3/0.

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Tab 2. Katherine Miele Gomez Exam with Waiver

Dr. Miele Gomez was not present, nor represented by counsel.

Dr. Miele Gomez has applied for licensure under the Exam with Waiver method. She has received her post-doctoral supervision under two different supervisors in two different locations, however, she does not have a cohesive statement from a primary supervisor. Rule 64B19-11.005, F.A.C., Supervised Experience Requirements provides, as follows:

(b) A psychology resident or post-doctoral fellow may be supervised by more than one supervisor, at more than one location. If there is more than one supervisor, however, then one of the supervisors must be identified as the primary supervisor. The primary supervisor shall be the supervisor who enters into the agreement with the applicant for licensure, for supervision, and who integrates all of the applicant's supervisory experiences.

She has also taken the EPPP exam and has been licensed in New York since 1999, however, the score does not meet Florida's requirements.

Provided for the committee's review was the application, supervision forms, transcripts and EPPP information.

Following discussion, Ms. Mary O'Brien moved to deny the application based on the applicant does not meet Florida's experience or examination requirements. Dr. Catherine Drew seconded the motion, which carried 3/0.

Tab 3. John Parrino Endorsement of 20 Years of Licensed Psychology Experience

Dr. Parrino was not present, nor represented by counsel.

Dr. Parrino has applied for licensure by Endorsement of 20 Years of Licensed Psychology Experience. He received his doctorate degree from Louisiana State University on May 31, 1969. The transcripts did not indicate whether his major was in clinical, counseling or school psychology, therefore, staff requested a letter from the program director or registrar verifying the major so APA accreditation could be verified. A response was received from the Director of Clinical Training stating that to the best of their knowledge, Dr. Parrino attended the clinical program. The clinical program at Louisiana State University was accredited by the APA on February 24, 1956.

Provided for the committee's review was the application, license verification, transcripts and the statement from the university.

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

Tab 4. Andrea Velletri Endorsement of Other State License (PA 1976)

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

Dr. Velletri has applied for licensure under the Endorsement of Other State License method. Provided for the Board's review was the application and the regulations in effect in Pennsylvania at the time the

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applicant was licensed in that state, as well as the applicable regulations in effect in Florida at that same time.

Due to the Board appearing to move toward denial, Dr. Velletri requested to withdraw her application. Dr. Catherine Drew moved to approve the request to withdraw. Ms. Mary O'Brien seconded the motion, which carried 3/0.

The Credentials Committee adjourned at 8:21 a.m.

Call to order - General Business Meeting

GENERAL BUSINESS MEETING

Dr. Dean Aufderheide, 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., Chair
Mary D. O'Brien, J.D.
Andrew Rubin, Ph.D.
Dr. Randi Mackintosh, Psy.D
Dr. Catherine Drew, Ph.D

STAFF PRESENT

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

ASSISTANT ATTORNEY GENERAL

Deborah Loucks, Esq.

ASSISTANT GENERAL COUNSEL

Carrie McNamara, Esq.
Oaj Gilani, Esq.

MEMBERS ABSENT:

Dr. J. Drake Miller, Psy.D
Excused

COURT REPORTER

Stephanie T. Lackowicz
Precision Reporting
904-629-5310

DISCIPLINARY PROCEEDINGS

SETTLEMENT AGREEMENT

Tab 1. Antoinette Elizabeth McPherson Charles, Case # 2014-10316 (p/c/p Dr. Harry Reiff, Dr. Luis Orta, Dr. Andrew Rubin)

Dr. Andrew Rubin recused himself due to his participation on the Probable Cause Panel.

Dr. McPherson Charles was not present. She was represented by Carolyn Lewis, Esq.

Dr. McPherson Charles violated Section 490.009(1)(w), F.S, through a violation of Rule 64B19

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18.007(1), F.A.C., by treating a minor involved in a dissolution of marriage, support, or time-sharing action and stating an opinion about time-sharing schedules and parenting plans to the court.

The following are the terms of the Settlement Agreement:

Reprimand

\$1,500 Fine

\$2000 in Costs

Continuing Education-Three (3) hours in Laws and Rules and three (3) hours in professional ethics to be completed within six (6) months of the filing of the Final Order. These continuing education hours would be in addition to the regular forty (40) hours that are required for renewal.

Following discussion, Ms. Mary O'Brien moved to accept the Settlement Agreement. Dr. Randi Mackintosh seconded the motion, which carried 4/0.

VOLUNTARY RELINQUISHMENT

Tab 2. Lance Pulver, Case # 2015-30473

Dr. Pulver was not present, nor represented by counsel.

A Uniform Consumer Complaint was filed with the Department stating Dr. Pulver has violated the terms of the final order dated August 12, 2015, Case Number 2012-14553. In lieu of undergoing further disciplinary action, Dr. Pulver has returned an executed Voluntary Relinquishment of his license.

Following discussion, Ms. Mary O'Brien moved to accept the voluntary relinquishment. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Discipline Items Ending Time: 9:12 a.m.

PROSECUTORS REPORT

Tab 3. Carrie McNamara, Esq.	
Total Cases Open/Active in PSU:	26
Cases in EAU:	1
Cases Under Legal Review:	15
Cases Where PC Recommendation Made:	8
Cases Where Probable Cause Found/Waived:	3
Cases in Holding Status:	0
Cases Awaiting Supplemental Investigation:	1
Cases Undergoing Expert Review:	2
Cases Pending Before DOAH:	0
Cases on Agenda for Current/Future Board Meeting:	2
Cases Older than One Year*:	
2014:	5
2015:	3

*Three of these cases will be on the agenda for the next probable cause panel meeting.

Following discussion, Dr. Andrew Rubin moved to extend the cases older than a year. Dr. Catherine Drew seconded the motion, which carried 5/0.

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ADMINISTRATIVE PROCEEDINGS

APPLICANTS FROM APA ACCREDITED PROGRAMS FOR EXAMINATION AND LICENSURE AS NOTED

Tab 5. List of Applicants

Dr. Catherine Drew moved to approve the list of applicants for examination and licensure as noted. Dr. Andrew Rubin seconded the motion, which carried 5/0.

CONTINUING EDUCATION RATIFICATION LIST

Tab 6. List of Applicants

Dr. Randi Mackintosh 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.

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

Tab 7. Jamie Furr

Dr. Furr's request for an extension has been removed as she has passed the exams and is now licensed.

Tab 8. Jacobeth Nazario

Dr. Nazario was not present, nor represented by counsel.

Dr. Nazario is requesting an extension on her Bifurcation application. Passing scores of the EPPP exam have not been completed.

Following discussion, Ms. Mary O'Brien moved to approve the 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 9. List of Applicants

Dr. Jamie Furr has been removed from the list due to her passing the exams and becoming licensed. Dr. Jacobeth Nazario has been removed from the list due to the granting of an extension. Following discussion, Ms. Mary O'Brien motioned to approve the list of applicants for file closure as noted. Dr. Andrew Rubin seconded the motion, which carried 5/0

PETITION FOR VARIANCE OR WAIVER AND REVIEW OF APPLICATION FOR LICENSURE

Tab 10. Erika J. Molina Vergara Rule 64B19-11.005, F.A.C., Supervised Experience Requirements

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

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Dr. Molina-Vergara has applied for licensure under the Examination method. The application as well as the supervision forms indicate that Dr. Molina-Vergara did receive the required 2000 hours of post-doctoral supervision, however, it was completed over 180 weeks working at 12 hours per week. Rule 64B19-11.005, F.A.C., Supervised Experience Requirements provides, as follows:

(c) The post-doctoral training must be a cohesive and integrated training experience which includes the following criteria:

1. It averages at least twenty (20) hours a week over no more than one hundred and four (104) weeks. Alternatively, it averages no more than forty (40) hours a week over no more than fifty-two (52) weeks;

Dr. Molina-Vergara has filed a petition for variance or waiver of Rule 64B19-11.005, F.A.C., Supervised Experience Requirements respectfully requesting the Board to consider her post-doctoral supervision as acceptable for licensure. Enclosed for the Board's review is the application, petition, transcripts and supervision forms.

Following discussion, Dr. Andrew Rubin moved to approve the petition for variance or waiver. Ms. Mary O'Brien seconded the motion, which carried 5/0.

Following discussion, Dr. Catherin Drew moved to approve the application for licensure. Dr. Randi Mackintosh seconded the motion, which carried 5/0.

Tabs 12 through 25 were taken out of order.

RULES REVIEW AND/OR DEVELOPMENT

Tab 12. Rule 64B19-11.005, F.A.C., Supervised Experience Requirements

Review of this rule is before the Board for discussion on provisions identified by the Board Chair and Board Counsel and in light of the fact that there have been approximately 15 petitions for variance/waiver filed with regard to this rule since January 2015.

Highlighted for discussion are the following provisions:

Requirements for Post-Doctoral Supervision Completed in More than One Location under More than One Supervisor

- This rule assumes most post-doctoral residents are planning in advance to complete the supervision in more than one location; however, the reality is that most affected applicants complete a portion of their residency in one setting and for a variety of reasons complete the hours in another setting, which puts them in the position of attempting to comply with this provision *after-the-fact*.
- Many applicants have difficulty having one of the supervisors agree to be designated as the primary supervisor *after-the-fact*. Preparing a cohesive and integrated experience letter under these circumstances is typically uncomfortable for the supervisor.

Requirement for Completion of Two Hours of Clinical Supervision with One Hour of Individual Face-to-Face Supervision

- Most problems arise with persons who completed their post-doctoral experience in states with different requirements
- Bases on previous petitions filed, it appears that psychologists who have practiced in

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successfully in other states have indicated compliance with this requirement after-the-fact is an unreasonable hardship.

- The rule is not clear to many applicants in terms of what might constitute the other one (1) hour of supervision (e.g., group supervision, etc.). Some only indicate the one (1) hour of face-to-face, not understanding that other types of supervision might satisfy the additional clinical hour required.

Following discussion, Dr. Andrew Rubin and Dr. Randi Mackintosh formed a subcommittee to address any potential changes to the rule. Dr. Dean Aufderheide indicated that the rule is not meant to restrict access to licensees from other states and it should be move closely aligned to the statute.

Tab 13. Rule 64B19-13.004, F.A.C., Board approval of Continuing Psychological Education Providers

Review of this rule is before the Board to discuss adding provisions to be taken into consideration for approval of medical errors courses.

Historically, the Board has indicated as follows:

“Many of the programs that have been developed to allow Florida health care practitioners to satisfy the course requirement on prevention of medical errors are exclusively geared for clinicians working within medical settings. This may be inadequate for psychologists, in terms of clinical relevance and applicability. Consequently, in order to be approved to offer the medial errors prevention course to psychologists, providers medically-oriented programs, (i.e., wrong site surgery). In addition to including a study of root-cause analysis, error reduction and prevention, and patient safety, providers should discuss areas within mental health practice that carry the potential for “medical” errors. Examples would include improper diagnosis, failure to comply with mandatory abuse reporting laws, inadequate assessment of potential for violence (e.g., psychological/psychiatric disorder.”

Rule 64B19-13.004, F.A.C., as well as related regulations were provided for the Board’s consideration of this proposed modification.

Rule language will be brought before the June 17, 2016 Board Quorum Conference Call for consideration.

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REPORT OF ASSISTANT ATTORNEY GENERAL-Deborah Loucks, Esquire

Tab 14. Rule Status Report

- Rule 64B19-11.004 F.A.C., Licensure by Examination: Additional Educational Requirements for Initial Licensure

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B19-11.004	Licensure by Examination: Additional Educational Requirements for Initial Licensure.	10/23/15	12/01/15	N/A	12/9/15	1/19/16	2/8/16

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

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B19-11.012	Application Forms	1/15/16	1/28/16	2/10/16	2/26/16 (JAPC letter rec'd 3/14/16; Response letter sent 3/21/16)	4/1/16	4/21/16

NEW BUSINESS

Tab 15. 2016 Legislative Update

This listing is not intended to be inclusive of all filed bills that potentially affected your profession during the 2016 session. Rather, it references bills noted in "Legislative Update" notifications that would have been impacted Board/Council operations that require specific action/rulemaking will be addressed in a separate tab. Final outcome of the bills that passed will depend on action by the Governor.

- SB258 and HB137 related to conversion therapy did not pass.
- SB572 and HB325 related to authorizing Physician Assistants and Advanced Registered Nurse Practitioners to Baker Act did not pass.
- SB1286 and HB1261 establishing licensure/certification of diabetes educators would have limited the scope of practice of psychologists providing diabetes information to clients. These bills did not pass.
- SB1150 and HB953 related to rulemaking authority did not pass.
- CS/CS/HB7087-Telehealth
- HB981-Statement of Estimated Regulatory Costs (SERC).
- CS/CS/HB941-Department of Health. Bill language and specifics provided in a separate tab.

Mr. Allen Hall provided an update on this legislation. Dr Carolyn Stimel, Interim Executive Director with the Florida Psychological Association also addressed the Board.

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- Tab 16.** CS/CS/HB 941-Department of Health
- Rule 64B19-11.010, F.A.C., Limited Licensure
 - Rule 64B19-11.011, F.A.C., Provisional License; Supervision of Provisional Licensees
 - Rule 64B19-11.012, F.A.C., Application Forms

These are the key provisions:

456.013(7) – Medical errors CE no longer required at initial licensure. Medical errors CE will only be required at renewal.

These rules will need to be amended to remove the medical errors requirement.

- 11.010 – Limited license licensure application
- 11.011 – Provisional psychologist licensure application
- 11.012 – Psychologist licensure application

456.024 – Multiple changes related to expedited licensure for Members of the United States Armed Forces and their spouses.

No rule changes are required to implement this provision.

456.0361 – Electronic continuing education tracking system. Department may not renew a license until a licensee complies with all applicable CE requirements.

No rule changes are required to implement this provision.

456.057 – Allows the Department to contract with a third party to be the custodian of medical records in the event of the death of a practitioner, the mental or physical incapacitation of a practitioner or the abandonment of medical records by a practitioner.

No rule changes are required to implement this provision.

456.0635 – Applicants with a 456.0635 conviction (certain drug and fraud convictions) will no longer have an exemption when they were enrolled in an educational training program on or before July 1, 2009.

The application must be updated to delete the reference to this exemption.

Following discussion, Dr. Randi Mackintosh moved to approve Rule 64B19-11.010, Limited Licensure, F.A.C., and the application form removing references to Medical Errors and Section 456.0635, F.S. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Ms. Mary O'Brien moved that the change in the rule would not have a negative impact on small businesses and that 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. Dr. Catherine Drew seconded the motion, which carried 5/0.

Following discussion, Ms. Mary O'Brien moved to approve Rule 64B19-11.011, Provisional License; Supervision of Provisional Licensees, F.A.C., and the application form. Dr. Randi Mackintosh seconded the motion, which carried 5/0.

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Dr. Dean Aufderheide moved that the change in the rule would not have a negative impact on small businesses and that 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. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Following discussion, Dr. Andrew Rubin moved to approve Rule 64B19-11.012, Application Forms, F.A.C., and the application form removing references to Medical Errors and Section 456.0635, F.S. Ms. Mary O'Brien seconded the motion, which carried 5/0.

Dr. Randi Mackintosh moved that the change in the rule would not have a negative impact on small businesses and that 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. Dr. Catherine Drew seconded the motion, which carried 5/0.

Tab 17. Proposed 2017 Meeting Dates

The following dates are presented for the Board's consideration. The selections have been made in coordination with the other six professions in the Medical Therapies/Psychology Board Office to avoid meeting conflicts. The board may wish to specify four to six city preferences.

GBM

January 20, 2017
April 21, 2017
July 21, 2017
October 27, 2017

Credentials Committee

March 3, 2017
June 9, 2017
September 8, 2017
November 17, 2017

Board Quorum

March 17, 2017
June 23, 2017
September 22, 2017
December 1, 2017

Probable Cause Panel Meeting

January 24, 2017
March 21, 2017
May 23, 2017
July 18, 2017
September 19, 2017
November 14, 2017

The Board has approved the meeting dates.

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Tab 18. Review of Florida Psychological Association Continuing Education Course

The Board office received inquiry from a psychologist licensee regarding the suitability of a domestic violence course recently offered by the Florida Psychology Association. Rule 64B19-13.003, F.A.C., requires that a domestic violence course should educate licensees based on the definition in Section 741.28, F.S.

Section 741.28(2), F.S., defines domestic violence as

“...any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member”.

Section 456.031(1)(a), F.S., further requires that the course

“...shall consist of information on the number of patients in that professional’s practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services”.

Provided for the Board’s review was the Florida Psychological Association’s response to the inquiry, the course description and course participant evaluations. The Board is asked to review and determine whether the course meets the statutory requirements for a domestic violence course.

Following discussion, Dr. Catherine Drew moved that the course is not acceptable going forward as a Domestic Violence course. Ms. Mary O’Brien seconded the motion, which carried 5/0.

Tab 19. ASPPB Examination for Professional Practice in Psychology – Step 2

ASPPB has provided notification that during their January Board of Directors meeting, they approved the development and implementation of an examination to assess the competency-based skills necessary at entry-level licensure. The skills-based examination will be designed to augment and complement the Examination for Professional Practice in Psychology (EPPP).

Provided for the Board’s review was Rule 64B19-11.001, F.A.C., Examination as well as the notification from ASPPB.

Dr. Andrew Rubin will be attending the upcoming ASPPB meeting and will provide more information. No action is required at this time.

Tab 20. Discussion: Board of Medicine Telemedicine Rule 64B8-9.0141, Standards for Telemedicine Practice

The Board Chair requested a discussion of the Board of Medicine Telemedicine Rule. The rule became effective on March 7, 2016. Legislation regarding telemedicine is included under another tab.

64B8-9.0141 Standards for Telemedicine Practice.

(1) “Telemedicine” means the practice of medicine by a licensed Florida physician or physician assistant where patient care, treatment, or services are provided through the use of medical information exchanged from one site to another via electronic communications. Telemedicine shall not include the

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provision of health care services only through an audio only telephone, email messages, text messages, facsimile transmission, U.S. Mail or other parcel service, or any combination thereof.

(2) The standard of care, as defined in Section 456.50(1)(e), F.S., shall remain the same regardless of whether a Florida licensed physician or physician assistant provides health care services in person or by telemedicine.

(3) Florida licensed physicians and physician assistants providing health care services by telemedicine are responsible for the quality of the equipment and technology employed and are responsible for their safe use. Telemedicine equipment and technology must be able to provide, at a minimum, the same information to the physician and physician assistant which will enable them to meet or exceed the prevailing standard of care for the practice of medicine.

(4) Controlled substances shall not be prescribed through the use of telemedicine except for the treatment of psychiatric disorders. This provision does not preclude physicians or physician assistants from ordering controlled substances through the use of telemedicine for patients hospitalized in a facility licensed pursuant to Chapter 395, F.S.

(5) Prescribing medications based solely on an electronic medical questionnaire constitutes the failure to practice medicine with that level of care, skill, and treatment which is recognized by reasonably prudent physicians as being acceptable under similar conditions and circumstances, as well as prescribing legend drugs other than in the course of a physician's professional practice.

(6) Physicians and physician assistants shall not provide treatment recommendations, including issuing a prescription, via electronic or other means, unless the following elements have been met:

(a) A documented patient evaluation, including history and physical examination to establish the diagnosis for which any legend drug is prescribed.

(b) Discussion between the physician or the physician assistant and the patient regarding treatment options and the risks and benefits of treatment.

(c) Maintenance of contemporaneous medical records meeting the requirements of Rule 64B8-9.003, F.A.C.

(7) The practice of medicine by telemedicine does not alter any obligation of the physician or the physician assistant regarding patient confidentiality or recordkeeping.

(8) A physician-patient relationship may be established through telemedicine.

(9)(a) Nothing contained in this rule shall prohibit consultations between physicians or the transmission and review of digital images, pathology specimens, test results, or other medical data by physicians or other qualified providers related to the care of Florida patients.

(b) This rule does not apply to emergency medical services provided by emergency physicians, emergency medical technicians (EMTs), paramedics, and emergency dispatchers. Emergency medical services are those activities or services to prevent or treat a sudden critical illness or injury and to provide emergency medical care and prehospital emergency medical transportation to sick, injured, or otherwise incapacitated persons in this state.

(c) The provisions of this rule shall not apply where a physician or physician assistant is treating a patient with an emergency medical condition that requires immediate medical care. An emergency medical condition is a medical condition manifesting itself by acute symptoms of sufficient severity that the absence of immediate medical attention will result in serious jeopardy to patient health, serious impairment to bodily functions, or serious dysfunction of a body organ or part.

(d) The provisions of this rule shall not be construed to prohibit patient care in consultation with another physician who has an ongoing relationship with the patient, and who has agreed to supervise the patient's treatment, including the use of any prescribed medications, nor on-call or cross-coverage situations in which the physician has access to patient records.

Rulemaking Authority 458.331(1)(v) FS. Law Implemented 458.331(1)(v), 458.347(4)(g) FS. History—New 3-12-14, Amended 7-22-14, 10-26-14, 3-7-16.

Ms. Deborah Loucks explained that the Board of Medicine has specific statutory authority to have this rule which does not apply to the Board of Psychology.

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Tab 21. Discussion: Psychological Unlicensed Personnel

Dr. Aufderheide has requested this correspondence between ASPPB and the Nevada Board of Psychological Examiners regarding criminal background checks on psychological assistants or psychometricians be added to this agenda for discussion.

Informational Item. There will be no change to the rule.

Tab 22. Discussion: Continuing Education Requirements for Newly Licensed Limited Psychologists

Both Psychologists and Limited License Psychologists are required to complete 40 hours of approved continuing education courses for each licensure renewal, pursuant to Rule 64B19-13.003, F.A.C.

Newly licensed Psychologists are only required to complete a 2-hour prevention of medical errors course for their first renewal by virtue of their passage of the Florida laws and rules exam for licensure.

For discussion by the Board is whether you would like to reduce requirements for a Limited License Psychologist's first renewal. This is a common accommodation for first-time licensees in other professions. After the first renewal, licensees are required to complete the normal hours of continuing education credit required for the profession.

Enclosed for the Board's consideration during the discussion are samples of rule language for other professions in which first time renewal accommodations have been made.

Following discussion, the Board has determined that no changes will be made to the rule. First time Limited licensees will be required to complete forty (40) hours of continuing education.

REPORTS, IF ANY

Tab 23. Dr. Dean Aufderheide, Ph.D.
Other Board Members:
Dr. Andrew Rubin, Healthiest Weight Updates, if any

Dr. Andrew Rubin indicated there are no Healthiest Weight Updates at this time.

The Board Member Recognition will be moved to the end of the meeting.

Board Member Recognition
Dr. Harry Reiff

Tab 24. Executive Director

Report topics
○ Cash Balance Reports

Informational Item
○ Expenditures by Function Report

Informational Item

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Tab 25. Credentials Committee Report

Dr. Randi Mackintosh reported to the full Board the Credentials Committee's recommendation. The committee recommended approval of tabs 1 and 3. Tab 2 was denied and Tab 4 withdrew.

Dr. Andrew Rubin moved to ratify the recommendation of the committee. Ms. Mary O'Brien seconded the motion, which carried 5/0.

Tabs 27 through 32 were taken out of order.

Tab 27. Phasing out of APA Accreditation of Canadian Programs

During the October 2015 meeting, the Board reviewed information regarding the American Psychological Association (APA) discontinuing the practice of accrediting Canadian doctoral-level psychology programs as of September 2015.

Based on staff's review of current licensure regulations, it appeared that application under the *Endorsement of American Board of Professional Psychology (ABPP) Diplomate* would be the only licensure pathway available for those educated in Canada. Given this information, a member indicated that due to the rigorous requirements to obtain ABPP certification, the Board might want to consider further discussion to address this issue.

Enclosed is information previously reviewed and discussed by the Board, as well as proposed statutory changes that would allow Canadians to apply under Section 490.005(1)(b)2. F.S., as non-U.S. trained applicants.

Board staff will inquire as to whether Dr. J. Drake Miller would like to bring this item back before the Board for discussion at a future meeting.

Tab 28. January 15, 2016 General Business Meeting Minutes

Ms. Mary O'Brien moved to accept the minutes. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Tab 29. March 18, 2016, Board Quorum Meeting Minutes

Ms. Mary O'Brien moved to accept the minutes. Dr. Andrew Rubin seconded the motion, which carried 5/0.

OTHER BUSINESS AND INFORMATION

Tab 30. Electronic Agenda Implementation

WebiViewer is the online (electronic) agenda the Department is currently implementing. This process will replace the current paper agendas. WebiViewer is a secure web based solution used to view agenda materials. Board/Council members will use their personal laptops at meetings. Members who require it will be issued a Department laptop. For meetings conducted by phone, members will have the flexibility to use desktop computers, during the meeting, if they wish.

The listing below indicates the current schedule to roll this out to the various professions. These dates are tentative and are subject to change.

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Board	Meeting Date
Psychology	July 22, 2016 General Business Meeting
Dietetics	July 8, 2016
Electrology	July 11, 2016
Respiratory Care	July 15, 2016
Occupational Therapy	August 1, 2016
Physical Therapy	August 4 – 5, 2016

Mr. Ed Tellechea address the Board regarding practical use of WebiViewer.

Tab 31. ASPPB Disciplinary Data Report

Informational Item

Tab 32. Psychology Staff Recognition
Informational Item

REPORTS, IF ANY

Tab 23. Dr. Dean Aufderheide, Ph.D.

Board Member Recognition
Dr. Harry Reiff

The Board recognized Dr. Harry Reiff, former Board Chair, Credentials Committee Chair and Probable Cause Panel member, with a plaque for his service. Dr. Reiff addressed the Board and received comments from Board members and staff.

RECONSIDERATION OF PETITION AND LICENSURE APPLICATION

Tab 11. Matthew Fearington Rule 64B19-11.005, F.A.C., Supervised Experience Requirements

Dr. Fearington was not present, nor represented by counsel.

Dr. Fearington was before the March 18, 2016 Board Quorum Meeting. His application and supervision forms indicated that he only received 1900 hours of post-doctoral supervision with only one hour per week of clinical supervision. He filed a petition for a waiver of Rule 64B19-11.005, F.A.C., Supervised Experience Requirements, requesting the Board to accept his post-doctoral supervision as acceptable for licensure. The Board denied the petition, however, they approved the application with the condition that Dr. Fearington obtain the additional 100 hours of supervision, which would include 52 hours of clinical supervision.

Dr. Fearington has submitted a written request asking the Board to reconsider their decision on his application and petition.

Provided for the Board's review was Dr. Fearington's application, petition, and written request for a reconsideration.

Minutes

Following discussion, Ms. Mary O'Brien moved to deny the request for a reconsideration. Dr. Randi Mackintosh seconded the motion, which carried 5/0.

Following discussion, Ms. Mary O'Brien moved to clarify the order indicating that the 52 hours of clinical supervision the Board has required Dr. Fearrington to take before licensure can be taken at any time and is not required to be spaced out over a year. Dr. Catherine Drew seconded the motion, which carried 5/0.

ANTITRUST PRESENTATION

Tab 4. Ed Tellechea, Esquire

Ed Tellechea provided a PowerPoint presentation to the Board regarding Anti-Trust. The presentation included the following:

- Antitrust Overview
- Background of the North Carolina State Dental Board Case
- Summary of Supreme Court's February 25th Ruling
- Recent Federal Trade Commission Staff Guidelines
- Potential Implications for Regulatory Boards
- Pending Cases Against State Regulatory Boards

Ed Tellechea responded to questions throughout the presentation.

OLD BUSINESS

Tab 26. Sunshine Laws Review

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. Deborah Loucks provided an overview for the Board.

The meeting adjourned at 1:16 p.m.