

The Florida
Board of Psychology

Draft Minutes

JANUARY 19, 2018
BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING

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



Dr. J. Drake Miller
Chair

Dr. Andrew Rubin
Vice Chair

**DEPARTMENT OF HEALTH
BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING
JANUARY 19, 2018
MINUTES
(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.

Call to order - General Business Meeting

GENERAL BUSINESS MEETING

Dr. J. Drake Miller, Chair, called the general business meeting to order at approximately 8:00 a.m. Those present for all or part of the meeting, included the following:

MEMBERS PRESENT

Dr. J. Drake Miller, Psy.D, Chair
Andrew Rubin, Ph.D, Vice Chair
Dr. Randi Mackintosh, Psy.D
Mary D. O'Brien, J.D

STAFF PRESENT

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

MEMBERS ABSENT:

Dr. Catherine Drew, Ph.D (Excused)
Dr. Dean Aufderheide, PhD (Excused)

ASSISTANT ATTORNEY GENERAL

Diane Guillemette, Esq.

ASSISTANT GENERAL COUNSEL

Christina Shideler, Esq.

COURT REPORTER

American Court Reporting
Cindy Green
407-896-1813

PRESENTATION

1. Association of State and Provincial Psychology Boards' Examination for Professional Practice in Psychology (EPPP2)
Presenter: Stephen T. DeMers, Ed.D., Chief Executive Officer

During the October 2017 Board Meeting, the Board reviewed an update from Dr. Stephen DeMers, ASPPB Chief Executive Officer, regarding implementation of the EPPP2. The purpose of the update was to inform of the ASPPB Board of Directors' decision to *require* use of both parts of the enhanced EPPP (*Part 1-Professional Knowledge and Part 2-Professional Skills*) by all member jurisdictions as of January 1, 2020.

Dr. Andrew Rubin was asked to participate in the ASPPB's scheduled webinar on this change and report back to the Board.

Because the ASPPB had previously been scheduled to present to the Board on its mobility programs in January 2018, Board staff also inquired regarding a presentation on the EPPP2. Dr. DeMers has agreed to attend to provide the Board with an overview of the enhanced EPPP as well as implications to state boards.

Dr. Stephen DeMers presented a brief overview of the enhanced EPPP 2 exam, which will launch in 2020. He indicated that the EPPP 2 is one exam with two separate parts. Part 1 will be the current knowledge based exam, Part 2 in development now will be the skills/competency exam. This will be a computer based exam that tests the knowledge and skills needed for independent practice. Dr. DeMers listed the following points:

- Part 1 may be taken pre-degree once all academic requirements are met
- ASPPB will register the candidate for Part 1
- The fees are \$600.00 per part plus testing vendor fees
- Currently, retakes can only be taken 4 times in a twelve-month period
- Study materials and webinars will be available
- The expected passing rate is 75%
- Part 1 of the exam does not have to be retaken if Part 2 is failed

2. Association of State and Provincial Psychology Boards' Mobility Programs
Presenters: Janet P. Orwig, MBA, Associate Executive Officer & Taja Slaughter, MPA, Director, Member Services

During the July 2017 Board Meeting, Dr. Dean Aufderheide requested the Association of State and Provincial Psychology Boards be invited to present an overview of its mobility programs to the Board.

Ms. Orwig and Ms. Slaughter have agreed to attend and provide the requested presentation and answer any questions posed by the Board.

Ms. Janet Orwig presented the mobility program to the Board. Ms. Taja Slaughter was unable to attend. Ms. Orwig listed the following points regarding the Credential Bank and the PLUS program:

- The Credential Bank is a free service
- This is a primary source verification
- Supervision verification is done electronically within system

PROSECUTOR'S REPORT

3. Christina Shideler, Esq.

Total cases open/active in PSU: 19

Cases under legal review: 12

Cases in Emergency Action Unit (EAU): 2
Cases where probable cause recommendation made: 1
Cases where probable cause found/waived: 1
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: 0
Cases older than one year: 6
2014: 1*
2015: 1
2016: 4
Change in total 1yr+ since last report: +2 cases

Following discussion, Dr. J. Drake Miller moved to allow the prosecution of cases older than one (1) year. Dr. Andrew Rubin seconded the motion, which carried 4/0.

ADMINISTRATIVE PROCEEDINGS

REVIEW OF PSYCHOLOGIST LICENSURE APPLICATIONS

4. Erin Gallivan Bifurcation/Exam

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

Dr. Gallivan has applied for licensure under the Bifurcation/ Examination method. She has answered "yes" to questions B and C in the personal history section on page 6 of the application indicating that within the last five years, she has been admitted or referred to a hospital, facility or impaired practitioner program for treatment of a diagnosed mental disorder or impairment, and that within the last five years, she has been treated for or had a recurrence of a diagnosed mental disorder that has impaired her ability to practice psychology. Dr. Gallivan has provided attesting letters from her treating physicians as well as her current supervisor.

Provided for the Board's review was the application, transcripts and letters from treating physicians/practitioners.

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

5. David Gottesfeld Endorsement of 20 Years of Licensed Psychology Experience

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

Dr. Gottesfeld has applied for licensure under the Endorsement of 20 Years of Licensed Psychology Experience method. He has answered "yes" to question B in the personal history section on page 6 of the application indicating that within the last five years, he has been admitted or referred to a hospital, facility or impaired practitioner program for treatment of a diagnosed mental disorder or impairment. Dr. Gottesfeld has provided a personal statement as well as an attesting letter from his treating physician.

Provided for the Board's review was the application, transcripts, personal statement and letter from treating physician.

Following discussion, Dr. J. Drake Miller requested a personal appearance from Dr. Gottesfeld at one of the next two General Business Meetings. Dr. Andrew Rubin seconded the motion, which carried 4/0.

6. Hyacinthia Leonce-James Examination

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

Dr. Leonce-James was initially before the November 17, 2016 General Business Meeting for review of her post-doctoral supervision. The Board denied her application with the option to withdraw, due to her supervisor, Dr. Kelly Farris indicating on the Supervising Psychologist Verification forms that she has concerns that Dr. Leonce-James may need additional supervision. Dr. Farris answered "no" to question 11 "Did you, as the primary supervisor, determine that the applicant was capable of providing competent and safe psychological service to each client?" Dr. Farris also answered "yes" to question 15, "Have you ever received any complaints about the psychological applicant or have any reason to suspect that the applicant is less than fully ethical, professional, or qualified for licensure?" Dr. Leonce-James withdrew her application and has since reapplied. She has submitted a statement with her application indicating that she does not agree with the supervisor's assessment of her post-doctoral experience.

Provided for the Board's review was the application, supervision forms and transcripts.

Following discussion, Dr. Leonce-James changed her application method from Examination to Bifurcation/Exam. Dr. J. Drake Miller approved the application under the Bifurcation method. Dr. Randi Mackintosh seconded the motion, which carried 4/0.

At this point in the meeting, the Board took a break at 10:00 a.m and reconvened at 10:16 a.m.

7. Idalia Montanez-Miranda Endorsement of Other State License (NM 2014)

Dr. Montanez-Miranda was not present, nor represented by counsel.

Dr. Montanez-Miranda has applied for licensure under the Endorsement of Other State License method.

Provided for the Board's review was the application, the 2014 New Mexico regulations as well as the regulations of Florida that were in effect at that same time.

Following discussion, Dr. J. Drake Miller moved to deny the application based on the education and experience requirements of New Mexico not being as stringent as Florida's requirements. Ms. Mary O'Brien seconded the motion, which carried 4/0.

Dr. J. Drake Miller moved to allow Dr. Montanez-Miranda to withdraw her application within 14 days of the filing of the Notice of Intent to Deny. Ms. Mary O'Brien seconded the motion, which carried 4/0.

LICENSURE RATIFICATION LISTS

8. List of Licensed Psychologists

Dr. J. Drake Miller moved to approve the list of psychologists for licensure as noted. Dr. Andrew Rubin seconded the motion, which carried 4/0.

9. List of Licensed Provisional Psychologists

Dr. J. Drake Miller moved to approve the list of provisional psychologists for licensure as noted. Dr. Andrew Rubin seconded the motion, which carried 4/0.

10. List of Licensed Limited Psychologists

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

CONTINUING EDUCATION RATIFICATION LIST

11. List of Applicants

Dr. J. Drake Miller moved to approve the list of applicants of continuing education providers and Medical Errors courses as noted. Dr. Randi Mackintosh seconded the motion, which carried 4/0.

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

12. Saba Adhal

Dr. Adhal was not present. She was represented by Mr. Michael Smith, Esq.

Dr. Adhal requested an extension of time allowed to complete the requirements for licensure.

Following discussion, Dr. J. Drake Miller moved to approve the request for an extension for an additional twelve (12) months from the date of this meeting. Dr. Andrew Rubin seconded the motion, which carried 4/0.

13. Jessica Calvo-Blanco

Dr. Calvo-Blanco was not present, nor represented by counsel.

Dr. Calvo-Blanco requested an extension of time allowed to complete the requirements for licensure.

Following discussion, Ms. Mary O'Brien moved to approve the request for an extension for an additional twelve (12) months from the date of this meeting. Dr. Andrew Rubin seconded the motion, which carried 4/0.

14. Janice Hernandez-Gomez

Dr. Hernandez-Gomez was not present, nor represented by counsel.

Dr. Hernandez-Gomez requested an extension of time allowed to complete the requirements for licensure.

Following discussion, Dr. Andrew Rubin moved to approve the request for an extension for an additional twelve (12) months from the date of this meeting. Dr. J. Drake Miller seconded the motion, which carried 4/0.

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

15. List of Applicants

Dr. Saba Adhal and Dr. Jessica Calvo-Blanco were both removed from the list due to the granting of their extensions. Following discussion, Dr. J. Drake Miller moved to approve the list of applicants for file closure as amended. Ms. Mary O'Brien seconded the motion, which carried 4/0.

PROVISIONAL PSYCHOLOGIST – REQUEST FOR APPROVAL OF NEW SUPERVISOR

16. Haley Wentowski

Dr. Wentowski 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.

Dr. Wentowski informed the Board office on 12/19/2017 that she will no longer be supervised by Diane Vendryes. She has proposed Dr. Doris Kaufman as the new supervisor. Dr. Kaufman has submitted documentation indicating her agreement to supervise Dr. Wentowski.

Following discussion, Dr. J. Drake Miller moved to approve Dr. Doris Kaufman as the new supervisor. Ms. Mary O'Brien seconded the motion, which carried 4/0.

RULES REVIEW AND/OR DEVELOPMENT

17. Revision to Psychology Application Forms

- 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

Due to the completion of the Department of Health universal application, these rules have been moved to the April 20, 2018 General Business Meeting agenda.

18. Rule 64B19-17.002, F.A.C., Disciplinary Guidelines

Ms. Guillemette has requested the Board review its disciplinary guidelines in light of correspondence from the Joint Administrative Procedures Committee (JAPC).

Provided for the Board's review was the current rule text as well as correspondence from the JAPC.

Following discussion, Dr. J. Drake Miller move to make substantive changes to the language as required by JAPC. Dr. Randi Mackintosh seconded the motion, which carried 4/0.

Following discussion, Dr. J. Drake Miller moved that the change in Rule 64B19-17.002, F.A.C. would not have a negative impact on small businesses and the change in the rule would not have an economic impact on government or any entity in excess of \$200,000 within one year of the repeal of the rule. This should not be part of the non-compliance rule and should not be designated as a minor violation. Dr. Andrew Rubin seconded the motion, which carried 4/0. The proposed Rule language is provided below:

64B19-17.002 Disciplinary Guidelines.

(1) When the Board finds that an applicant or a licensee has committed any of the acts set forth in Section 456.072(1) or 490.009(2), F.S., it shall issue a final order imposing one or more of the penalties listed in Section 456.072(2), F.S., as recommended in the following disciplinary guidelines. The descriptions of violations are only a summary; the full language of each statutory provision cited must be consulted in order to determine the conduct involved. The guidelines are presented as a range of penalties that may be imposed. ~~from minimum to maximum.~~

PENALTY RANGE			
VIOLATION	FIRST OFFENSE	SECOND OFFENSE	SUBSEQUENT THIRD OFFENSE(S)
(a) Attempting to obtain, or renewing a license by bribery or fraudulent misrepresentation, or through and error of the board or department. (Sections 490.009(1)(a) and 456.072(1)(h), F.S.) <u>If fraud or fraudulent representation.</u>	<u>Denial of licensure or probation for 2 years, and \$5,000 fine</u> <u>\$10,000 fine</u> Revocation or permanent denial of licensure and If unintentional, then from granting licensure with Probation to Suspension or denial of licensure for a minimum of 2 years to Revocation or permanent denial of licensure, and fine up to \$10,000.	Revocation or permanent denial of licensure, and \$10,000 fine. If unintentional, then from granting licensure with Probation to Suspension or denial of licensure for a minimum of 2 years to Revocation or permanent denial of licensure, and fine up to \$10,000.	Revocation or permanent denial of licensure, and \$10,000 fine. If unintentional, then from granting licensure with Probation to Suspension or denial of licensure for a minimum of 2 years to Revocation or permanent denial of licensure, and fine up to \$10,000.

(b) License disciplined by another jurisdiction (Sections 490.009(1)(b) and 456.072(1)(f), F.S.)	Imposition of discipline that would have been imposed had the violation occurred in Florida and fine of \$1,000 up to \$5,000 <u>10,000</u> .	Imposition of discipline that would have been imposed had the violation occurred in Florida and fine of up to \$10,000 .	Revocation and \$10,000 fine.
Case of Applicant	From granting licensure with Probation or denial of licensure for up to 2 years to permanent denial of licensure, and fine up to \$10,000 .	From granting licensure with Probation or denial of licensure for up to 2 years to permanent denial of licensure, and fine up to \$10,000 .	Permanent denial of license
(c) Criminal conviction relating to psychology (Sections 490.009(1)(c) and 456.072(1)(c), F.S.)	From Suspension and a fine up of \$5,000 to <u>10,000</u> . to Revocation.	From Suspension and a \$10,000 fine to Revocation.	Revocation and <u>\$10,000</u> fine.
Case of Applicant	From granting licensure with Probation or denial of licensure for up to 2 years to permanent denial of licensure, and fine up to \$10,000 .	From granting licensure with Probation or denial of licensure for up to 2 years to permanent denial of licensure, and fine up to \$10,000 .	Permanent denial of license.
(d) False, deceptive or misleading advertising (Sections 490.009(1)(d) and 456.072(1)(m), F.S.) <u>If fraud or fraudulent misrepresentation.</u>	From Reprimand <u>and/or</u> and Probation or Suspension, and <u>\$1,000 to \$5,000</u> 10,000 fine. <u>Suspension and \$10,000 fine.</u> If unintentional, from Reprimand and a \$1,000 fine to Probation and a fine up to <u>\$5,000</u> .	From Reprimand and Suspension to Revocation, and a \$10,000 fine. If unintentional, from Reprimand, Probation and a \$5,000 fine to Suspension and a fine up to <u>\$10,000</u> .	<u>Suspension or</u> Revocation and \$10,000 fine. If unintentional, from Suspension to Revocation, and a \$10,000 fine.
(e) Advertising, practicing, or attempting to practice under another name (Section 490.009(1)(e), F.S.)	From Reprimand and/or Probation to Suspension, and a <u>\$1,000 to \$5,000</u> 10,000 fine. If unintentional, from Reprimand and a \$1,000 fine to Probation and a fine up to <u>\$10,000</u> .	From Reprimand and Suspension to Revocation, and a \$10,000 fine. If unintentional, from Reprimand, Probation, and a \$1,000 fine to Suspension and a fine up to <u>\$10,000</u> .	<u>Suspension or</u> Revocation and \$10,000 fine. If unintentional, from Reprimand, Suspension, and a \$10,000 fine to Revocation.
(f) Maintaining a wrongful professional association (Section 490.009(1)(f), F.S.)	From Reprimand or probation and <u>\$1,000 to \$5,000</u> fine to Revocation and a fine up to <u>\$10,000</u> .	From Reprimand, Probation, and a <u>\$5,000</u> fine to Revocation and a fine up to <u>\$10,000</u> .	From Reprimand and Suspension to Revocation, and a \$10,000 fine.

(g) Knowingly aiding, assisting, procuring, or advising a non-licensed person (Sections 490.009(1)(g) and 456.072(1)(j), F.S.)	From Reprimand or Probation, and \$1,000 to \$5,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Suspension or Revocation and a \$10,000 fine.
(h) Failing to perform any statutory or legal obligation (Sections 490.009(1)(h) and 456.072(1)(k), F.S.)	From Reprimand or probation, and \$1,000 to \$5,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Suspension or Revocation and a \$10,000 fine.
(i) Willingly making or filing a false report, etc. (Sections 409.009(1)(i) and 456.072(1)(l), F.S.)	From Reprimand or probation to Revocation, and \$1,000 to \$5,000 \$10,000 fine.	From Reprimand and Suspension to Revocation, and a \$10,000 fine.	Suspension or Revocation and a \$10,000 fine.
(j) Paying or receiving a kickback, etc. (Section 490.009(1)(j), F.S.)	A refund of the fees paid by or on behalf of the patient, and/or suspension, to be followed by a period of probation, and \$1,000 to \$5,000 fine. From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	A refund of the fees paid by or on behalf of the patient and a two year suspension followed by a period of probation to Revocation and a \$10,000 fine.
(k) Sexual misconduct or battery on a patient (Section 490.009(1)(k), and 456.072(1)(v), F.S.)	From Suspension followed by Probation to Revocation, and a fine from \$5,000 up to \$10,000.	Revocation and a fine from \$5,000 up to \$10,000.	Revocation and \$10,000 fine.
Case of Applicant	Permanent denial of licensure.	Permanent denial of licensure.	Permanent denial of licensure.

<p>(l) Making misleading, deceptive, untrue, or fraudulent representations, etc. (Sections 409.009(1)(l) and 456.072(1)(m), F.S.)</p> <p><u>If fraud or fraudulent misrepresentations</u></p>	<p>Reprimand, Suspension or Probation, and \$5,000 10,000 fine.</p> <p>If unintentional, Reprimand and a fine from \$1,000 up to \$10,000.</p> <p><u>Suspension, and \$10,000 fine.</u></p>	<p>From Reprimand and Suspension to Revocation, and a \$10,000 fine.</p> <p>If unintentional, Reprimand and Probation, and a fine from \$1,000 up to \$10,000.</p>	<p>Revocation and \$10,000 fine.</p> <p>If unintentional, Reprimand and Suspension, and a fine from \$5,000 up to \$10,000.</p>
<p>(m) Soliciting through fraud, intimidation, undue influence, etc. (Section 490.009(1)(m), F.S.)</p> <p><u>If fraud</u></p>	<p>From Reprimand and/or Suspension Revocation, and \$1,000 to \$5,000 10,000 fine.</p> <p><u>Suspension and \$1,000 fine.</u></p>	<p>From Reprimand and Suspension to Revocation, and a \$10,000 fine.</p>	<p>Revocation and a \$10,000 fine.</p>
<p>(n) Failing to provide records, etc. (Section 490.009(1)(n), F.S.)</p>	<p>From Reprimand to Suspension, and a fine from \$1,000 up to \$5,000 10,000 fine.</p> <p><u>\$5,000</u> 10,000 fine.</p>	<p>From Reprimand to Suspension, and a fine from \$5,000 up to \$10,000.</p>	<p>From Reprimand and/or and Suspension to Revocation, and a \$10,000 fine.</p>
<p>(o) Failing to respond to Department within 30 days, etc. (Section 490.009(1)(o), F.S.)</p>	<p>Suspension until compliance and a fine from \$1,000 up to <u>\$5,000</u> 10,000.</p>	<p>Suspension until compliance and a fine from \$5,000 up to \$10,000.</p>	<p>From Suspension until compliance to Revocation, and a \$10,000 fine.</p>
<p>(p) Incompetence (mental or physical impairment), etc. (Section 490.009(1)(p), and</p>	<p>From Indefinite Suspension until licensee is able to demonstrate ability to practice with</p>	<p>From Suspension, followed by Probation, mental and physical evaluations to Revocation and a fine from</p>	<p>Revocation and \$10,000 fine.</p>
<p>456.072(1)(z), F.S.)</p>	<p><u>reasonable skill and safety</u> followed by Probation, mental and physical evaluations to Revocation and a fine from \$1,000 up to \$5,000 10,000.</p>	<p>\$1,000 up to \$10,000.</p>	

(q) Violating provisions of Chapter 490 or 456, F.S., or any rules pursuant thereto (Sections 490.009(1)(w), 456.072(1)(b) and 456.072(1)(dd), F.S.)	From Reprimand and a and/or Suspension, and \$1,000 to \$5,000 fine. to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Suspension or Revocation and a \$5,000 to \$10,000 fine.
(r) Experimentation without informed consent (Section 490.009(1)(q), F.S.)	From Reprimand and a and/or suspension, and \$1,000 to \$5,000 fine. to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Suspension and/or Revocation, and \$5,000 to \$10,000 fine.
(s) Negligence (Section 490.009(1)(r), F.S.)	From Reprimand or suspension and a \$1,000 to \$5,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Revocation and a \$5,000 to \$10,000 fine.
(t) Delegating professional responsibilities (Sections 490.009(1)(s) and 456.072(1)(p), F.S.)	From Reprimand or suspension, and a \$1,000 to \$5,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Suspension or Revocation, and a \$5,000 to \$10,000 fine.
(u) Violating any lawful order (Sections 490.009(1)(t) and 456.072(1)(q), F.S.)	Reprimand or Suspension until compliance, and a fine from \$1,000 up to \$5,000 fine. 10,000.	Suspension until compliance and a fine from \$1,000 up to \$10,000.	Suspension or Revocation, and a \$1,000 to \$5,000 fine.
(v) Failing to maintain confidence (Section 490.009(1)(u), F.S.)	Reprimand and a fine from \$1,000 up to \$5,000.	From Reprimand to Revocation, and a fine from \$5,000 up to \$10,000.	Suspension or Revocation, and \$5,000 to \$10,000 fine.
(w) Identifying or damaging research clients (Section 490.009(1)(v), F.S.)	From Reprimand or suspension, and a \$1,000 to \$5,000 fine. to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Suspension to Revocation, and a \$5,000 to \$10,000 fine.
(x) Failure to comply with continuing education for domestic violence. (Section 456.072(1)(s), F.S)	\$500 250 fine and Suspension until compliance.	Reprimand, \$500 fine and Suspension until compliance.	Reprimand, and/or \$1,000 fine and Suspension until compliance, and \$1,000 fine.
(y) Exercising influence on the patient or client for financial gain (Section 456.072(1)(n), F.S.)	From Reprimand Suspension, and a \$1,000 to \$5,000 fine. to Revocation and a fine up	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Suspension to Revocation and a \$5,000 to \$10,000 fine.
F.S.)	to \$10,000.		
(z) Improperly interfering with an investigation (Section 456.072(1)(r), F.S.)	Suspension From Reprimand and a \$1,000 to \$5,000 fine. to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Suspension to Revocation and a \$5,000 to \$10,000 fine.

Case of Applicant	From granting licensure with Probation or denial of licensure for up to 2 years to permanent denial of licensure, and fine up to \$10,000.	From granting licensure with Probation or denial of licensure for up to 2 years to permanent denial of licensure, and fine up to \$10,000.	Permanent denial of license.
(aa) Performing or attempting to perform wrong health care services (Section 456.072(1)(bb), F.S.)	From Reprimand <u>and or suspension,</u> and a \$1,000 to \$5,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	<u>Suspension to Revocation,</u> and a \$10,000 fine.
(bb) Termination from impaired practitioner treatment program (Section 456.072(1)(hh), F.S.)	From <u>Indefinite sSuspension until licensee is able to demonstrate ability to practice with reasonable skill and safety, followed by probation,</u> and a fine up to \$1,000 to \$5,000 fine. 10,000 to Revocation.	From Suspension and a fine up to \$10,000 to Revocation.	<u>Suspension to Revocation,</u> and a \$5,000 to \$10,000 fine.
(cc) Failure to identify through written notice, or orally to a patient the type of license under which the practitioner is practicing. Any advertisement for health care services naming the practitioner must identify the type of license the practitioner holds. (Section 456.072(1)(te), F.S.)	From Reprimand <u>and/or probation,</u> and a \$1,000 to \$5,000 fine. to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Revocation and a \$10,000 fine.

(dd) Failure to report another licensee in violation. (Section 456.072(1)(i), F.S.)	From Reprimand and/or probation, and a \$1,000 to \$5,000 fine. to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	<u>Suspension or Revocation and a \$10,000 fine.</u>
(ee) Practicing beyond scope permitted. (Section 456.072(1)(o), F.S.)	Suspension to revocation, From Reprimand and a \$1,000 to \$5,000 fine. to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	<u>Suspension to Revocation, and a \$5,000 to \$10,000 fine.</u>
(ff) Failing to report to the Board within thirty (30) days after the licensee has been convicted of a crime in any jurisdiction. (Section 456.072(1)(x), F.S.)	From a Reprimand and/or Probation, and a administrative fine up to \$1,000 to \$5,000 fine. 1,000.00	From a Reprimand to Suspension of license, and an administrative fine up to \$5,000.00.	<u>From Suspension to Revocation of license, and Suspension or revocation, and \$10,000 fine. administrative fine up to \$10,000.00.</u>
(gg) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 USC s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 USC ss. 1320a-7b, relating to the Medicaid program. (Section 456.072(1)(ii), F.S.)	Probation or Revocation and a fine of \$10,000 fine, or in the case of application for licensure, denial of license.		<u>Revocation and \$10,000 fine.</u>
(hh) Failing to remit the sum owed to the state for overpayment from the Medicaid program pursuant to a final order, judgment, or settlement. (Section 456.072(1)(jj), F.S.)	From a Reprimand and/or suspension to Probation of the license, and a administrative fine up to \$1,000.00, to \$5,000 fine.	From a Reprimand to Suspension of license, and an administrative fine up to \$5,000.00.	<u>From Suspension to Revocation of license, and an administrative fine up to \$5,000 to \$10,000 fine. 10,000.00</u>
(ii) Being terminated from the state Medicaid program, or any other state Medicaid program, or the federal Medicare program. (Section 456.072(1)(kk), F.S.)	From a Suspension to Revocation, Reprimand of the license and an administrative fine up to \$1,000.00 to \$5,000 Revocation and a fine. up to \$10,000.	From a Reprimand to Suspension of license, and an administrative fine up to \$5,000.00 up to Revocation and a fine up to \$10,000.	<u>From Suspension to Revocation of license, and an administrative fine of \$1,000.00 to \$5,000.00 to \$10,000 fine. up to Revocation and a fine up to \$10,000.</u>

(jj) Being convicted of, or entering into a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, which relates to health care fraud. (Section 456.072(1)(ll), F.S.)	Revocation and a fine of \$10,000., or in the case of application for licensure, denial of license.		Revocation and a fine of \$10,000.
(kk) Willfully failing to comply with Section 627.64194 or 641.513, F.S., with such frequency as to indicate a general business	From Suspension, and a <u>\$1,000 to \$5,000 fine.</u>	Revocation.	Revocation
practice. (Section 456.072(1)(oo), F.S.)			

(2) Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended above. The Board shall consider as aggravating or mitigating circumstances the following:

- (a) The danger to the public;
- (b) The length of time since the date of violation;
- (c) The number of complaints filed against the licensee;
- (d) The length of time the licensee has practiced without complaint or violations;
- (e) The actual damage, physical or otherwise, to the patient;
- (f) The deterrent effect of the penalty imposed;
- (g) The effect of the penalty upon the licensee's livelihood;
- (h) Any efforts the licensee has made toward rehabilitation;
- (i) The actual knowledge of the licensee pertaining to the violation;
- (j) Attempts by the licensee to correct or stop violations or refusal by the licensee to correct or stop violations;
- (k) Related violations found against the licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;

(l) Any other mitigating or aggravating circumstances that are particular to that licensee or to the situation so long as the aggravating or mitigating circumstances are articulated in the Board's final order.

(3) The provisions of this rule shall not be construed to prohibit civil action or criminal prosecution as provided by law. Nor may the provisions of this rule be construed to limit the ability of the Board to enter into binding stipulations as per Section 120.57(4), F.S.

Rulemaking Authority 456.079, 490.004(4) FS. Law Implemented 456.072, 456.079, 490.009 FS. History—New 11-24-86, Amended 7-18-88, 4-26-93, Formerly 21U-18.003, Amended 6-14-94, Formerly 61F13-18.003, Amended 1-9-96, Formerly 59AA-17.002, Amended 9-18-97, 9-26-01, 3-25-02, 4-3-05, 1-2-06, 12-31-06, 2-18-10, 6-21-17,_____.

RULE STATUS REPORT

19. Assistant Attorney General, Diane Guillemette, Esquire

- Rule 64B19-11.0035, F.A.C., Licensure by Examination: Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B19-11.0035	Licensure by Examination: Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination	10/27/2017	12/05/2017	12/13/2017	12/29/2017		

- Rule 64B19-17.002 F.A.C., Disciplinary Guidelines

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B19-17.002	Disciplinary Guidelines	09/28/2017	11/13/2017	11/21/2017/2017	12/07/2017 12/12/2017- JAPC Ltr. 12/14/2017- Atty Response		

NEW BUSINESS

20. Multidisciplinary Board Fact Finding Work Group on Controlled Substances

The Department conducted a Multidisciplinary Board Fact Finding Work Group Meeting on Controlled Substances, November 3, 2017. The purpose of the work group is to develop/implement strategies that reduce opioid deaths in Florida. Dr. Drew represented the Board of Psychology.

The represented Boards were asked to consider drafting a letter of support for two bills, Senate Bill 8 and House Bill 21, which relate to the prescribing of controlled substances.

Dr. Drew drafted the attached based upon sample language provided. Please review and discuss if the Board wishes to provide a letter of support.

Provided for the Board's review:

- Draft Letter

- Multidisciplinary Work Group Agenda
- Senate Bill 8
- House Bill 21

Following discussion, Dr. J. Drake Miller moved to support the legislation and send letter of support. Dr. Randi Mackintosh seconded the motion, which carried 4/0.

21. 2018 Psychology Board Election of Officers & Liaisons

2018 PSYCHOLOGY BOARD OFFICERS & LIAISONS ELECTIONS

January 19, 2018

Position	2017 Assignments	2018 Assignments
Chair	J. Drake Miller, Psy.D.	J. Drake Miller, Psy.D.
Vice Chair	Andrew Rubin, Ph.D.	Andrew Rubin, Ph.D.
ASPPB Delegate	Andrew Rubin, Ph.D.	Andrew Rubin, Ph.D.
Budget Liaison	J. Drake Miller, Psy.D.	J. Drake Miller, Psy.D.
Continuing Education Liaison	Catherine Drew, Ph.D. Andrew Rubin, Ph.D. (CE Liaison Back-Up)	Catherine Drew, Ph.D. Andrew Rubin, Ph.D. (CE Liaison Back-Up)
Credentials Liaison	Randi Mackintosh, Psy.D.	Randi Mackintosh, Psy.D.
Healthy Weight Liaison	Andrew Rubin, Ph.D.	Andrew Rubin, Ph.D.
Legislative Liaison	Randi Mackintosh, Psy.D.	Randi Mackintosh, Psy.D.
Unlicensed Activity Liaison	Mary O'Brien, J.D.	Mary O'Brien, J.D.
Examination Liaison	Dr. J. Drake Miller, PsyD	Dr. J. Drake Miller, PsyD
Pro Bono Liaison	Dr. Catherine Drew	Dr. Catherine Drew

Probable Cause Panel – As Currently Appointed by Board Chair	
PCP Chair	Dr. Luis Orta
Past Board Member	Dr. Amy Swan
Current Board Member	Dr. Andrew Rubin
Alternate Past Board Member	Dr. E. Carol Webster

Following discussion, Dr. J. Drake Miller moved to approve the 2018 Elections. Ms. Mary O'Brien seconded the motion, which carried 4/0.

22. 2018 Psychology Board Delegation of Authority

The Delegation of Authority, reviewed and approved annually, facilitates administrative efficiency and documents when individuals or entities have been delegated to act on behalf of a Board/Council.

Each Board/Council is invited to review, make changes if necessary, and approve the 2018 delegation.

Following discussion, Ms. Diane Guillemette suggested replacing the word "request" with "require on number seven (7)". She also suggested adding "or Board Chair" to number twenty-three (23). Dr. J. Drake Miller moved to approve the Delegation of Authority as amended. Ms. Mary O'Brien seconded the motion, which carried 4/0.

23. 2018 Psychology Board Conviction Record Guidelines

The Conviction Record Guidelines, reviewed and approved by the Boards/Councils, are used by staff to assist in determining which licensure applications require individual consideration at the quarterly meetings. Board/Council review of every applicant that reports a conviction of any kind, regardless of when the issue occurred, would be an inefficient process. As minor convictions and some more serious convictions, where significant time has elapsed, are generally not considered grounds for denial, a screening process based upon specific criteria allows the Board/Council to focus on applicants who may pose a risk to the public.

Each Board/Council is invited to review, make changes if needed, and approve the 2018 Conviction Record Guidelines.

Following discussion, Dr. J. Drake Miller moved to approve the Conviction Record Guidelines as written. Dr. Andrew Rubin seconded the motion, which carried 4/0.

Following discussion, Dr. J. Drake Miller requested that all applications that have "yes" answers to any health history or disciplinary history questions, be submitted to the Board Chair for a personal appearance request.

OLD BUSINESS

24. October 27, 2017 General Business Meeting Minutes

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

REPORTS, IF ANY

25. J. Drake Miller, PsyD.

Other Board Members:

Dr. Andrew Rubin

- Healthiest Weight Updates, if any

Dr. J. Drake Miller reported that the psychology proposed legislation has been included in the Department of Health Legislation packet to go before the House and Senate.

26. Executive Director
- Report topics
- Cash Balance Reports

Informational Item

- Expenditures by Function Report

Informational Item

OTHER BUSINESS AND INFORMATION

27. ASPPB Disciplinary Data Report

Informational Item

28. ASPPB Meeting Minutes

Informational Item.

29. Psychology Staff Recognition

Informational Item

ADDENDUM

REVIEW OF PSYCHOLOGIST LICENSURE APPLICATIONS

30. Richard Scott Examination

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

Dr. Scott has applied for licensure under the Exam with Waiver method. He received his PhD in psychology from Saybrook University, which did not hold APA accreditation at the time Dr. Scott was enrolled and graduated. After he received his PhD, he completed 2000 hours of post-doctoral supervision. He then went on to receive a PsyD in Clinical Psychology from Nova SE University, which does hold APA accreditation. Dr. Scott's application is before the Board for review of his supervised experience due to it being completed prior to receiving his PsyD.

Provided for the Board's review was the application, transcripts, and supervision forms.

Following discussion, Ms. Mary O'Brien moved to deny the application, with encouragement to file a petition for variance or waiver of the supervision rule. Dr. J. Drake Miller seconded the motion, which carried 4/0.

Following further discussion, Dr. Miller moved to withdraw the previous motion of denial and moved to request a personal appearance. Dr. Andrew Rubin seconded the motion, which carried 4/0.

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

27. Sholonda Snow

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

Dr. Snow requested an extension of time allowed to complete the requirements for licensure.

Following discussion, Ms. Mary O'Brien moved to approve the extension for an additional twelve (12) months from the date of this meeting. Dr. J. Drake Miller seconded the motion, which carried 4/0.

PETITION FOR VARIANCE OR WAIVER

32. Chi-ching Chuang Rule 64B19-11.005, F.A.C., Supervised Experience Requirements

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

Dr. Chuang applied for licensure under the Bifurcation/Exam method. Her application was approved on 04/14/2017. She has passed the EPPP exam and her post-doctoral supervision is complete under psychologists licensed in the United States; however, her supervised experience was conducted in Japan. She has submitted a petition requesting a waiver of Rule 64B19-11.005, F.A.C., Supervised Experience Requirements, which requires the supervision to be completed in the state or territory where the supervisor is licensed.

Provided for the Board's review was the petition, supervision forms and Rule 64B19-11.005, F.A.C., Supervised Experience Requirements.

Following discussion, Dr. J. Drake Miller moved to approve the petition. Ms. Mary O'Brien seconded the motion, which carried 4/0.

At this point in the meeting, the Board discussed Tab 30 again.

The meeting adjourned at 11:19 a.m.