

The Florida  
**Psychology Board**

**DEPARTMENT OF HEALTH  
BOARD OF PSYCHOLOGY  
GENERAL BUSINESS MEETING  
BY TELEPHONE CONFERENCE CALL**

# **Minutes**

## **October 28, 2022**

**DIAL-IN NUMBER: 1-888-585-9008**

When prompted, enter the following conference code:  
**564-341-766**, followed by the # sign.



Dr. Randi Mackintosh, Psy.D., Chair  
Ms. Mary (Denny) O'Brian, Vice-Chair

**DEPARTMENT OF HEALTH BOARD OF PSYCHOLOGY  
GENERAL BUSINESS MEETING  
BY TELEPHONE CONFERENCE CALL  
OCTOBER 28, 2022**

**MINUTES**

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**564-341-766**, followed by the # sign.

**Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the Board's website.**

1 **8:00 a.m. EST**

2 **Call to order - General Business Meeting**

3 Mary O'Brien, Vice-Chair, called the general business meeting to order at approximately 8:02  
4 a.m. Those present for all or part of the meeting, included the following:

5 **MEMBERS PRESENT**

6 Mary (Denny) O'Brien, J.D., Vice-Chair  
7 Dawn Silver, Ph.D.  
8 Madiley Broz, Psy.D.  
9 Seema Weinstein, Ph.D.

**STAFF PRESENT**

Allen Hall, Executive Director  
Anna King, Program Operations Administrator  
Terrica Jones, RSII  
Keyna Page, RSII

10 **ASSISTANT ATTORNEY GENERAL**

11 Kara H. Aikens, Esq.

**ASSISTANT GENERAL COUNSEL**

Collie Nolen, Esq.

12 **OTHERS PRESENT**

13 Dr. Michael Acosta

14 **DISCIPLINARY PROCEEDINGS**

15 **VOLUNTARY RELINQUISHMENT**

16 1. Dr. Jamie R. Funderburk, Case No. 2021-36915 (p/c/p Waived)

17 Dr. Jamie Funderburk was not present and not represented by legal counsel.

18 Dr. Funderburk was before the Board for an alleged violation of Section 456.072(1)(k)(z)(dd), F.S.  
19 and Section 490.009(1)(h)(p)(w), F.S. for being unable to practice with reasonable skill and safety  
20 to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of  
21 material or as a result of any mental or physical condition.

22 Ms. Nolen presented the case to the Board.

23 **MOTION:** Ms. O'Brien made a motion to accept the disciplinary voluntary relinquishment of  
24 licensure. The motion was seconded by Dr. Silver and carried 4/0.

25 **PROSECUTOR'S REPORT**

26 2. Collie Nolen, Esquire

1 Ms. Nollen presented the following prosecutor's report.

<u>Case Status</u>	<u>Report</u> Date 3/8/22	<u>Report</u> Date 6/22/22	<u>Report</u> Date 9/30/22
Total cases open/active in Prosecution Services:	<b>22</b>	<b>17</b>	<b>24</b>
Cases in Emergency Action Unit:	0	0	0
Cases under legal review:	3	7	11
Cases awaiting supplemental investigation/expert opinion:	0	1	3
Cases with PCP recommendation:	8	1	2
Cases where probable cause has been found:	1	2	1
Cases where DOAH has been requested:	7	6	4
Cases pending before DOAH:	0	0	0
Cases on Board meeting agendas:	3	0	3
Cases on appeal:	0	0	0
<b>Cases older than one year:*</b>	<b>8</b>	<b>7</b>	<b>8</b>

2  
3 **MOTION:** Following discussion, Ms. O'Brien moved to continue prosecuting cases older than 1  
4 year. The motion was seconded by Dr. Silver and carried 4/0.

5 **ADMINISTRATIVE PROCEEDINGS**

6 **REVIEW OF PSYCHOLOGIST LICENSURE APPLICATIONS**

7 3. Rachel Scharlepp – File#11226 Bifurcation/Examination

8 Dr. Scharlepp was not present and not represented by legal counsel.

9 Dr. Scharlepp has applied for licensure under the Bifurcation/Examination method. The timeframe  
10 for Board action on the application was originally tolled under Section 456.013(3)(c), F.S., by the  
11 Chair on 12/02/2021. Dr. Scharlepp is before the Board for review of her affirmative response on  
12 the application regarding a pending investigation related to Chapter 409, Florida Statutes.

13 During the January 2022 meeting, Dr. Scharlepp provided documentation that her proceeding  
14 was deferred until April 11, 2022. Consequently, the Board required a personal appearance after  
15 completion of the trial, pursuant to Sections 456.013(3)(a) and (3)(c), F.S.

16 During the April 2022 meeting, Dr. Scharlepp appeared before the Board and advised her trial  
17 date was again deferred until July 25, 2022. The Board granted a continuance until the October  
18 meeting and the applicant waived the 90 days for Board action on her application.

1 In response to the Board's notice for attendance at the October 28, 2022, meeting, Dr. Scharlepp  
2 has provided documentation the trial is expected to go forth on October 31, 2022. Provided for the  
3 Board's review is the application, supporting documents and criminal history documents  
4 submitted by the applicant.

5 **MOTION:** Following discussion, Ms. O'Brien moved to toll this application until 15 days following  
6 the closing of the active trial. Dr. Silver seconded, which carried 4/0.

7 4. Michael Chindamo – File#11020 Endorsement

8 **MOTION:** Prior to the meeting, Dr. Chindamo requested to withdraw his application for Florida  
9 Licensure.

## 10 **THE BOARD VICE-CHAIR MOVED TO TAB 24**

### 11 **ADDENDUM**

#### 12 24. INDIVIDUAL CONSIDERATION

- 13 • Michael A. Acosta – File #11761 Examinaton

14 Dr. Acosta was present and not represented by legal counsel.

15 Dr. Acosta has applied for licensure under the Examination method. Dr. Acosta's application is  
16 before the Board due the disciplinary mark on his post-doctoral supervised form. It is requested  
17 the board review the documents submitted and determine if the approval to proceed with the  
18 required exams can be granted or denied.

19 Provided for the Board's review was the application, supporting documents, the applicant's  
20 supervisor's explanation, and any additional information.

21 **MOTION:** Following discussion, Ms. O'Brien moved to approve the application for psychologist  
22 licensure. Dr. Silver seconded, which carried 4/0.

## 23 **THE BOARD VICE-CHAIR MOVED BACK TO TAB 5**

### 24 **LICENSURE RATIFICATION LISTS**

#### 25 5. Licensed Psychologists

26 **MOTION:** Ms. O'Brien moved to accept the ratification list as noted. Dr. Silver seconded, which  
27 carried 4/0.

#### 28 6. Licensed Provisional Psychologists

29 **MOTION:** Ms. O'Brien moved to accept the ratification list as noted. Dr. Silver seconded, which  
30 carried 4/0.

#### 31 7. Limited License Psychologist

32 There were no limited licensees to ratify during this meeting.

### 33 **CONTINUING EDUCATION PROVIDER RATIFICATION LIST**

8. List of Applicants

**MOTION:** Ms. O'Brien moved to accept the ratification list as noted. Dr. Silver seconded, which carried 4/0.

#### **APPLICATION EXTENSION RATIFICATION LIST**

9. List of Applicants

**MOTION:** Ms. O'Brien moved to accept the ratification list as noted. Dr. Silver seconded, which carried 4/0.

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

10. List of Applicants

**MOTION:** There were no File Closure applicants presented for closure

#### **PETITION FOR VARIANCE/WAIVER**

11. Dr. Renee VanSlyke re: Rule 64B19-11.005(1)(c), F.A.C., Supervised Experience Requirements

Dr. VanSlyke was not present and not represented by legal counsel.

Dr. VanSlyke is currently pursuing licensure in Florida and is requesting the Board's guidance towards the approval of their post-doctoral supervision form. She completed the required hours of supervision under a licensed psychologist within the United States Federal Bureau of Prisons located in Pennsylvania; however, her supervisor holds an active license in Maryland, but works at the facility where the supervision was completed. The petition references Rules 64B19-11.005(1)(c), F.A.C., and Section 490.005(1)(c), F.S.

Provided for the Board's review was Dr. VanSlyke's Petition for Variance/Waiver.

**MOTION:** Following discussion, Dr. Silver moved to approve the Petition for Vaiance/Waiver. The motion was seconded by Ms. O'Brien and carried 4/0.

Following discussion, Mr. Dierlam stated he will draft rule language for the January meeting for Rule 64B19-11.005(1)(c) to include Federal Bureau of Prisons to the rule language.

#### **RULES REVIEW & DEVELOPMENT**

12. Rule 64B19-13.003(1)(g), F.A.C., Continuing Psychological Education Credit

During the July 22, 2022, General Business Meeting the Board discussed amending the rule to provide for continuing education credits for individuals serving on probable cause panels. The Board recommended to grant up to 10 hours of continuing education credits. Mr. Dierlam has drafted rule language for the Board's consideration.

(h) Serving on a Board Probable Cause Panel; Current and former Board members shall receive one credit hour for each hour of attendance, up to a maximum of ten (10) hours, for serving as a member on a Board probable cause panel. Service on a probable cause panel shall also satisfy the requirement of professional ethics and legal issues credits as set out in subsection (3) of this rule on an hour by hour basis. Members shall also receive up to a maximum

of 5 hours of credit per biennium in the area of risk management, on an hour by hour basis, for serving on the Board's probable cause panel.

**MOTION:** Following discussion, Dr. Silver moved to approve the revised application form and rule language. Dr. Broz seconded the motion, which carried 4/0.

**MOTION:** Ms. O'Brien moved the proposed rule language would not have an adverse impact on small business. Dr. Broz seconded the motion, which carried 4/0.

**MOTION:** Ms. O'Brien moved the proposed rule language would not have an economic impact on government or any other entity in excess of \$200,000 within one year after the implementation of the rule and the proposed rule language should not be designated as a minor violation for first time offenses. Dr. Silver seconded the motion, which carried 4/0.

**MOTION:** Dr. Silver moved there should not be a sunset provision. Ms. O'Brien seconded the motion, which carried 4/0.

### REPORT OF ASSISTANT ATTORNEY GENERAL, KARA H. AIKENS, ESQUIRE

#### 13. Rule Status Report

Ms. Aikens presented the status of the following rules.

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.	04/29/2022	06/02/2022(RD/RN)	06/10/2022	06/29/2022	08/02/2022	08/22/2022
64B19-18.004	Use of Test Instruments.	01/28/2022 04/29/2022	03/02/2022(RD/RN) 06/01/2022(NOC)	03/10/2022	03/25/2022 03/28/2022 JAPC LTR 04/19/2022 ATTY Response 06/09/2022 NOC 06/13/2022 JAPC LTR 06/27/2022 ATTY Response 07/22/2022 Rule Hearing Notice of Withdrawal 09/08/2022		
64B19-18.004	Use of Test Instruments.	04/29/2022	09/08/2022	09/09/2022	09/20/2022 JAPC LTR 10/04/2022 ATTY Response		

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

Information Item

- Rule 64B19-18.004, F.A.C., Use of Test Instruments

Information Item

#### 14. 2022-23 Annual Regulatory Plan

Ms. Aikens presented the Florida Board of Psychology Annual Regulatory Plan for 2022 – 23.

**MOTION:** Following discussion, Ms. O'Brien moved to approve the annual regulatory plan as presented. Dr. Silver seconded the motion, which carried 4/0.

### NEW BUSINESS

#### 15. 2023 Board Elections

Position	2022 Assignments	2023 Assignments
Chair	Randi Mackintosh, Psy.D.	Dawn Silver, Psy.D.
Vice Chair	Mary (Denny) O'Brien, J.D.	Mary (Denny) O'Brien
ASPPB Delegate	Randi Mackintosh, Psy.D.	Seema Weinstein, Ph.D.
Budget Liaison	Mary (Denny) O'Brien, J.D.	Mary (Denny) O'Brien
Continuing Education Liaison	Dawn Silver, Ph.D. Seema Weinstein, Ph.D. (CE Liaison Back-Up)	Dawn Silver, Ph.D.
Credentials Liaison	Madiley Broz, Psy.D.	Madiley Broz, Psy.D.
Legislative Liaison	Seema Weinstein, Ph.D.	Seema Weinstein, Ph.D.
Unlicensed Activity Liaison	Mary (Denny) O'Brien, J.D.	Mary (Denny) O'Brien, J.D.
Examination Liaison	Seema Weinstein, Ph.D. Randi Mackintosh, Psy.D.	Seema Weinstein, Ph.D. Dawn Silver, Ph.D.

<u>PROBABLE CAUSE PANEL</u>		
Position	2022 Assignment	2023 Assignment
Current Board Member	Dr. Dawn Silver	Mary (Denny) O'Brien, J.D.
Past Board Member	Dr. Dean Aufderheide, Chair	
Past Board Member	Dr. Amy Swan	

1 **MOTION:** Following discussion, Ms. O'Brien moved to approve the officers and liaisons  
2 nominated. Dr. Silver seconded the motion, which carried 4/0.

3 16. Introduction of New Executive Director – Florida Psychological Association

4 Ms. Foote has recently taken the position of Executive Director for the FPA. Ms. Foote will  
5 formally introduce herself to the Board, in her new role, during the October board meeting.

## 6 **OLD BUSINESS**

7 17. July 22, 2022, General Business Meeting Minutes

**MOTION:** Following discussion, Ms. O'Brien moved to approve the July minutes as noted. Dr. Weinstein seconded the motion, which carried 4/0.

1    **REPORTS, IF ANY**

2    18.      Mary O'Brien, J.D.

3        •    Other Board Members:

4    Informational Item

5    19.      Executive Director

6    Report topics:

7        •    Cash Balance Report

8        •    Expenditures by Function Report

9    Informational Item

10   **OTHER BUSINESS AND INFORMATION**

11   20.      Overdose Crisis Materials

12   Informational Item

13   21.      ASPPB Disciplinary Data Report

14   Informational Item

15   22.      Florida Prescription Drug Monitoring Program (PDMP) Monthly Report

16   Informational Item

17   23.      Psychology Staff Recognition

18   Informational Item

19   **ADJOURNMENT**

20   There being no further business the meeting adjourned at 9:08 a.m.