

**DEPARTMENT OF HEALTH
BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING
JULY 20, 2012
MINUTES**

**Grand Hyatt Tampa Bay
2900 Bayport Drive
Tampa, FL 33607
(813) 874-1234**

1 **To accommodate individuals wishing to address the board, the Board Chair may adjust**
2 **the sequence of the agenda items. The minutes reflect the actual sequence of events**
3 **rather than the original agenda order.**

4 **CREDENTIALS COMMITTEE MEETING**

5 **MEMBERS PRESENT**

6 Rafael Rivas-Vazquez, Psy.D., Chair
7 Neda Koehnemann, Ph.D.
8 Harry J. Reiff, Psy.D.

STAFF PRESENT

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

9 **ASSISTANT ATTORNEY GENERAL**

10 Donna McNulty, Esq.
11 Rachel Clark, Esq.

12 **COURT REPORTER**

13 Rob Darling
14 Dempster & Berryhill Court Reporting
15 501 E. Kennedy Blvd.
16 Tampa, FL 33602
17 Phone: 813-229-8225
18 www.rdempster.com

19 **Dr. Rafael Rivas-Vazquez, Chair, called the Credentials Committee meeting to order at**
20 **approximately 8:00 a.m.**

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

23 **Tab 1. Kremin, Daniel P. (Endorsement of: 20 Years Experience; Other State License)**

24 Following discussion, Dr. Harry J. Reiff moved to approve the application for licensure based on
25 the substantial equivalence of the 1991 New York psychology laws and rules, to the laws and
26 rules of Florida during that time. Dr. Neda Koehnemann seconded the motion, which carried
27 3/0.

1 **Tab 2. Prevor, Ruth C. (Endorsement of: 20 Years Experience; Other State License)**

2 Dr. Prevor was present and accompanied by her husband. They were both sworn in by the
3 court reporter. Dr. Prevor was not represented by counsel.

4 Following discussion, Dr. Prevor waived the 90 day statutory requirement for Board action on
5 her application in order to acquire legal consultation in light of the committee's discussion. The
6 committee agreed to allow Dr. Prevor three months to decide on her course of action. The
7 committee will revisit the issue during the October 2012 Credentials Committee meeting. Staff
8 was asked to provide Dr. Prevor with a link to the audio recording of the meeting available on
9 the Department's website.

10 **Tab 3. Miller, Michael J. (Endorsement of Other State License)**

11 Following discussion, Dr. Neda Koehnemann moved to approve the application for licensure
12 based on the substantial equivalence of the 1976 New York psychology laws and rules, to the
13 laws and rules of Florida during that time. Dr. Harry J. Reiff seconded the motion, which carried
14 3/0.

15 **Tab 4. Albizu-Garcia, Carlos (Endorsement of 20 Years Experience)**

16 Following discussion, Dr. Harry Reiff moved to deny the application on the basis that the
17 program from which Dr. Albizu-Garcia graduated was not accredited by the APA pursuant to
18 490.003(b)2, and allow Dr. Albizu-Garcia the opportunity to withdraw his application within 14
19 days of the filing of the final order. Dr. Neda Koehnemann seconded the motion, which carried
20 3/0.

21 **Tab 5. Mistler, Brian J. (Endorsement of Other State License)**

22 The applicant decided to change his application method prior to the meeting. The issue was
23 withdrawn from the agenda.

24 **Tab 6. Monday, Lee M. (Endorsement of Other State License)**

25 Dr. Monday was present and was not represented by counsel. He was sworn in by the court
26 reporter.

27 Following discussion, Dr. Harry J. Reiff moved to approve the application for licensure based on
28 the substantial equivalence of the 1986 New Jersey psychology laws and rules, to the laws and
29 rules of Florida during that time. Dr. Neda Koehnemann seconded the motion, which carried
30 3/0.

31 **Tab 7. Richards, Jason G. (Bifurcation/Examination)**

32 Dr. Richards was present and was not represented by counsel. He was sworn in by the court
33 reporter.

34 Following discussion, Dr. Harry J. Reiff moved to approve the application for licensure. Dr.
35 Neda Koehnemann seconded the motion, which carried 3/0.

36 **Tab 8. Sawyer, Donald A. (Endorsement of Other State License)**

1 This application was originally reviewed by the Committee on March 9, 2012, at which time
2 additional clarification on the New York laws was requested. After the meeting, the applicant
3 submitted a written statement indicating that he would like to waive the 90 days for Board action
4 on his application to allow time to obtain the requested information. The committee was
5 provided with information from the New York state as requested.

6 Following discussion, Dr. Harry J. Reiff moved to approve the application for licensure based on
7 the substantial equivalence of the 1991 New York psychology laws and rules, to the laws and
8 rules of Florida during that time. Dr. Neda Koehnemann seconded the motion, which carried
9 3/0.

10 **Tab 9. Snyder, Christopher (Endorsement of: 20 Years Experience; Other State License)**

11 Following discussion, Dr. Harry J. Reiff moved to deny the application for licensure based on the
12 substantial nonequivalence of the 1989 Wisconsin psychology laws and rules in regard to the
13 education, experience and examination, compared to the laws and rules of Florida during that
14 time. Dr. Neda Koehnemann seconded the motion, which carried 3/0.

15 The meeting adjourned at 9:32 a.m.

16 *Immediately Following Credentials Committee:*

17 **Call to order – Continuing Education Committee**

18 **CONTINUING EDUCATION COMMITTEE MEETING**

19 **MEMBERS PRESENT**

20 Luis E. Orta, Ph.D, Chair

21 Rafael Rivas-Vazquez, Psy.D.,

STAFF PRESENT

Allen Hall, Executive Director

Anna L. Hart King, Program Operations Administrator

22 **ASSISTANT ATTORNEY GENERAL**

23 Donna McNulty, Esq.

24 Rachel Clark, Esq.

25 **COURT REPORTER**

26 Rob Darling

27 Dempster & Berryhill Court Reporting

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32 **Dr. Luis Orta, Chair, called the Continuing Education meeting to order at approximately**
33 **8:28 a.m.**

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

36 **REVIEW OF APPLICATIONS FOR CONTINUING EDUCATION PROVIDER STATUS**

1 **Tab 1. Sunserve**
2 "Essentials for Working with Gender Variant Clients and the WPath Standards of
3 Care" Course No. 20-328603

4 Following discussion, Dr. Rafael Rivas-Vazquez moved to approve the application for continuing
5 education provider status, and the corresponding course. Dr. Luis Orta seconded the motion,
6 which carried 2/0.

7 **Tab 2. Children's Bereavement Center**
8 "Grief and Loss for Professionals: Attachment Theory and Healthful Grieving
9 Model" Course No. 20-338344

10 Following discussion, Dr. Rafael Rivas-Vazquez moved to approve the application for continuing
11 education provider status, and the corresponding course. Dr. Luis Orta seconded the motion,
12 which carried 2/0.

13 **Tab 3. Florida Atlantic University Counseling & Psychological Services**
14 "Case Conceptualization I" Course No.: 20-349282

15 Following discussion, Dr. Rafael Rivas-Vazquez moved to approve the application for continuing
16 education provider status, and the corresponding course. Dr. Luis Orta seconded the motion,
17 which carried 2/0.

18 The course was approved retroactively to April 30, 2012.

19 **REVIEW OF APPLICATION FOR MEDICAL ERRORS COURSE APPROVAL**

20 **Tab 4. UHS Youth Services**
21 "Prevention of Medical Errors and Thinking Bias" Course No.: 20 – 349819

22 Following discussion, Dr. Luis Orta moved to approve the course "Prevention of Medical Errors
23 and Thinking Bias." Dr. Rafael Rivas-Vazquez seconded the motion, which carried 2/0.

24 The meeting adjourned at 9:52 a.m.

25 **10:00 a.m.**
26 **Call to order - General Business Meeting**

27 **MEMBERS PRESENT**

28 Harry J. Reiff, Psy.D., Chair
29 Luis E. Orta, Vice-Chair, Ph.D.
30 Neda Koehnemann, Ph.D.
31 Rafael Rivas-Vazquez, Psy.D.

STAFF PRESENT

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

32 **MEMBERS ABSENT**

33 Dean Aufderheide, Ph.D.

34 **ASSISTANT ATTORNEY GENERAL**

35 Donna McNulty
36 Rachel Clark, Esq.

1 **ASSISTANT GENERAL COUNSEL**

2 Lealand McCharen

3 **COURT REPORTER**

4 Rob Darling

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10 **DISCIPLINARY PROCEEDINGS**

11 **MOTION FOR FINAL ORDER BY VOLUNTARY RELINQUISHMENT OF LICENSE**

12 **Tab 1. Holli Bodner, Case No. 2011-12029 (p/c/p Amy Swan, Luis Orta, Ana Martin**
13 **Lavielle)**

14 **Tab 2. Holli Bodner, Case No. 2012-00344 (p/c/p Amy Swan, Luis Orta, Ana Martin**
15 **Lavielle)**

16 Dr. Bodner was not present and was not represented by counsel. Dr. Luis Orta recused himself
17 from the proceedings due to his participation on the probable cause panel. Case 2011-12029
18 and 2012-00344 were consolidated during the hearing.

19 Dr. Bodner was charged with violating with violating Section 490.009(1)(p), F.S. (2009-2011) by
20 being unable to practice the profession for which he is licensed with reasonable skill or
21 competence as a result of any mental or physical condition, or by reason of illness,
22 drunkenness, or substances abuse; violating Section 456.072(1)(o) F. S. (2011), by practicing of
23 offering to practice beyond the scope permitted by law.; and violating Section 456.072(1)(hh) F.
24 S. (2011), for being terminated from Professional Resources Network drug treatment program
25 for impaired practitioners by failing to comply with the terms of the monitoring contract.

26 **MOTION FOR FINAL ORDER BY STIPULATION**

27 **Tab 3. Charles M. Gerardi, Case No. 2007-20245 (p/c/p Rafael Rivas-Vazquez, Carol**
28 **Webster)**

29 Dr. Gerardi was present and was represented by George Indie, Esq. Dr. Rafael Rivas-Vazquez
30 recused themselves from the proceedings due to participation on the probable cause panel.

31 Dr. Gerardi was charged with violating Section 490.009(1)(r), F.S. (2003) (2004) for failing to
32 meet the minimum standards of performance in professional activities when measured against
33 generally prevailing peer performance; violating Section 490.009(1)(w), F. S. (2003) (2004) by
34 violating rule 64B19-19.003(1), F.A.C. for failing to document informed consent; and violating
35 violating Section 456.072(1)(o) F. S. (2011), by practicing of offering to practice beyond the
36 scope permitted by law.

37 Following discussion, Dr. Luis Orta moved to accept the settlement agreement as orally
38 amended by the parties which includes:

- 1 ▪ Letter of concern
- 2 ▪ Fine in the amount of \$2,000 payable within 48 months of the filing of the Final Order
- 3 ▪ Costs in the amount of \$8,000 payable within 48 months of the filing of the Final Order
- 4 ▪ Continuing Education consisting of 12 hours in the area of ethics; # hours in the area of laws
- 5 and rules; and 6 hours in the area of record keeping.

6 Dr. Neda Koehnemann seconded the motion, which carried 3/0.

7 **MOTION FOR FINAL ORDER AFTER HEARING NOT INVOLVING DISPUTED ISSUES OF**
8 **MATERIAL FACTS**

9 **Tab 4. A. Norman Goldwasser, Case No. 2011-09880 (p/c/p Amy Swan, Luis Orta,**
10 **Ana Martin Lavielle)**

11 Dr. Goldwasser was present and was not represented by counsel. Dr. Luis Orta recused
12 himself from the proceedings due to his participation on the probable cause panel. Dr. Harry
13 Reiff informed the Board that he and Dr. Goldwasser had a professional relationship over twenty
14 years ago; however he was able to deliberate on the case in an impartial manner.

15 Dr. Goldwasser was charged with violating Section 490.009(1)(t), F.S. (2010) for failure to pay
16 the fine and financial obligations imposed in the Final Order in Case 2004-27669.

17 Following discussion, Dr. Rafael Rivas-Vazquez moved that the administrative complaint was
18 properly served on the respondent and he elected not to dispute the issues of material fact. Dr.
19 Neda Koehnemann seconded the motion, which carried 3/0.

20 Dr. Rafael Rivas-Vazquez moved to adopt the findings of facts alleged in the administrative
21 complaint. Dr. Neda Koehnemann seconded the motion, which carried 3/0.

22 Following the respondent's presentation of mitigating circumstances, Dr. Rafael Rivas-Vazquez
23 moved that the findings of fact support a violation of the Florida Statute and Florida
24 Administrative Code. Dr. Neda Koehnemann seconded the motion, which carried 3/0.

25 Dr. Rafael Rivas-Vazquez moved that the respondent was in violation of the Florida Statutes as
26 charged in the Administrative Complaint. Dr. Neda Koehnemann seconded the motion, which
27 carried 3/0.

28 Dr. Rafael Rivas-Vazquez moved accepted the recommended fine in the amount of \$2,000
29 payable within 12 months of the filing of the Final Order, and suspension until payment of fine in
30 the amount of \$3,000 and costs in the amount of \$5,786.56 as required by the Final Order in
31 DOH Case No: 2004-27669. Dr. Neda Koehnemann seconded the motion, which carried 3/0.

32 Following additional discussion Dr. Rafael Rivas-Vazquez moved to exclude attorney time in the
33 investigation and prosecution of Case No. 2011-09880 and assess costs in the amount of
34 \$218.95 payable within 12 months of the filing of the Final Order. Dr. Neda Koehnemann
35 seconded the motion, which carried 3/0.

36 Dr. Goldwasser requested to take a home study course in the area of record keeping as
37 required by Final Order in DOH Case No: 2004-27669.

1 Following discussion, Dr. Rafael Rivas-Vazquez moved to allow Dr. Goldwasser to take a home
2 study course in the area of record keeping. Dr. Neda Koehnemann seconded the motion, which
3 carried 3/0.

4 Dr. Goldwasser is required to petition the Board for reinstatement of his license upon completion
5 of requirements.

6 **MOTION FOR FINAL ORDER BY RECOMMENDED ORDER**

7 **Tab 5. Netta Shaked, Case No. 2010-17394 (p/c/p Amy Swan, Luis Orta, Ana Martin**
8 **Lavielle)**

9 Dr. Shaked was present and was represented by Mark Thomas, Esq. They were both sworn in
10 by the court reporter. Dr. Luis Orta recused himself from the proceedings due to his
11 participation on the probable cause panel.

12 Dr. Shaked was charged with violating Section 490.009(1)(r), F.S. (2006), for failing to meet the
13 minimum standards of performance in professional activities when measured against generally
14 prevailing peer performance by terminating therapy without proper notice.

15 Dr. Shaked requested a formal hearing to dispute the allegations. The issue was referred to the
16 Division of Administrative Hearings (DOAH) on November 21, 2011. On May 23, 2012 the
17 Administrative Law Judge issued a recommendation that the Board enter a final order
18 dismissing the Administrative Complaint. The Board was provided with the Recommended
19 Order for consideration.

20 Following discussion, Dr. Rafael Rivas-Vazquez move accept the proposed findings of fact. Dr.
21 Neda Koehnemann seconded the motion, which carried 3/0.

22 Following discussion, Dr. Rafael Rivas-Vazquez move accept the conclusions of law. Dr. Neda
23 Koehnemann seconded the motion, which carried 3/0.

24 Following additional discussion, Dr. Neda Koehnemann moved to accept the Administrative Law
25 Judge's recommendation to dismiss the administrative complaint. Dr. Rafael Rivas-Vazquez
26 seconded the motion, which carried 3/0.

27 Board staff was asked to ensure that the dismissed administrative complaint containing Dr.
28 Shaked's home address is no longer available on the Department's website.

29 **PROSECUTOR'S REPORT**

30 **Tab 6. Lealand McCharen, Esq.**

31 Mr. McCharen provided the prosecutor's report outlining the current status of the thirty (30) open
32 disciplinary cases, as of July 17, 2012.

33 A total 13 Cases Older Than One Year:

34 2007: 1

35 (1 set for Board review July 2012)

36 2008: 3

37 (1 set for Board review July 2012; 2 in settlement negotiations)

1 2009: 3
2 (1 in settlement negotiations; 1 set for PCP July 2012; and 1 set for Board review October 2012)
3 2010: 3
4 (1 waiting on supplemental investigation/expert request; 2 in settlement negotiations)
5 2011: 3
6 (2 set for board review July 2012; 1 under legal review)

7 Dr. Luis Orta moved to continue to prosecuting the cases that are more than one year old. Dr.
8 Rafael Rivas-Vazquez seconded the motion, which carried 4/0.

9 The Board adjourned for lunch at 12:19 p.m.

10 **POST DISCIPLINARY PROCEEDINGS**

11 **Tab 7. Frank Brown**

12 Dr. Brown was present and accompanied by Michael Herkov of Professionals Resource Network
13 (PRN). They were sworn in by the court reported. Dr. Brown petitions the Board to terminate
14 his supervision under PRN pursuant to the Final Order in Case# 2000-15736.

15 Following discussion, Luis E. Orta moved release Dr. Brown from his lifelong PRN contract.
16 Neda Koehnemann seconded the motion, which carried 4/0.

17 **ADMINISTRATIVE PROCEEDINGS**

18 **APPLICANTS FROM APA ACCREDITED PROGRAMS FOR EXAMINATION AND** 19 **LICENSURE AS NOTED**

20 **Tab 8. List of Applicants**

21 Luis E. Orta moved to approve the list of applicants. Dr. Neda Koehnemann seconded the
22 motion, which carried 4/0.

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

24 **Tab 9. Haylie Hoffman**

25 Dr. Hoffman was present and was not represented by counsel. She was sworn in by the court
26 reported. Dr. Harry Reiff and Dr. Rafael Rivas-Vazquez informed the Board of their previous
27 professional relationship with Dr. Hoffman's father, former Board member Dr. Richard Hoffman.
28 However they were able to proceed with the deliberations in an impartial manner.

29 Following discussion, Dr. Luis Orta moved to grant a 12 month extension. Dr. Neda
30 Koehnemann seconded the motion, which carried 4/0.

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

2 **Tab 10. List of Applicants**

3 Following discussion, Dr. Rafael Rivas-Vazquez approve the list as modified, and allow the
4 applicants the option to withdraw. Dr. Neda Koehnemann seconded the motion, which carried
5 4/0.

6 **PETITIONS FOR WAIVER OR VARIANCE**

7 **Tab 11. Scott Bauer re: 64B19-11.0075, F.A.C., Application Closure After 24 Months**

8 Dr. Bauer was present and was not represented by counsel. He was sworn in by the court
9 reporter. Dr. Bauer petitions for a waiver of the rule in order to continue with the licensure
10 process without having to reapply. Dr. Luis Orta recused himself from the proceeding because
11 of his former professional relationship with Dr. Bauer.

12 Following discussion, Dr. Rafael Rivas-Vazquez moved to reconsider the application. Dr. Neda
13 Koehnemann seconded the motion, which carried 3/0.

14 Dr. Rafael Rivas-Vazquez moved vacate the Notice of Intent to Deny. Dr. Neda Koehnemann
15 seconded the motion, which carried 3/0.

16 Dr. Rafael Rivas-Vazquez moved to grant a 12 month extension from the date of the filing of the
17 Final Order. Dr. Neda Koehnemann seconded the motion, which carried 3/0.

18 **Tab 12. Suchithra Hirode re: 64B19-11.005, F.A.C., Supervised Experience**
19 **Requirements**

20 Dr. Hirode petitioned for a waiver of the rule in order to receive credit for supervision which she
21 acquired in India prior to completing her doctoral degree.

22 Following discussion, Dr. Rafael Rivas-Vazquez moved to deny the petition for failure to
23 demonstrate hardship and the he supervisor's lack of educational credentials meeting the
24 requirement of the underlying statute. Dr. Neda Koehnemann seconded the motion, which
25 carried 4/0.

26 Dr. Luis Orta moved to approve the application under the "bifurcation/examination" method. Dr.
27 Rafael Rivas-Vazquez seconded the motion, which carried 4/0.

28 **PROFESSIONAL PRACTICE TOPICS**

29 **Tab 13. Discussion: Telepsychology**

30 During the discussion the Board was addressed by Dr. Carolyn Stimel, Florida Psychological
31 Association (FPA), Director of Professional Affairs, and Connie Galietti, JD, Executive Director,
32 Florida Psychological Association. They were both sworn in by the court reporter.

33 The Board discussed current topics in regard to distance therapy through electronic mediums.
34 The Board deliberated on whether there is currently statutory authority for the Board to create
35 rules to provide guidance on this issue.

1 Ms. Galietti informed the Board that the FPA would consider drafting legislation following receipt
2 of further guidance from the APA at a future meeting.

3 **Tab 14. Discussion: Continuing Professional Development**

4 During the April 2011 meeting, Dr. Harry Reiff discussed issues related to continuing
5 professional development and comment on guideline being developed by Association of State
6 and Provincial Psychology Board's (ASPPB) task force on maintenance and competence in
7 licensure, to broaden professional development and supplement continuing education. The
8 broader concept of continuing professional development could include activities such peer
9 consultation groups, journal clubs, practice outcome monitoring, professional publications, and
10 service on committees or boards.

11 During the instant meeting, the Board was provided with the 2012 *Guidelines for Continuing*
12 *Professional Development* from the Association of State and Provincial Psychology Boards
13 (ASPPB). The Board agreed that the Continuing Education Committee should hold conference
14 calls to work on rule development to revise the continuing education rule and broaden the
15 means by which a licensee can obtain continuing education credit. The current committee
16 members are Dr. Luis Orta, Chair, and Dr. Dean Aufderheide.

17 The Committee will develop draft language to present to the Board. The other Board members
18 expressed their willingness to accept a temporary appointment to the Committee, or to submit
19 information to contribute to the effort. Staff will make arrangements for the initial conference call
20 in this regard.

21 **Tab 15. Survey Status Update: Delegation of Professional Responsibilities or**
22 **Activities by Licensed Psychologists to Paraprofessionals**

23 The survey approved by the Board, during the November 18, 2011 Board Quorum conference
24 call, was made available for input during the first week of January 2012. As per the Board's
25 request, the survey was made available for through July 2012.

26 The Board reviewed the draft report and took note of comments made by survey participants.
27 The final summary report on the survey will be provided by the Department's Strategic Planning
28 Services. The report of the data analysis will be used to finalize the draft language.

29 **RULES REVIEW AND/OR DEVELOPMENT**

30 **Tab 16. 64B19-11.001, F.A.C., Examination**

31 **Tab 17. 64B19-11.012, F.A.C., Application Forms**

32 **Tab 18. 64B19-11.011, F.A.C., Provisional License; Supervision of Provisional**
33 **Licensees**

34 **Tab 19. 64B19-11.010, F.A.C., Limited Licensure**

35 The passage of HB 653 (2012) altered current restrictions that prevented an individual, who had
36 been convicted of certain felonies, or pled guilty or no contest to certain felonies, from applying
37 for an initial or renewal license to become a health care professional.

1 Specifically, the bill provides exceptions to the previous license prohibitions. Currently, a person
2 who has been convicted of, or plead guilty or no contest to, certain felonies cannot apply for a
3 license to become a health care professional unless 15 years have passed since the conviction
4 or plea. This bill creates a tiered timeframe for applying for a license depending on the degree of
5 the violation: the lesser the felony or plea, the less time must pass between the felony or plea
6 and the date of application.

7 In addition the bill:

- 8 • Provides additional exceptions to licensing prohibitions in s. 456.0635, F.S., which allows an
9 individual impacted by the felony provisions to seek a license if the individual successfully
10 completed a pretrial intervention or drug diversion program.
- 11 • Excludes from the licensing prohibitions an applicant who was enrolled in an educational or
12 training program, recognized by the Department of Health (DOH), on or before July 1, 2009
13 and applied for initial licensure after July 1, 2012.
- 14 • Allows an individual to regain a renewal license that was denied under the provisions of the
15 bill, by complying with the criteria established by the applicable board, or the DOH, for initial
16 licensure. However, if an individual was denied a renewal license, certificate or registration
17 under the provisions of section 24 of chapter 2009-223, Laws of Florida, the individual is not
18 required to retake and pass any examination required for initial licensure.

19 This new law became effective on July 1, 2012. The Board was asked to review the revised
20 application forms and respective rules incorporating the revised application forms which reflect
21 the changes resulting from this law.

22 Tabs 16-19 were addressed concurrently. Following discussion, Dr. Luis Orta moved to modify
23 the applications and approve the draft language to incorporate the revised application forms into
24 the respective rules. Dr. Rafael Rivas-Vazquez seconded the motion, which carried 4/0.

25 Dr. Luis Orta moved that there will or will be no adverse impact on small business, nor direct or
26 indirect increase in regulatory costs to any entity in excess of \$200,000 in the aggregate in
27 Florida within 1 year after the implementation of the rule. Dr. Rafael Rivas-Vazquez seconded
28 the motion, which carried 4/0.

29 Dr. Luis Orta moved that in light of the discussion, experience, and expertise, the rule will not
30 need to be ratified by the legislature. Dr. Rafael Rivas-Vazquez seconded the motion, which
31 carried 4/0.

32 Dr. Rafael Rivas-Vazquez moved to submit the proposal to the Department of State, and the
33 Office of Fiscal Accountability and Regulatory Reform, for comments. Dr. Neda Koehnemann
34 seconded the motion, which carried 4/0.

35 **Tab 20. 64B19-18.007, F.A.C., Requirements for Forensic Psychological Evaluations**
36 **of Minors for the Purpose of Addressing Custody, Residence or Visitation**
37 **Disputes**

38 The Board was provided with the following draft language:

1 **64B19-18.007 Requirements for Forensic Psychological Evaluations of Minors for the**
2 **Purpose of Dissolution of**
3 **Marriage, Support, or Time-Sharing Action, of Addressing Custody,**
4 **Residence or Visitation Disputes.**

5 (1) For the purposes of this rule the following definitions apply:

6 (a) "Parent" means parent or legal guardian
7 identified by the court order. (b) "Child(ren)"
8 means those identified by the court order.

9 (2) The minimum standard of performance in court-ordered child custody evaluation and family law
10 proceedings includes, but is not limited to, the following:

11 (a) The psychologist shall adhere to the "APA Guidelines for Child Custody Evaluations in
12 Divorce Proceedings," effective July, 1994, and the "Specialty Guidelines for Forensic Psychologists,"
13 effective March 9, 1991. These guidelines are incorporated by reference and copies may be obtained
14 from the Board office. The APA Guidelines for Child Custody Evaluations in Divorce Proceedings are
15 also available at: www.apa.org/practice/childcustody.html.

16 (b) The psychologist who has accepted an appointment as an evaluator shall not serve as
17 guardian ad litem, mediator, therapist or parenting coordinator regarding the children in the instant
18 case. The psychologist who has had a prior role as guardian ad litem, mediator, therapist or parenting
19 coordinator shall not accept an appointment as an evaluator for the children in the instant case.

20 (c) The psychologist shall inform the parents or legal guardian in writing and obtain their signature
21 verifying notification of the limits of confidentiality.

22 (d) The psychologist shall submit the evaluation report pursuant to court order or provide prior
23 notification to the court, if the report will not be provided by the due date.

24 (e) The evaluation report shall include all of the following. The failure to include any of the following
25 shall be documented.

26 1. Evaluations of both parents, or legal guardian including observations, test results, and
27 impressions.

28 2. Evaluations of the children identified in the court order including observations and where
29 appropriate, test results and impressions.

30 3. Description of interactions between each parent or legal guardian and each child identified in the
31 court order.

32 4. Collateral sources of information as needed.

33 5. Request
34 medical records as
35 needed. (3)

36 (1) It is a conflict of interest for a psychologist who has treated a minor or any of the adults
37 involved in a dissolution of marriage, support, or time-sharing action as defined by Chapter 61,
38 Florida Statutes, custody or visitation action to perform a forensic evaluation for the purpose of
39 recommending a time-sharing schedule and parenting plan, with which adult the minor should reside,
40 which adult should have custody, or what visitation should be allowed. Consequently, a psychologist
41 who treats a minor or any of the adults involved in a dissolution of marriage, support, or time-sharing
42 action as defined by Chapter 61, Florida Statutes, custody or visitation action may not also perform a
43 forensic evaluation for the purposes of recommending a time-sharing schedule or parenting plan,
44 custody, residence or visitation of the minor. So long as confidentiality is not violated, a psychologist
45 may provide a court, or a mental health professional performing a forensic evaluation, with factual
46 information about the minor derived from treatment, but shall not state an opinion about time-sharing
47 schedules and parenting plans, custody, residence or visitation disputes.

48 (2) The psychologist who serves ~~has accepted an appointment as~~ an evaluator shall not also
49 serve as guardian ad litem, mediator, therapist or parenting coordinator regarding the children in the

1 instant case. The psychologist who has had a prior role as guardian ad litem, mediator, therapist or
2 parenting coordinator shall not ~~serve accept an appointment~~ as an evaluator for the children
3 in the instant case.
4 *Specific Authority 490.004(4) FS. Law Implemented 490.009(2)(s) FS. History--New 6-14-94, Formerly 61F13-20.007,*
5 *Amended 1-7-96, Formerly 59AA-18.007, Amended 9-30-04.*

6 Following discussion, Dr. Rafael Rivas-Vazquez moved to approve the draft language. Dr. Luis
7 Orta seconded the motion, which carried 4/0.

8 Dr. Neda Koehnemann moved that there will or will be no adverse impact on small business,
9 nor direct or indirect increase in regulatory costs to any entity in excess of \$200,000 in the
10 aggregate in Florida within 1 year after the implementation of the rule. Dr. Rafael Rivas-
11 Vazquez seconded the motion, which carried 4/0.

12 Dr. Rafael Rivas-Vazquez moved that in light of the discussion, experience, and expertise, the
13 rule will not need to be ratified by the legislature. Dr. Neda Koehnemann seconded the motion,
14 which carried 4/0 .

15 Board Counsel will to submit the proposal to the Department of State, and the Office of Fiscal
16 Accountability and Regulatory Reform, for comments.

17 **RULE STATUS REPORT**

18 **Tab 21. Donna McNulty, Assistant Attorney General**

- 19 • 64B19-11.001 Examination
- 20 • 64B19-11.010 Limited Licensure
- 21 • 64B19-11.011 Provisional License; Supervision of Provisional Licensee
- 22 • 64B19-11.012 Application Forms
- 23 • 64B19-12.002 Application and Examination Fee for Licensure by Examination;
24 Review Fee
- 25 • 64B19-12.003 Reexamination Fee

26 Informational item.

27 **REPORTS, IF ANY**

28 **Tab 22. Dr. Harry Reiff, Ph.D.**

29 Other Board Members:

30 Dr. Harry Reiff reported that the Ms. Donna C. McNulty, Esq. will transition from her position as
31 Board Counsel. Following the October 2012 meeting, the Board's Counsel will be Ms. Rachael
32 Clark, Esq.

33 **Tab 23. Executive Director**

- 34 Report topics
- 35 ○ Cash Balance Reports
- 36 ○ Expenditures by Function Report

1 o HB1263 (2012) re: Board Agenda Process

2 Dr. Harry Reiff inquired about item 133100 on the Expenditures by Function Report in regard to
3 advertising. Board staff will seek information from the appropriate DOH office for a more
4 detailed response to this request.

5 **Tab 24. Credentials Committee Report**

6 Dr. Rafael Rivas-Vazquez, Chair reported to the full Board the recommendations of the
7 Credentials Committee.

8 The committee recommended approval of the applicants in tab 1, tab 3, tab 6, tab 7, and tab 8.
9 The applicant in tab 2 waived the 90 day requirement for Board action and the issue was
10 continued to a future meeting. The applicants in tab 4, and tab 9 were denied and allowed to
11 withdraw the application. The applicant in tab 5 changed his application method and his issue
12 was withdrawn from the agenda.

13 Dr. Rafael Rivas-Vazquez moved to ratify the recommendations of the Credentials Committee.
14 Dr. Luis Orta seconded the motion, which carried 4/0.

15 **Tab 25. Continuing Education Report**

16 Dr. Luis Orta, Chair, reported to the full Board the recommendations of the Continuing
17 Education Committee.

18 The committee recommended approval of the applicants in tab 1, tab 2, tab 3, and tab 4.

19 Dr. Rafael Rivas-Vazquez moved to ratify the recommendations of the Credentials Committee.
20 Dr. Luis Orta seconded the motion, which carried 4/0.

21 **OLD BUSINESS**

22 **Tab 26. April 20, 2012 General Business Meeting Minutes**

23 Dr. Rafael Rivas-Vazquez moved to accept the minutes. Dr. Luis Orta seconded the motion,
24 which carried 4/0.

25 **Tab 27. June 22, 2012 Board Quorum Call Minutes**

26 Dr. Luis Orta moved to accept the minutes. Dr. Neda Koehnemann seconded the motion, which
27 carried 4/0.

28 **OTHER BUSINESS AND INFORMATION**

29 **Tab 28. Correspondence: Linda Montalbano re: Quantitative**
30 **Electroencephalograms (QEEG Brain Mapping)**

31 Ms. Montalbano requests a letter from the Board supporting QEEG Brain Mapping as within the
32 scope of practice of psychologist in Florida.

1 Following Ms. Montalbano presentation, the Board encouraged her to seek support from
2 organizations with expertise in this issue.

3 **Tab 29. Information re: Disciplinary Voluntary Relinquishments**

4 Informational item.

5 **Tab 30. Update re: HB 155 Firearm Owners Privacy Act**

6 Informational item.

7 **Tab 31. Final Orders re: Counter Settlement Agreement - Dr. Richard Schulman; Dr.**
8 **Kenneth Long**

9 Informational item.

10 **Tab 32. Annual Regulatory Plan 2012- 2013**

11 In accordance with Section 7 of Executive Order 11-72:

12 "No later than July 1, 2011, and on July 1 of each successive year, each agency under
13 the direction of the Governor shall submit to OFARR an annual regulatory plan that
14 shall identify and describe each rule that the agency expects to begin promulgating
15 during the next twelve-month period."

16 The Board reviewed the status of the 2011 list which was submitted to OFARR.

17 **Tab 33. ASPPB Disciplinary Data Report**

18 Informational item.

19 **Tab 34. ASPPB Meeting Minutes**

20 Informational item.

21 **Tab 35. Psychology Staff Recognition**

22 Informational item.

23 Following the proceedings, Dr. Luis Orta moved to adjourn. Dr. Neda Koehnemann seconded
24 the motion, which carried 4/0. The meeting adjourned at 4:40 p.m.

APA List 7/20/2012 (Addendum)

PROCEDURAL STATEMENT REGARDING APPROVED APPLICANTS:
Regardless of application method, if board staff becomes aware of any issues of concern, approved applicants will be brought back before the Board for reconsideration prior to issuance of a license.

Examination Applicants:

Examination applicants have met the educational and supervision requirements for psychologist licensure.

By ratifying this list, the Board is approving the listed applicants under this method to sit for the required examination(s) and for issuance of a license upon completion of the remaining requirements for licensure to include: 1) passage of the required examination(s) and 2) submission of a medical errors course certificate from a Board-approved medical errors course provider, if not previously submitted.

Name	File	University	Major
1. Hughes, Erin	7553	Nova Southeastern University	Clinical
2. Miller, Kimberly Jean	7500	Argosy University, Tampa	Clinical
3. Mistler, Brooke Ashley	7569	University of Florida	Counseling
4. Montero, Ariadna	7351	Carlos Albizu University - San Juan	Clinical
5. Rivera, Miladys Nahir	7521	Carlos Albizu University - San Juan	Clinical

Examination/Waiver:

Examination with Waiver applicants have met the educational and supervision requirements for psychologist licensure and have passed the national examination with a score that meet's Florida's requirements.

By ratifying this list, the Board is approving the listed examination with waiver applicants to sit for the laws and rules examination and for issuance of a license upon passage of the exam and submission of a medical errors course certificate from a Board-approved medical errors course provider, if not previously submitted.

Name	File	University	Major
1. Saltzburg, Nicole L.	7571	University of Miami	Counseling

Bifurcation/Examination Applicants:

Bifurcation/Examination applicants have met the educational requirements for psychologist licensure and are pursuing the required post-doctoral supervised experience.

By ratifying this list, the Board is approving the listed applicants under this method to sit for the required examination(s) and for issuance of a license upon completion of the remaining requirements for licensure to include: 1) passage of the required examination(s); 2) submission of satisfactory Supervised Experience Verification forms documenting completion of the required hours of post-doctoral supervised experience; and 3) submission of a medical errors course certificate from a Board-approved medical errors course provider, if not previously submitted.

Name	File	University	Major
1. Berrios, Christina	7552	Argosy University (Tampa)	Clinical
2. Frances, Yaakov	7561	The City University of New York	Clinical
3. Lahey, Sarah	7535	University of Florida	Clinical
4. Lengnick, Todd	7555	Argosy University (Tampa)	Clinical
5. Lippman, Stephanie	7551	Argosy University (Tampa)	Clinical
6. Longa, Catherine	7540	University of Miami	Counseling
7. Thompson, Keisha Venicia	7550	Texas A&M University	Counseling
8. Malkasian, Kelli Ann	7565	Nova Southeastern University	Clinical
9. Salcedo-Samper, Gina Patricia	7566	Carlos Albizu University (Miami)	Clinical
10. Weissblatt, Lara Michelle	7559	Chicago School of Professional Psychology	Clinical
11. Paquette, Laurie Christine	7556	University of North Colorado	Counseling

Endorsement of ABPP Diplomate Status

Applicants by ABPP Endorsement have met all the requirements for licensure, under this method, except, passage of the State psychology laws and rules exam.

By ratifying this list, the Board is approving the listed applicants under this method to sit for the State laws and rules examination and for issuance of a license upon passage of the examination and submission of a medical errors course certificate from a Board-approved medical errors course provider, if not previously submitted.

Name	File	University	Major
1. Cohen, Ronald A.	7558	Louisiana State University	Clinical

Provisional Licensure Applicants:

Name	File	University	Major
1. Rodriguez, Julissa	204	Nova Southeastern University	Clinical