

**DEPARTMENT OF HEALTH  
BOARD OF PSYCHOLOGY  
GENERAL BUSINESS MEETING  
JANUARY 25, 2013  
MINUTES**

**Holiday Inn and Suites  
2725 Graves Road  
Tallahassee, Florida 32303  
850-536-2000**

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

**CREDENTIALS COMMITTEE MEETING**

**MEMBERS PRESENT**

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

**STAFF PRESENT**

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

**ASSISTANT ATTORNEY GENERAL**

Rachel Clark, Esquire

**Court Reporter: Access Certified Digital Reporting**

Phone: 239-416-8500

Contact: Cynthia Kay Pearce

**Dr. Rafael Rivas-Vazquez, Chair, called the Credentials Committee to order at approximately 8: 11 a.m.**

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

**Tab 1            Alvarez-Febles, Rosaligia    Endorsement of: 20 Years of Licensed Experience and Endorsement of Other State License**

Dr. Alvarez-Febles was present and sworn in. She was not represented by counsel.

Dr. Alvarez-Febles applied for licensure by Endorsement of 20 years of Licensed Experience as well as Endorsement of Other State License. After careful review of both methods, the Committee determined that Dr. Alvarez-Febles does not meet the criteria for licensure based on her doctorate degree in General Psychology, which is not approved by the APA. The committee offered Dr. Alvarez-Febles the opportunity to withdraw her application. Dr. Alvarez-Febles requested to withdraw her application. Dr. Neda Koehnemann moved to accept the request for withdrawal. Dr. Harry Reiff seconded the motion, which carried 3/0.

*At this point in the meeting, Tab 3 was taken out of order*

**Tab 3            Belack-Raz, Sherrie            Exam**

Dr. Belack-Raz was present and sworn in. She was not represented by counsel.

Dr. Belack-Raz applied for licensure by Examination. After careful review of the application, the Committee determined that Dr. Belack-Raz did not meet the criteria for licensure based on her supervision. She obtained supervision in England from two different supervisors, one who is licensed in England and one who is licensed in England as well as Pennsylvania. Florida Administrative Code Chapter 64B19-11.005 defines a supervisor as either a licensed Florida psychologist in good standing with the Board, or a doctoral-level psychologist licensed in good standing in another state providing supervision for licensure in that state. The committee offered the option of filing a petition for variance or waiver from the rule. Dr. Belack-Raz waived her 90 days in order to file the petition.

**Tab 2            Beard, Lucinda Michelle            Endorsement of Other State License**

Dr. Beard was not present nor represented by counsel.

Dr. Beard applied for licensure by Endorsement of Other State License. Following discussion, Dr. Neda Koehnemann moved to deny the application based on the Committee's determination that the supervision hours and the degree requirements in the 2006 Texas regulations were not substantially equivalent to those in effect in Florida during that specific time. The committee would allow Dr. Beard the option of withdrawing her application. Dr. Harry Reiff seconded the motion, which carried 3/0.

**Tab 4            Callum, Luz M.            Endorsement of Other State License**

Dr. Callum was not present nor represented by counsel.

Dr. Callum applied for licensure by Endorsement of Other State License. Following discussion, Dr. Neda Koehnemann moved to deny the application based on the Committee's determination that the supervision hours and the degree requirements in the 2004 Oregon regulations as well as the 2006 Virginia regulations were not substantially equivalent to those in effect in Florida during those specific times. The committee would allow Dr. Callum the option of withdrawing her application. Dr. Harry Reiff seconded the motion, which carried 3/0.

**Tab 5            Law, Joseph G.            Endorsement of Other State License**

Dr. Law was present and sworn in. He was not represented by counsel.

Dr. Law applied for licensure by Endoresment of Other State License. Following discussion, the Committee has determined that the supervision hours and the degree requirements in the 1985 Tennessee regulations were not substantially equivalent to those in effect in Florida during that specific time. The committee allowed Dr. Law the option of withdrawing his application. Dr. Law requested to withdraw his application.

**Tab 6 Paredes, Margarita Rosa Endorsement of Other State License**

Dr. Paredes was not present nor represented by counsel.

Dr. Paredes applied for licensure by Endorsement of Other State License. Following discussion, Dr. Neda Koehnemann moved to deny the application based on the Committee's determination that the supervision hours and the degree requirements in the 2011 New York regulations were not substantially equivalent to those in effect in Florida during that specific time. The committee would allow Dr. Paredes the option of withdrawing her application. Dr. Harry Reiff seconded the motion, which carried 3/0.

**Tab 7 Seitz, Jay Endorsement of Other State License**

Dr. Seitz was not present nor represented by counsel.

Dr. Seitz applied for licensure by Endorsement of 20 years of Licensed Experience as well as Endorsement of Other State License. Following discussion, Dr. Neda Koehnemann moved to deny both application methods based on the Committee's determination that under the Endorsement of Other State License the supervision hours and the degree requirements in the 1991 New York regulations were not substantially equivalent to those in effect in Florida during that specific time. Under the Endorsement of 20 Years Licensed Experience, Dr. Seitz did not meet the criteria, as he did not graduate from an APA accredited program. There was also an inaccurate answer to the question regarding discipline on his application. Dr. Rafael Rivas-Vazquez seconded the motion, which carried 3/0. The committee would allow Dr. Seitz the option of withdrawing his application.

**Tab 8 Shannon, Timothy Dean Endorsement of Other State License**

Dr. Shannon was not present nor represented by counsel.

Dr. Shannon applied for licensure by Endorsement of Other State License. Following discussion, Dr. Harry Reiff moved to deny the application with the option of withdrawing his application based on the Committee's determination that the supervision hours and the degree requirements in the 1993 Illinois regulations were not substantially equivalent to those in effect in Florida during that specific time. Dr. Neda Koehnemann seconded the motion, which carried 3/0.

The Credentials Committee adjourned at 9:49 a.m.

**CONTINUING EDUCATION COMMITTEE MEETING**

**MEMBERS PRESENT**

Luis E. Orta, Ph.D, Chair  
Dean Aufderheide, Ph.D.

**STAFF PRESENT**

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

**ASSISTANT ATTORNEY GENERAL**

Rachel Clark, Esq

**Dr. Luis Orta, Chair, called the Continuing Education Committee to order at approximately 10:00 a.m.**

## **REVIEW OF PROPOSED RULE MODIFICATION**

**Tab 1** Rule 64B19-13.004, Obligations of Continuing Education Providers re: Waiver of Provider Application Fee for Board Approved Providers

At the October 5, 2012 General Business Meeting, the Continuing Education asked to review the draft language prepared to provide a waiver for rule statute approved providers such as those approved by the APA.

Dr. Dean Aufderheide moved to approve the proposed rule modification as written. Dr. Luis Orta seconded the motion, which carried 2/0.

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

**Tab 2** David Baker-Hargrove  
"Working with the Gender Variant Client: A Primer for Mental Health Professionals"  
Course No. 20-363393.

Following discussion, Dr. Dean Aufderheide moved to approve the application for continuing education provider status, and the corresponding course. Dr. Luis Orta seconded the motion, which carried 2/0.

**Tab 3** Central Florida Behavioral Hospital  
"Baker Act – Risks and Responsibilities"  
Course No. 20-354125

Following discussion, Dr. Dean Aufderheide moved to approve the application for continuing education provider status, and the corresponding course. Dr. Luis Orta seconded the motion, which carried 2/0.

## **REVIEW OF APPLICATIONS FOR MEDICAL ERRORS COURSE APPROVAL**

**Tab 4** Sunserve  
"Medical Errors – Including a Focus on Gay and Lesbian Clients"  
Course No. 20-111491

Following discussion, Dr. Dean Aufderheide moved to approve the application to become a medical errors provider. Dr. Luis Orta seconded the motion, which carried 2/0.

**Tab 5** CE4Less.com  
"Preventing Medical Errors: Best Practices for Mental Health Professionals – Revised 2012"  
Course No. 20-367535

Following discussion, Dr. Dean Aufderheide moved to approve the application to become a medical errors provider. Dr. Luis Orta seconded the motion, which carried 2/0.

**Tab 6** Florida Gulf Coast University – Counseling & Psychological Services  
"Recognition & Prevention of Medical Errors"  
Course No. 20-372096

Following discussion, Dr. Dean Aufderheide moved to approve the application to become a medical errors provider. Dr. Luis Orta seconded the motion, which carried 2/0.

**Tab 7** Baptist Health South Florida  
"Medical Errors: Promoting a Culture of Patient Safety - Psychology Course"  
Course No. 20-374418

Following discussion, Dr. Dean Aufderheide moved to approve the application to become a medical errors provider. Dr. Luis Orta seconded the motion, which carried 2/0.

**Tab 8** Florida Psychological Association  
"Doing No Harm: Avoiding Psychological (Medical) Errors in Mental Health Services  
– 2014 Edition"  
Course No. 20-376566 (2014 Edition – home-study) & 20-376579 (live)

Following discussion, Dr. Dean Aufderheide moved to approve the application to become a medical errors provider. Dr. Luis Orta seconded the motion, which carried 2/0.

The Continuing Education Committee adjourned at 10:11 a.m.

## **GENERAL BUSINESS MEETING**

**Dr. Harry J. Reiff, Chair, called the general business meeting to order at approximately 10:20 a.m. Those present for all or part of the meeting, included the following:**

### **MEMBERS PRESENT**

Harry J. Reiff, Psy.D., Chair  
Luis E. Orta, Vice-Chair, Ph.D.  
Neda Koehnemann, Ph.D.  
Rafael Rivas-Vazquez, Psy.D.  
Dean Aufderheide, Ph.D.

### **STAFF PRESENT**

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

### **ASSISTANT ATTORNEY GENERAL**

Rachel Clark, Esq.

### **COURT REPORTER**

#### **Access Certified Digital Reporting**

Phone: 239-416-8500

Contact: Cynthia Kay Pearce

**Tab 1 State Surgeon General and Secretary of Health, John H. Armstrong, M.D.,  
FACS and Lucy C. Gee, M.S., Division Director**

Due to scheduling conflicts, State Surgeon General and Secretary of Health, John H. Armstrong, M.D. and Division Director, Lucy C. Gee, M.S., were unable to attend.

*At this point in the meeting, Tab 6 was taken out of order*

## **POST DISCIPLINARY PROCEEDINGS**

**Tab 6** Termination of Probation: Natalie Stamey, Case # 2011-07949

Dr. Stamey was present and sworn in. She was represented by her attorney, James Meyer, Esquire. Her supervisor, Dr. Rankin was also present.

Dr. Luis Orta recused himself from the proceedings due to his participation on the probable cause panel.

Dr. Stamey is before the Board as per the Final Order, which requires that she and her probationary supervisor appear at the last meeting before her probation is scheduled to conclude. As per the Board's order filed May 17, 2012, Dr. Stamey's probationary supervision is scheduled for termination on January 31, 2013.

Following discussion, the Board determined that Dr. Stamey has met all the requirements. Dr. Dean Aufderheide moved to approve the termination of probation. Dr. Neda Koehnemann seconded the motion, which carried 4/0.

## **DISCIPLINARY PROCEEDINGS**

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

**Tab 2** Maria C. Rodriguez-Dowling, Case No. 2012-06400 (p/c/p Amy Swan, Luis Orta, Ana Martin- Lavielle)

Dr. Rodriguez-Dowling was not present nor represented by counsel.

Dr. Luis Orta was recused from the proceeding due to his participation on the probable cause panel.

Dr. Rodriguez-Dowling is charged with violating Section 490.009(1)(w), Florida Statutes (2011), through a violation of Section 456.072(1)(II), Florida Statutes (2011) by being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program.

Following discussion, Dr. Rafael Rivas-Vazquez made a motion to adopt the allegations of fact as set forth in the Administrative Complaint as the findings of fact of the Board. The motion was seconded by Dr. Dean Aufderheide, which carried 4/0.

Following discussion, Dr. Dean Aufderheide made a motion finding the findings of fact in the Administrative Complaint supports a violation in Florida Statutes and Florida Administrative Code as charged in the Administrative Complaint. Dr. Rafael Rivas-Vazquez seconded the motion, which carried 4/0.

Following discussion, Dr. Rafael Rivas-Vazquez made a motion finding the respondent is in violation of Florida Statutes and/or Rules as charged in the Administrative Complaint. Dr. Neda Koehnemann seconded the motion, which carried 4/0.

Following discussion, Dr. Rafael Rivas-Vazquez made a motion to move the investigative report with exhibits into evidence to establish a prima facie case for a violation of Florida Statutes and

Florida Administrative Code as alleged in the Administrative Complaint. Dr. Neda Koehnemann seconded the motion, which carried 4/0.

Following discussion, Dr. Dean Aufderheide moved to revoke Dr. Rodriguez-Dowling's license as well as impose a ten thousand dollar (\$10,000) fine. Dr. Neda Koehnemann seconded the motion, which carried 4/0.

Following discussion, Dr. Dean Aufderheide moved to allow 12 months from the date of the Final Order to pay the ten thousand dollar fine. Dr. Neda Koehnemann seconded the motion, which carried 4/0.

Following discussion, Dr. Rafael Rivas-Vazquez made a motion to assess costs related to the investigation and prosecution of this case in the amount of two hundred-ninety-three dollars and fifty-nine cents (\$293.59). Dr. Neda Koehnemann seconded the motion, which carried 4/0.

### **PROSECUTOR'S REPORT**

**Tab 3** Lealand McCharen, Esq

Mr. McCharen provided the prosecutor's report outlining the current status of the twenty six (26) open disciplinary cases, as of January 9, 2013

#### **Inventory of cases as of January 9, 2013:**

Number of complaints under review by a department prosecutor:	8
Cases being petitioned for compliance with subpoena	2
Number of complaints drafted for probable cause:	5
Number of complaints for reconsideration:	0
Number of complaints with supplemental/ expert requests:	5
Number of complaints in a Holding status:	0
Number of complaints for which PC found	4
Cases at DOAH	0
Litigation requested:	2

**Total: 26**

Number of complaints set for Board review on January 2013 agenda: 1

#### **Total Number of Cases Older Than One Year:**

2008: 2  
(DOAH Preparation)

2009: 1  
(Settlement Negotiations)

2010: 2  
(Settlement Negotiation)

2011: 6  
(PCP Preparation)

**Total: 11**

## **POST DISCIPLINARY PROCEEDINGS**

**Tab 4** Appearance re: Final Order Compliance: Richard Schulman, Case # 2011-08435

Dr. Schulman was present and sworn in. He was not represented by counsel.

Dr. Luis Orta recused himself from the proceeding due to his participation on the probable cause panel.

Dr. Schulman is before the Board at the request of the Chair to discuss concerns regarding compliance with his Final Order that was issued June 20, 2012.

Following discussion, the Board determined that Dr. Schulman violated the terms of the Final Order by practicing without supervision. The Final Order states the respondent shall practice only under the indirect supervision of a board approved psychologist. Dr. Schulman provided CV's from three different supervisors. Dr. Rafael Rivas-Vazquez moved to approve Dr. Healy as the supervisor for purposes of Dr. Schulman's probation. Dr. Dean Aufderheide seconded the motion, which carried 4/0.

Following discussion, Dr. Dean Aufderheide moved to allow an acceptance letter from Dr. Healy indicating he accepts the responsibility of supervision, that he has been given a copy of the Final Order, and that he agrees to provide supervision that is in line with each of the terms of the Final Order. The acceptance of the letter will be delegated to Board Chair, Dr. Harry Reiff. Dr. Neda Koehnemann seconded the motion, which carried 4/0.

Following discussion, Dr. Rafael Rivas-Vazquez moved to request DOH to investigate additional violations. Dr. Dean Aufderheide seconded the motion, which carried 4/0. .

**Tab 5** Request for Extension: Judith Sims, Case #2008-19315

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

Dr. Sims is requesting an extension to complete her continuing education requirements and the period of supervision required by the Final Order filed in this case on November 2, 2011. She has also requested approval of home study courses.

Following discussion regarding the extension, the Board determined that Dr. Sims has not been actively practicing and since the Settlement Agreement states that probation will be tolled in the event that Dr. Sims ceases to practice for 30 days or more, that an extension is not necessary.

Following discussion regarding home study courses, Dr. Luis Orta moved to approve the 6-hour home study course, Ethical Boundaries Balancing the Power Dynamic and the Therapeutic Relationship, 3 hour Part 1 and the 3 hour Part 2 offered by Health Care Training as long as it has an exam at the end of the course. Dr. Dean Aufderheide seconded the motion, which carried 5/0.

The Board also reviewed the 6-hour home study course from Cross Country Education, Ethical Realities of Clinical Practice. Dr. Luis Orta moved to approve the home study course as long as it has an exam at the end of the course. Dr. Dean Aufderheide seconded the motion, which carried 5/0.

Dr. Dean Aufderheide moved to allow the courses to be completed within 90 days. Dr. Luis Orta seconded the motion, which carried 5/0.



## **ADMINISTRATIVE PROCEEDINGS**

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

**Tab 7** List of Applicants

Dr. Luis Orta moved to approve the list of applicants for examination and licensure as noted. Dr. Neda Koehnemann seconded the motion, which carried 5/0.

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

**Tab 8** Maria Dominguez

Dr. Dominguez requested an extension on their Examination application, as she has not completed the Florida Laws and Rules and national examination requirements for licensure.

Following discussion, the Board determined that Dr. Dominguez has shown a good faith effort. Dr. Luis Orta moved to approve the extension for twelve (12) months. Dr. Dean Aufderheide seconded the motion, which carried 5/0.

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

**Tab 9** List of Applicants

Dr. Luis Orta moved to approve the list of applicants for file closure as noted. Dr. Neda Koehnemann seconded the motion, which carried 5/0.

Dr. Maria Dominguez was removed from the list due to the granting of a twelve (12) month extension.

Dr. Laura Beth Tandler was removed from the list due to her request to withdraw her application.

### **PETITIONS FOR WAIVER OR VARIANCE**

**Tab 10** Harris L. Friedman re: 64B19-13.003, F.A.C., Continuing Psychological Education Credit

Dr. Friedman was not present nor represented by counsel.

Dr. Friedman petitions for a variance or waiver of rule 64B19-13.003(1)(d) F.A.C. so that he may receive 30 hours of continuing education credit for attending and presenting at a conference approved by the Canadian Psychological Association. Dr. Friedman was informed that the credits were pending approval by the American Psychological Association, however when he arrived, he was informed they were not.

Rule 64B19-13.003(1)(d), F.A.C., requires that licensees must attend Workshops/seminars offered by providers approved by the American Psychological Association or any of its affiliates, or providers approved by the Board for continuing psychological education credit.

Following discussion, the Board determined that due to the APA and the CPA having such a strong working relationship, they would grant the petition. Dr. Luis Orta moved to approve the petition under this particular individual under this particular circumstance. Dr. Dean Aufderheide seconded the motion, which carried 5/0.

## **PETITIONS FOR DECLARATORY STATEMENT**

**Tab 11**            Jeremy S. Gaies re:64B19-19.003 , F.A.C.,

Dr. Gaies was not present nor represented by counsel.

Dr. Gaies is a licensed psychologist who worked as an independent provider under the umbrella of a larger, multi-provider practice owned by another psychologist. When the contract ended between Dr. Gaies and the practice owner, all paper records were transferred to Dr. Gaies, however, the practice owner retained the remaining electronic records. Dr. Gaies is now having difficulty getting access to the electronic records.

Dr. Gaies is seeking clarification on which psychologist has the responsibility for maintaining and retaining the records.

Following discussion, the Board determined that Dr. Gaies was seeking guidance on something that has already happened. The Board was advised that they cannot give a declaratory statement on a past action and that the answers to Dr. Gaies petition are already in Rule. The Board would refer Dr. Gaies back to F.A.C, Chapter 64B19-19.006(5) which deals directly with independent contractors.

Dr. Dean Aufderheide moved to deny the petition. Dr. Luis Orta seconded the motion, which carried 5/0.

## **PROFESSIONAL PRACTICE TOPICS**

**Tab 12**            Status Update: Delegation of Professional Responsibilities or Activities by Licensed Psychologists to Paraprofessionals

The Legislative Committee met on January 4, 2013 to discuss the results of the Psychology Extender Survey as published in the September 2012 final report prepared by the Division of Medical Quality Assurance. They also discussed any general risks that may be associated with pursuing legislation to address this topic. The Committee agreed to discuss these items further with the full Board.

Following discussion, the Board determined that the Florida Statutes and the Florida Administrative Code does not give the authority to delegate professional duties to an assistant. Dr. Dean Aufderheide motioned to develop a rule allowing for delegation of specific activities, but tabling for now and sending this back to the Legislative Committee. Dr. Neda Koehnemann seconded the motion, which carried 5/0.

## **RULES REVIEW AND/OR DEVELOPMENT**

**Tab 13** Rule 64B19-11.011, F.A.C., Provisional License; Supervision of Provisional Licenses.

At the October 5, 2012 General Business Meeting, the Board approved a reduction in psychology application and initial licensure fees to \$250.00. The Board also agreed to reduce the provisional psychology initial licensure fee to \$250.00.

Following discussion and review of the draft rule language and revised application forms, Dr. Dean Aufderheide motioned to approve the changes. Dr. Luis Orta seconded the motion, which carried 5/0.

Dr. Luis Orta moved that the change in the rule will not have a negative impact on small businesses or have an economic impact on government or any entity in excess of \$200,000.00 within one year of the rule being implemented. Dr. Neda Koehnemann seconded the motion, which carried 5/0.

**Tab 14** Rule 64B19-11.012, F.A.C., Application Forms

At the October 5, 2012 General Business Meeting, the Board approved a reduction in psychology application and initial licensure fees to \$250.00. The Board also agreed to reduce the provisional psychology initial licensure fee to \$250.00.

Following discussion and review of the draft rule language and revised application forms, Dr. Luis Orta motioned to approve the changes. Dr. Dean Aufderheide seconded the motion, which carried 5/0.

Dr. Luis Orta moved that the change in the rule will not have a negative impact on small businesses or have an economic impact on government or any entity in excess of \$200,000.00 within one year of the rule being implemented. Dr. Neda Koehnemann seconded the motion, which carried 5/0.

**Tab 15** Rules 64B19-12.002(1), 12.004, 12.0041 and 12.012, F.A.C. re: Reduction of Application & Initial Licensure Fees

At the October 5, 2012 General Business Meeting, the Board approved a reduction in psychology application and initial licensure fees to \$250.00. The Board also agreed to reduce the provisional psychology initial licensure fee to \$250.00.

Following discussion and review of the draft rule language and revised application forms, Dr. Luis Orta motioned to approve the changes. Dr. Dean Aufderheide seconded the motion, which carried 5/0.

Dr. Dean Aufderheide moved that the change in the rules will not have a negative impact on small businesses or have an economic impact on government or any entity in excess of \$200,000.00 within one year of the rule being implemented. Dr. Luis Orta seconded the motion, which carried 5/0.

*At this point in the meeting, Tab 23 was taken out of order.*

**NEW BUSINESS**

**Tab 23** Continuing Education Update: CE@Renewal-Garnet Nevels, MQA Bureau of Operations

Garnet Nevels addressed the Board providing and update on the CE@Renewal project. This project was established by the Division of Medical Quality Assurance to integrate the continuing education tracking system with the licensure renewal system. This project will replace the post renewal continuing education audit process with the real time verification of continuing education at renewal over 2 renewal cycles (4 years). The proposed solution includes modifications to the renewal system that will check the practitioner's continuing education at the beginning of the renewal process and if continuing education is not yet complete, will navigate to screens that will allow the practitioner to report continuing education before proceeding with renewal. In addition, instructions will be provided in the Online Renewal System, on the renewal form and on the renewal postcard that is mailed 120 days prior to license expiration date. Practitioners will have various options for submitting continuing education including electronic upload, direct data entry, fax, mail or mobile application available for both iPhone and Android users.

Ms. Nevels also stated that if a licensee takes courses from a Florida provider, the provider will report the hours on their behalf.

CE Broker currently has the contract for the continuing education tracking system, but it is a no clause contract with the State. The licensee has the option of choosing a free account or a subscription paid account through CE Broker. The paid account tracks your continuing education for the licensee. The free account allows the licensee to view what has been reported and to report their hours.

FPA representative, Ms. Connie Galietti, JD, Executive Director addressed the Board requesting that CE Broker make it easier to find the free subscription. Ms. Nevels stated the CE@Renewal site will take you to the free subscription page.

**Tab 16** Rule 64B19-13.003, F.A.C., Continuing Psychological Education Credit

The Board reviewed revised draft language prepared by Board Counsel with notation of changes requested during the last meeting of the Continuing Education Committee on November 15, 2012. The Board was provided with an addendum during the meeting consisting of further revisions to that draft.

Following discussion, Dr. Harry Reiff requested that further discussion on this rule be referred back to the Continuing Education Committee. Dr. Reiff indicated that he would provide comments for the Committee's consideration at the next Continuing Education Committee meeting. He also requested a report be available for the March 22, 2013 Board Quorum Meeting.

**64B19-13.003 Continuing Psychological Education Credit.**

(1) Continuing psychological education credit will be granted for:

(a) Completion of graduate level courses approved for credit by sponsors approved by the American Psychological Association;

(b) Completion of graduate level courses in psychology provided by a university or professional school which is regionally accredited, (7) continuing psychological education credits may be obtained for each one credit course, (14) continuing psychological education credits for two credit course, and (21) continuing psychological education credits for three credit course, for a maximum of (21) credits per renewal period~~except that no more than ten (10) hours of continuing psychological education credit may be obtained for each semester hour;~~

(c) Completion of a colloquium, a presentation, a workshop or a symposium offered for continuing education credit by a doctoral psychology program or an internship or residency which is part of a psychology program that is accredited by the American Psychological Association; the amount of continuing

psychological education credits will be granted as specified by the program, agency or institution offering or sponsoring these activities;

(d) Full attendance at workshops/seminars offered by providers approved by the American Psychological Association or any of its affiliates, or providers approved by the Board. A list of Board approved providers is available from the Board office upon request; continuing psychological education credits will be granted on an hour by hour basis;

(e) Simple attendance at a state, regional or national psychology convention or conference. Only five (5)four (4) credits will be allowed each biennium regardless of how many state, regional or national conventions or conferences are attended during that biennium; (1) continuing psychological education credit will be granted per one conference day;

~~(f) Attainment of diplomate status in a specialty area from the American Board of Professional Psychology, for which thirty-seven (37) continuing psychological education credits, not including the two-hour continuing education course on domestic violence required by Section 456.031(1), F.S., and the two-hour continuing education course on the prevention of medical errors required by Section 456.013(7), F.S., will be allowed only during the biennium during which the diplomate is first awarded;~~

(f) Attainment of diplomate status or Board Certification in a specialty area related to the practice of psychology from the American Board of Professional Psychology, or any Professional Psychological Board or Institution recognized or approved by any Board within the Division of Medical Quality Assurance of the Department of Health or by the American Psychological Association, for which thirty-seven (37) continuing psychological education credits, not including the two-hour continuing education course on domestic violence required by Section 456.031(1), F.S., and the two-hour continuing education course on the prevention of medical errors required by Section 456.013(7), F.S., will be allowed only during the biennium during which the diplomate is first awarded;

(g) Presenting or moderating for the first time per biennium only a continuing psychological education program sponsored by a provider approved by the Board, except that credit will be limited to the number of credits allowed by the program;

(h) Each hour of attendance at a Board meeting or Board committee meeting. Only one credit will be granted for each hour of full attendance and only ten (10) credits will be allowed each biennium regardless of how many hours are attended during the biennium. Attendance at a Board or committee meeting shall also satisfy, hour by hour, the requirement of professional ethics and legal issues credit set out in subsection (3) of this rule.

(i) Continuing education courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health, provided that such courses enhance the psychological skills and/or psychological knowledge of the licensee; ~~continuing psychological education credits will be granted on an hour by hour basis, or as specified by the agency.~~

(j) The provision of volunteer expert witness opinions for cases being reviewed pursuant to laws and standards relevant to the practice of psychology. Two (2) hours of credit shall be awarded for each case reviewed up to a maximum of ten (10) hours per biennium. In this regard, volunteer expert witnesses are expected to perform a review of the psychological, medical, legal, and/or ethical literature, as appropriate to the case being reviewed.

~~(k) Professional activities such as Serving on psychological association chapter, state, or national boards or committees, editorial boards of peer reviewed journals related to psychology, scientific grant review teams or board member of regulatory body; a maximum of (5)(10) continuing psychological education credits will be granted per renewal period.~~

(l) Instruction (teaching as an adjunct professor of a graduate level course in psychology or related to psychology in a regionally accredited institution); a maximum of (20) continuing education credits will be granted for the first time teaching per course for each renewal period.

(m) Publications in the field of psychology (research, peer-reviewed articles, books, book chapters, textbooks or editor or co-editor of peer reviewed journals); a maximum of (10) continuing psychological education credits will be granted per publication per renewal period, not to exceed (30) continuing psychological education credits per renewal period.

~~(n) Self-directed learning, unstructured or self-structured learning related to the practice of the psychologist. This includes the use of audiotapes, videotapes, electronically mediated presentations, and~~

~~reading of books and journals. A maximum of five (5) credits will be granted on an hour by hour basis per renewal period.~~

(2) No continuing psychological education credit may be earned for:

(a) Regular work activities as a psychologist;

~~(b) Membership, office in, or participation on boards or committees of professional organizations;~~

~~(b)(c)~~ Independent, unstructured or self-structured learning;

~~(c)(d)~~ Personal psychotherapy or personal growth experience;

~~(e) Authoring or editing books or articles;~~

~~(d)(f)~~ Obtaining or providing supervision or consultation from or under a psychologist or other professional who is not a Board approved continuing psychological education provider;

~~(e)(g)~~ Home study except from providers approved by the American Psychological Association or any of its affiliates.

(3) As a condition of biennial licensure renewal, each licensee must complete forty (40) hours of continuing psychological education.

(a) Three (3) of the forty (40) hours must be on professional ethics and Florida Statutes and rules affecting the practice of psychology. Of those three hours, at least one hour shall be on professional ethics, and at least one hour shall be on Florida laws and rules relevant to the practice of psychology and shall include Chapters 456 and 490, F.S. and Rule Chapter 64B19, F.A.C.

(b) Two (2) of the forty (40) hours must relate to prevention of medical errors. In addition to the study of root-cause analysis, error reduction and prevention, and patient safety, the course content shall also be designed to discuss potential errors within a psychological setting, such as inadequate assessment of suicide risk, failure to comply with mandatory abuse reporting laws, and failure to detect medical conditions presenting as a psychological disorder. If the course is offered by a facility licensed pursuant to Chapter 395, F.S., for its employees, the Board will approve up to one (1) hour of the two (2) hour course to be specifically related to error reduction and prevention methods used in that facility.

(c) Passage of the laws and rules examination of the Board constitutes forty (40) hours of continuing education credit, including credit for professional ethics and Florida Statutes and rules affecting the practice of psychology. Passage of the laws and rules examination, however, does not satisfy the requirement for the two (2) credit hours of continuing education on domestic violence required every third biennial licensure renewal period, nor the requirement for two (2) hours relating to prevention of medical errors.

(4) The licensee shall maintain, and make available upon request, documentation to substantiate continuing psychological education credit required by the Board. The licensee shall retain such documentation for two (2) years following the renewal period during which the continuing psychological education credit was required.

(5) Every six years, each licensee shall complete two (2) hours of continuing psychological education on domestic violence as defined in Section 741.28, F.S.; these two (2) hours shall be part of the forty (40) hours otherwise required for each biennial licensure renewal. The licensee shall maintain documentation to substantiate timely completion of these two (2) hours and make said documentation available upon request every third biennial licensure renewal period.

*Rulemaking Authority 456.013(7),(9), 490.004(4), 490.0085(4) FS. Law Implemented 456.013(7), 490.007(2), 490.0085(1), (3) FS. History—New 1-28-93, Amended 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended 1-10-01, 8-5-01, 5-21-02, 6-3-04, 1-2-06, 12-31-06, 2-24-08, 5-26-08, 1-7-09, 11-8-10, \_\_\_\_\_.*

## RULE STATUS REPORT

**Tab 17** Rachel Clark, Assistant Attorney General

The following rules have been **ADOPTED**:

- 64B19-11.001 F.A.C., Examination

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-11.001	Examination	09/27/12	10/09/12	10/25/12	12/05/12	12/25/12

**64B19-11.001 Examination.**

(1)(a) The first part of the examination shall be the Examination for Professional Practice in Psychology (EPPP) developed by the Association of State and Provincial Psychology Boards.

(b) The minimum passing score on EPPP is the cut-off score provided by the national examination provider established according to a standard setting and statistical equating methods. Statistical equating is used to adjust for the level of difficulty of the different examination administrations. After the statistical equating, candidates' raw scores are converted to a scaled score with a maximum possible score of 800. The minimum passing score shall be a scaled score of 500.

(c) The minimum passing score on EPPP shall be 70% correct of the items scored on the examination prior to the October 2000 examination. The minimum passing score on EPPP for the October 2000 examination and thereafter shall be the ASPPB recommended cut-off score.

(2)(a) The second part of the licensure examination is an examination consisting of forty (40) objective questions which test knowledge of Florida Statutes and rules relevant to the practice of psychology in this State. The content of the examination is as follows:

SUBJECT	NO. OF QUESTIONS
1. Chapter 490, F.S. (Psychological Services Act)	9
2. Section 90.503, F.S. (Psychotherapist-patient privilege)	1
3. Chapter 394, Part I, F.S. (Florida Mental Health Act)	7
4. Chapter 415, F.S. (Protection From Abuse, Neglect, and Exploitation)	1
5. Chapter 64B19, F.A.C. (Board of Psychology)	12
6. Chapter 456, F.S. (Health Professions and Occupations: General Provisions)	8
7. Chapter 39, F.S. (Proceeding Relating to Children)	2

(b) A raw score of thirty-two (32) correct answers (80%) is necessary to pass the second part of the licensure examination.

(3) The Board will certify as exempt from the EPPP those applicants who have taken the Association of State and Provincial Psychology Boards' examination in another state and obtained a score equal to or greater than the score required in paragraph (1)(b) or (c).

(4)(a) A candidate for licensure by examination who fails to pass one part of the examination shall only be required to retake and pass that part of the examination which was failed. The application for re-examination of the Florida laws and rules examination shall be made on the Re-Examination Application/Laws and Rules Exam form DH-MQA 1221 (revised 7/12), available from <http://www.flrules.org/Gateway/reference.asp?No=Ref-02056> or at the Board office or at <http://www.doh.state.fl.us/mqa/psychology>, and hereby adopted and incorporated by reference. The application for re-examination of the EPPP shall be made on the Re-Examination Application/National Exam form DH-MQA 1222 (revised 10/09), hereby adopted and incorporated by reference. Upon notice from the Department's Testing Services Unit of an applicant's unsuccessful scores(s), the Board Office will send the appropriate re-examination form(s) to the affected applicant.

(b) A passing score on the Florida laws and rules examination shall cease to be valid eighteen (18) months after the Board's letter to the applicant advising that the applicant has passed the Florida laws and rules examination.

*Rulemaking Authority 456.013(1), 456.017(1)(b), (c), 456.0635(2), 490.004(4) FS. Law Implemented 456.017(1)(b), (c),*

(d), (6), 490.005 FS. History–New 4-4-82, Amended 7-11-84, Formerly 21U-11.03, Amended 2-19-86, 12-30-86, 3-10-87, 11-21-88, 3-5-90, 1-16-92, Formerly 21U-11.003, Amended 6-14-94, Formerly 61F13-11.003, Amended 1-7-96, 6-26-97, Formerly 59AA-11.001, Amended 2-21-99, 5-1-00, 1-10-01, 8-5-01, 4-26-04, 5-10-05, 2-24-10, 6-7-12, 12-25-12.

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

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-11.010	Limited Licensure	09/27/12	10/09/12	10/25/12	12/05/12	12/25/12

**64B19-11.010 Limited Licensure.**

(1) Pursuant to Section 456.015, F.S., the Board shall grant a limited license to any applicants who meet the requirements of Section 456.015, F.S., and:

(a) Are retired or will retire from the active practice of psychology within six (6) months of the date of the application,

(b) Pay an application and licensure fee of \$25, unless the applicant submits a notarized statement from the applicant’s employer stating that the applicant will not receive monetary compensation for any service involving the practice of psychology, in which case there will be no fee, and

(c) Complete and submit to the Board form DH-MQA 1188, (Revised 7/12), “Application for Psychologist Limited Licensure,” which is hereby incorporated by reference, copies of which may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-02057>, the Board office or at <http://www.doh.state.fl.us/mqa/psychology>.

(2) Underserved or critical need populations as set forth in Section 456.015, F.S., are defined as people living within a twenty (20) mile radius of any site in the state which has no other psychologist practicing in that twenty (20) mile radius. Underserved populations shall also include indigent people with developmental disabilities, indigent immigrants from other countries, indigent American Indians living on Indian reservations, and indigent adults over the age of fifty-nine (59) years.

*Rulemaking Authority 456.015(1), (4), 490.004(4) FS. Law Implemented 456.015 FS. History–New 6-14-94, Formerly 61F13-11.012, Amended 6-26-97, Formerly 59AA-11.010, Amended 3-24-02, 5-24-09, 5-2-10, 9-3-12, 12-25-12.*

- **64B19-11.011 F.A.C., Provisional License; Supervision of Provisional Licensee**

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-11.011	Provisional License; Supervision of Provisional Licensees	09/27/12	10/09/12	10/25/12	12/05/12	12/25/12

**64B19-11.011 Provisional License; Supervision of Provisional Licensees.**

All applicants applying for provisional licensure shall:

(1) Complete and submit to the Board form DH-MQA 1189, (Revised 7/12), “Application for Provisional Psychology Licensure,” which is hereby incorporated by reference, copies of which may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-02058>, the Board office or at <http://www.doh.state.fl.us/mqa/psychology>.

(2) Submit a letter signed by a licensed psychologist who is in good standing and not under disciplinary investigation, who agrees to supervise the provisional licensee according to law.

(3) State on the application that the applicant is not under investigation in this or any other state for an offense which would constitute a violation in Florida.



(4) The provisional licensee shall insure that the supervisor notifies the Board immediately and in writing of the termination of the supervision.

(5) In the event that supervision is terminated, the provisional psychologist shall cease practice until a new supervisor is approved by the Board.

(6) Supervisors' Responsibilities. The Board requires the supervisor to perform and to certify that the supervisor has:

(a) Entered into an agreement with the provisional licensee which details the provisional licensee's obligations and remuneration as well as the supervisor's responsibilities to the provisional licensee;

(b) Determined that the provisional licensee was capable of providing competent and safe psychological service to the clients;

(c) Maintained professional responsibility for the provisional licensee's work;

(d) Provided two (2) hours of clinical supervision each week, one (1) hour of which was individual, face-to-face supervision;

(e) Prevailed in all professional disagreements with the provisional licensee;

(f) Kept informed of all professional services performed by the provisional licensee;

(g) Advised the Board if the supervisor has received any complaints about the provisional licensee or has any reason to suspect that the provisional licensee is less than fully ethical, professional, or qualified for licensure.

*Rulemaking Authority 456.013, 490.003(6), 490.004(4), 490.0051 FS. Law Implemented 456.013, 490.003(6), 490.004(4), 490.0051, 490.009 FS. History—New 1-27-98, Amended 3-24-02, 9-8-03, 5-24-09, 3-1-10, 6-18-12, 12-25-12.*

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

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-11.012	Application Form	09/27/12	10/09/12	10/25/12		12/05/12

**64B19-11.012 Application Forms.**

(1) All applicants for licensure pursuant to Chapter 490, F.S., shall complete and submit form DH-MQA 1187, (Revised 07/12), "Application for Psychologist Licensure," which is incorporated herein by reference and which may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-02059>, the Board office, or at <http://www.doh.state.fl.us/mqa/psychology>.

(2) All applicants for licensure pursuant to Chapter 490, F.S., who have ever held a license to practice psychology or a related profession shall complete and submit PY FORM 1.VERIF (rev. 10/01), "Licensure/Certification Verification Form," effective 6-25-02, which is incorporated herein by reference and which may be obtained from the Board office.

(3) An applicant who is a diplomate in good standing with the American Board of Professional Psychology, Inc., and who wishes to apply for licensure by endorsement pursuant to Section 490.006(1)(b), F.S., shall submit as part of his or her application PY FORM 4.abpp (rev. 10/01), "ABPP Diplomate Verification Form," effective 6-25-02, which is incorporated herein by reference and which may be obtained from the Board office.

(4) All applicants for licensure other than those applying for licensure pursuant to Section 490.006, F.S., shall complete and submit Form DH-MQA 1246, "Supervising Psychologist Verification Form," (Revised 01/11), which is incorporated herein by reference and which may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-00665>, from the Board office, or on the Board's website at <http://www.doh.state.fl.us/mqa/psychology>.

*Rulemaking Authority 490.004(4) FS. Law Implemented 490.005, 490.006(1)(b), 490.007(1) FS. History—New 6-25-02, Amended 5-24-09, 3-1-10, 5-23-10, 11-10-11, 6-18-12, 12-25-12.*

- **64B19-12.009 F.A.C., Continuing Education Provider Fees**

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-12.009	Continuing Education	09/27/12	10/09/12	10/25/12		12/05/12

**64B19-12.009 Continuing Education Provider Fees.**

(1) The application fee and the renewal fee for Board approval of a continuing education provider is \$250.00.

(2) The application or renewal fee shall be paid to the Department of Health by May 31 of every even numbered year.

*Rulemaking Authority 490.0085(4) FS. Law Implemented 490.0085(4) FS. History--New 10-14-87, Amended 6-23-91, 10-28-92, Formerly 21U-12.011, 61F13-12.011, Amended 1-7-96, Formerly 59AA-12.009, Amended 9-20-98, 8-8-01, 6-16-03, 12-25-12.*

• **64B19-13.005 F.A.C., Obligations of Continuing Psychological Education Providers**

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-13.005	Obligations of Continuing Education Providers	09/27/12	10/09/12	10/25/12		12/05/12

**64B19-13.005 Obligations of Continuing Psychological Education Providers.**

(1) To maintain status as a continuing psychological education provider, the provider must:

(a) Require each program attendee to remain for the entire program in order to receive any continuing psychological education credit for the program;

(b) Provide each program attendee with an evaluation form which contains the following words: The Board of Psychology will not revoke the continuing psychological education credit given to any psychologist for the completion of any continuing psychological education program sponsored by a provider whose status is later revoked by the Board as a result of any complaint registered against the program by a psychologist;

(c) Retain originals of program evaluation forms for three (3) years from the date on which the program is conducted and provide those forms to the Board upon request;

(d) Ensure that all promotional material offered to psychologists for credit by the provider contains the name of the provider to which the provider number was issued, and the provider number assigned to that provider;

(e) Send to the Board office, so that it is received at least one (1) week before the first date on which the program is to be offered to psychologists for credit, all promotional material concerning any program that has not previously been reviewed by the Board;

(f) Allow only one hour of continuing psychological education credit for each hour of instruction that is no less or no more than fifty (50) minutes of instruction;

(g) Notify the Board within two (2) weeks of any change in the address of the provider;

(h) Give the Board thirty (30) days advance notice of any significant change in the programs on file with the Board;

(i) Maintain active status as a continuing psychological education provider by conducting at least one (1) program a year for psychologists, renewing provider status each biennium, and paying the biennial renewal fee required by Rule 64B19-12.009, F.A.C., so that it is postmarked no later than the last date of the biennial renewal period;

(j) Allow the Department of Health and the Board's designee to have access to information concerning programs conducted by the provider for continuing psychological education credit to psychologists for credit; and

(k) Provide to psychologists those programs that meet the criteria of subsection 64B19-13.004(1), F.A.C.

(2) Nothing in this rule shall be construed to mean that co-sponsorship are not allowed. Co-sponsorships are allowed but the Board will hold the provider responsible.

*Rulemaking Authority 490.004(4), 490.0085(4) FS. Law Implemented 490.007(2), 490.0085(1), (3) FS. History--New 1-28-93, Formerly 21U-13.006, Amended 6-14-94, Formerly 61F13-13.006, Amended 1-7-96, Formerly 59AA-13.005, Amended 8-5-01, 12-25-12.*

- 64B19-18.007, F.A.C., Requirements for Forensic Psychological Evaluations of Minors for the Purpose of Dissolution of Marriage, Support, or Time-Sharing Action

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-18.007	Requirements for Forensic Psychological Evaluations of Minors for the Purpose of Dissolution of Marriage, Support, or Time-Sharing Action	09/27/12	10/09/12	10/25/12		12/05/12

**64B19-18.007 Requirements for Forensic Psychological Evaluations of Minors for the Purpose of Dissolution of Marriage, Support, or Time-Sharing Action.**

(1) It is a conflict of interest for a psychologist who has treated a minor or any of the adults involved in a dissolution of marriage, support, or time-sharing action as defined by Chapter 61, F.S., to perform a forensic evaluation for the purpose of recommending a time-sharing schedule and parenting plan. Consequently, a psychologist who treats a minor or any of the adults involved in a dissolution of marriage, support, or time-sharing action as defined by Chapter 61, F.S., may not also perform a forensic evaluation for the purposes of recommending a time-sharing schedule or parenting plan. So long as confidentiality is not violated, a psychologist may provide a court, or a mental health professional performing a forensic evaluation, with factual information about the minor derived from treatment, but shall not state an opinion about time-sharing schedules and parenting plans.

(2) The psychologist who serves as an evaluator shall not also serve as guardian ad litem, mediator, therapist or parenting coordinator regarding the children in the instant case. The psychologist who has had a prior role as guardian ad litem, mediator, therapist or parenting coordinator shall not serve as an evaluator for the children in the instant case.

*Rulemaking Authority 490.004(4) FS. Law Implemented 490.009(1) FS. History--New 6-14-94, Formerly 61F13-20.007, Amended 1-7-96, Formerly 59AA-18.007, Amended 9-30-04, 12-25-12.*

**REPORTS, IF ANY**

- Tab 18** Dr. Harry Reiff, Ph.D.
- ASPPB Updates

Other Board Members: Dr. Rafael Rivas-Vazquez

Dr. Rafael Rivas Vazquez addressed the Board regarding a letter the Board received from Dianne Rosen, PhD, ABPP, Director of Training, Citrus Health Network, Inc. expressing concerns about how the Board is approaching disciplinary issues with certain cases. Dr. Harry Reiff provided from the Medical Quality Assurance manual, a guideline for Board members as a reminder of the duties a Board member shall perform and stressed the fact that the mission of the Board is to protect the public, not psychologists.

- Tab 19** Executive Director
- Report topics
- Cash Balance Reports
  - Expenditures by Function Report
    - Loan Forgiveness
  - Cash Balance Reports

## Informational Item

- Expenditures by Function Report

Dr. Harry Reiff questioned the \$5.00 Unlicensed Activity Fee and what benefit does the public receive. He stated he has seen other professions produce public service announcements stressing the importance of receiving service from a licensed individual, but has not seen anything from Psychology. He has requested a representative from the Unlicensed Activity Office to attend a face-to-face meeting to report on how the fees for psychology are being used.

- Loan Forgiveness

At the October 5, 2012 General Business Meeting, an inquiry was made regarding a line item titled "Loan Forgiveness Program" on the June 30, 2012 Expenditures by Function Report.

This line item relates to nurses and certified nursing assistants only. The nursing profession collects a \$5.00 fee to fund the Nursing Student Loan Forgiveness Program (NSLF). The Division of Medical Quality Assurance collects the fee and transfers the funds to the NSLF trust fund.

## **Tab 20** Financial Reports

- FY2011-2012 Report of Revenues, Expenditures and Cash Balance by Profession

## Informational Item

- Projected 6 Year Cash Balance

## Informational Item

- A Review of the Adequacy of Renewal Fees

## Informational Item

- Profession by Profession Revenue and Expenditure Projections

## Informational Item

- Historical and Projected Cash Balances

## Informational Item

## **Tab 21** Credentials Committee Report

Ms. Anna King reported to the full Board the Credentials Committee's recommendation. The committee accepted the withdrawal of tabs 1 and 5. Tab 3 waived the 90 days for Board action to file a petition for variance or waiver from F.A.C Chapter 64B19-11.005(1)( c ). Tabs 2, 4, 6, 7, and 8 were denied.

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

**Tab 22** Continuing Education Report

Dr. Luis Orta reported to the full Board the Continuing Education committee's recommendations. The committee recommended approval of Tab 1 for rule modification of Rule 64B19-13.004 and approval of Tabs 2-8 for Provider Status and Medical Errors Courses.

Dr. Dean Aufderheide moved to ratify the recommendations and actions of the committee. Dr. Rafael Rivas-Vazquez seconded the motion, which carried 5/0.

Dr. Rafael Rivas-Vazquez moved to accept the modifications to Rule 64B19-13.004. Dr. Neda Koehnemann seconded the motion, which carried 5/0.

Dr. Rafael Rivas-Vazquez moved that the change in the rules will not have a negative impact on small businesses or have an economic impact on government or any entity in excess of \$200,000.00 within one year of the rule being implemented. Dr. Neda Koehnemann seconded the motion, which carried 5/0.

**Tab 24** Legislative Update: Florida Psychological Association

FPA representative, Ms. Connie Galietti, JD, Executive Director addressed the Board providing information on 248 Senate bills and 284 House bills being filed. FPA is tracking 24 of the bills for monitoring. FPA has scheduled a Legislative call for the following week to set their platform. FPA is sponsoring one of the bills regarding putting psychologists on par with other doctorate level professionals when it comes to the amount of time an insurance company can look back and audit their records to demand repayment for overpayment of reimbursable claims.

Ms. Galiette also informed the Board of the Legislative Day scheduled for March 19, 2013 on the third level of the Capital.

Ms. Galiette provided an update on a bill that prohibits any individual from being referred to as "Doctor" in a clinical setting unless they are a physician, dentist, or chiropractor. The bill has not yet been filed.

Dr. Harry Reiff requested that MQA alert the Board on legislation that may have an impact on psychologists and consumers.

**Tab 25** Election of Officers  
2013 Election of Officers and Committee Assignments

Dr. Dean Aufderheide moved to approve the list of candidate assignments as nominated. Dr. Luis Orta seconded the motion, which carried 5/0.

BOARD CHAIR: Dr. Harry Reiff

VICE-CHAIR: Dr. Luis Orta

BUDGET LIAISON: Dr. Dean Aufderheide

LEGISLATIVE LIAISON: Dr. Rafael Rivas-Vazquez

COMMUNICATIONS LIAISON: Dr. Dean Aufderheide

UNLICENSED ACTIVITY LIAISON: Dr. Luis Orta

CONTINUING EDUCATION COMMITTEE: Dr. Dean Aufderheide, Chair

CREDENTIALS COMMITTEE: Dr. Rafael Rivas-Vazquez, Chair

EXAMINATION LIAISON: Dr. Dean Aufderheide

IMPAIRED PRACTITIONER LIAISON: Dr. Dean Aufderheide

Dr. Harry Reiff appointed the same members for the Probable Cause Panel.

Dr. Amy Swan, Chair

Dr. Luis Orta, current Board Member

Ms. Ana Martin-Lavielie, past consumer member

**Tab 26** Delegation of Authority and Conviction Record Guidelines

Following discussion, Dr. Luis Orta moved to accept the proposed Delegation of Authority. Dr. Dean Aufderheide seconded the motion, which carried 5/0.

## **Review of Proposed Delegation of Authority (DOA) & Conviction Records Guidelines for 2013**

A summary of each proposed change or clarification is provided below.

### **Delegation of Authority**

#### ***DOA Situation No. 1:***

This is not a new delegation, but a re-wording for consistency with delegation language used by other Medical Therapies boards for this scenario.

#### ***DOA Situation No 2:***

Allows Board Staff to use Board-approved Conviction Records Guidelines (CRG) when reviewing criminal history issues for both licensure **and** Level 2 exemption applications.

##### ***Effect:***

- If the CRG allows staff to clear a particular offense, licensees are able to resume work sooner versus potentially waiting several months for Board review.
- Under circumstances where the CRG requires Board review for a particular offense, the application will, as usual, be scheduled for the next available meeting.

#### ***DOA Situation No. 3:***

Allows board staff to clear applications for Level 2 exemptions when the criminal history disclosed in the background screening report has been previously reported by the licensee and cleared prior to licensure. This delegation applies only when there are no additional criminal charges present on the screening report.

##### ***Effect:***

- Prevents duplicate review of information previously cleared during the licensure process.
- Licensees are able to resume work sooner.

#### ***DOA Situation 11:***

Allows the Board Chair to review and approve reports required by disciplinary final orders when the Board has not otherwise specified the requirement for the full Board to review/approve.

***Effect:***

Clarifies this procedure for Compliance and prevents the need for reports to be agendaed for full Board review unless specifically required by a disciplinary final order.

**Conviction Records Guidelines**

***Category 2, Petit Theft, Disorderly Conduct, Misdemeanors***

Currently requires that all applications, in which there is more than one occurrence in this category, be presented to the Credentials Committee, regardless of the timeframe that has passed since the last offense. Requesting that board staff be allowed to refer such applications to the Committee Chair for guidance consistent with *DOA Situation 4*.

***Category 3, DUI***

Clarifies, as per the Board's original direction to staff, that all applications in which there have been more than one DUI occurrence, regardless of time that has passed since the last offense, must be presented to the Credentials Committee.

**Tab 27**      Licensure Streamlining Proposal: Review of Endorsement of Other State License Applications

Following discussion, Dr. Harry Reiff stated staff is to only go back to July 2010 for reference. Dr. Luis Orta motioned to accept the streamlining proposal. Dr. Neda Koehnemann seconded the motion, which carried 5/0.

**Licensure Streamlining Proposal: Streamlining the Review of Endorsement of Other State License Applications**

Council staff is continuously reviewing and seeking means by which to reduce the average length of time for a qualified applicant to receive initial licensure. HB 1263 (2012), specifically requires that we seek to reduce this average by at least one-third.

Section 490.006(1)(a), F.S., Licensure by Endorsement, provides that applicants may seek licensure through endorsement of a psychologist license held in another state. We would like for the Board to consider the following proposed revision to the current process in place for review of Endorsement of Other State License applications.

**Current Process**

Currently, all Endorsement of Other State License applications are required to be reviewed by the Board, for purposes of a law-to-law comparison, to determine whether the psychologist licensure requirements in the other state, in the year in which the applicant was licensed, were substantially equivalent to or more stringent than those in effect in Florida at that same time.

**Proposed Process Modification**

We are seeking the Board's approval for a delegation to board staff to approve Endorsement of Other State License applications in those instances where the Board has previously reviewed and deemed the other states regulations, for a particular year, equivalent to those of Florida in that same year.

Approved applicants' names, the original state and date of licensure, as well as the date of original approval of the other state's regulations by the Board, would be added to the applicant ratification list for the next scheduled meeting.

**Anticipated Benefits:**

- Elimination of automatic delay for these applicants, who must wait until the next scheduled board meeting for review.
- Ability to make qualified applicants eligible to sit for exams faster.
- Reduction of duplication of review of the same set of information.
- Reduction of costs in reproduction of documentation previously reviewed.

**490.006 Licensure by endorsement.—**

(1)The department shall license a person as a psychologist or school psychologist who, upon applying to the department and remitting the appropriate fee, demonstrates to the department or, in the case of psychologists, to the board that the applicant:

(a)Holds a valid license or certificate in another state to practice psychology or school psychology, as applicable, provided that, when the applicant secured such license or certificate, the requirements were substantially equivalent to or more stringent than those set forth in this chapter at that time; and, if no Florida law existed at that time, then the requirements in the other state must have been substantially equivalent to or more stringent than those set forth in this chapter at the present time;

(b)Is a diplomate in good standing with the American Board of Professional Psychology, Inc.; or

(c)Possesses a doctoral degree in psychology as described in s. 490.003 and has at least 20 years of experience as a licensed psychologist in any jurisdiction or territory of the United States within 25 years preceding the date of application.

(2)In addition to meeting the requirements for licensure set forth in subsection (1), an applicant must pass that portion of the psychology or school psychology licensure examinations pertaining to the laws and rules related to the practice of psychology or school psychology in this state before the department may issue a license to the applicant.

(3)The department shall not issue a license by endorsement to any applicant who is under investigation in this or another jurisdiction for an act which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of s. 490.009 shall apply.

History.—ss. 1, 3, ch. 81-235; ss. 1, 3, ch. 83-265; ss. 5, 18, 19, ch. 87-252; s. 36, ch. 88-392; ss. 4, 12, 13, ch. 89-70; s. 10, ch. 90-192; s. 4, ch. 91-429; s. 6, ch. 95-279; s. 163, ch. 99-397.

ENROLLED

CS/CS/CS/HB 1263, Engrossed 3

2012 Legislature

- EXCERPT -

Section 116. The Division of Medical Quality Assurance shall develop a plan to improve the efficiency of its functions.

**Specifically, the plan shall delineate methods to: reduce the average length of time for a qualified applicant to receive initial and renewal licensure, certification, or registration, by one-third; improve the agenda process for board meetings to increase transparency, timeliness,**



and usefulness for board decision making; and improve the cost-effectiveness and efficiency of the joint functions of the division and the regulatory boards. In developing the plan, the division shall identify and analyze best practices found within the division and other state agencies with similar functions, options for information technology improvements, options for contracting with outside entities, and any other option the division deems useful. The division shall consult with and solicit 4295 recommendations from the regulatory boards in developing the plan. The division shall submit the plan to the Governor, the Speaker of the House of Representatives, and the President of the Senate by November 1, 2012. All executive branch agencies are instructed, and all other state agencies are requested, to assist the division in accomplishing its purposes under this section.

**Tab 28** Fee Recommendations

Melinda Simmons, Senior Health Budget Analyst has completed a review of the current fee structure and has provided the following recommendation as well as fee scenarios.

Psychology-This profession is in a slightly decreasing trend. The decreasing trend is due to the cash sweep and the requirement of HB5001/Section 41/42, which required Medical Quality Assurance to transfer cash to DBPR for DDC and the Brain & Spinal Cord TF. The current 2-year trend is positive and the revenues exceed the expenditures by 2.98%. The fee reduction is not recommended for this fiscal year. However, Psychology has a strong, healthy cash balance of \$1,410, 083 and if the profession wants to experiment, a focus on the application and initial licensure fees only is recommended. The renewal fee is already set below the cost to regulate.

**OLD BUSINESS**

**Tab 29** October 5, 2012 General Business Meeting Minutes

Dr. Harry Reiff noted Tab 19 needs to be corrected with the item number. Dr. Luis Orta moved to accept the minutes as revised. Dr. Neda Koehnemann seconded the motion, which carried 5/0

**Tab 30** November 30, 2012 Board Quorum Meeting Minutes

Dr. Luis Orta moved to accept the minutes. Dr. Harry Reiff seconded the motion, which carried 5/0.

**Tab 31** January 4, 2013 Legislative Committee Meeting Minutes

Dr. Luis Orta moved to accept the minutes. Dr. Harry Reiff seconded the motion, which carried 5/0.

## **OTHER BUSINESS AND INFORMATION**

### **Tab 32** Board Meeting Best Practices

House Bill 1263 requires the Division of Medical Quality Assurance to improve the efficiency of its functions relating to timeliness in processing licenses, conducting board meetings and coordination of joint functions between the Division and regulatory boards.

The State Surgeon General has provided positive feedback regarding the efficiency of the Board of Nursing meetings. Chairs from professions across the Division were invited to attend the next Board of Nursing meeting being held December 6-7, 2012 in Sarasota to review the proceedings and look for practices that can be adopted by their boards. The Board's assistance is critical in adopting the BEST practices from Nursing and implementing them in Psychology.

A psychology representative was unable to attend the December meeting, but Dr. Reiff has agreed to attend the April meeting.

April 3-5, 2013  
Sawgrass Marriott  
1000 PGA Tour Boulevard  
Ponte Vedra Beach, FL 32082

### **Tab 33** Board Poster

As part of our ongoing MQA beautification project, all MQA Boards will have a photo taken at the next Board meeting with 100% attendance, so that a poster may be created for each profession for display in the Board offices. Once the photos are submitted, Division will be responsible for printing and framing them for display. This will be an excellent way toward establishing an identity for the offices, and more importantly, it will provide much deserved recognition for the Board members.

### **Tab 34** ASPPB Disciplinary Data Report

Informational item.

### **Tab 35** ASPPB Meeting Minutes

Informational item.

### **Tab 36** Psychology Staff Recognition

Informational item.

Dr. Rafael Rivas-Vazquez motioned to adjourn at 4:41 p.m.

Dr. Dean Aufderheide seconded the motion, which carried 5/0