

**DEPARTMENT OF HEALTH
BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING
JULY 26, 2013
MINUTES**

**SHERATON MIAMI AIRPORT
3900 NW 21ST STREET
MIAMI, FLORIDA 33142
305-871-3800**

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
Harry J. Reiff, Psy.D

STAFF PRESENT

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

ASSISTANT ATTORNEY GENERAL

Rachel Clark, Esquire

COURT REPORTER

Official Reporting Services
Neysa Sosa
954-467-8204

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

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

Tab 1 Thatcher, Andrea Bifurcation/Examination

Dr. Thatcher was not present nor represented by counsel.

Dr. Thatcher's application was before the Committee for review of criminal history. Following discussion, the Committee expressed their concerns about not being able to address Dr. Thatcher due to her absence from the meeting. Dr. Harry Reiff moved to request a personal appearance at the September 27, 2013 Board Quorum Conference call. Dr. Rafael Rivas-Vazquez seconded the motion, which carried 2/0.

Tab 2 Williams, Morgan Endorsement of Other State License (MO 2002)

Dr. Morgan was not present nor represented by counsel.

Dr. Morgan applied for licensure by Endorsement of Other State License. After careful review of the application, Dr. Harry Reiff moved to deny the application based on the Committee's determination that the supervision hours and degree requirements in the 2002 Missouri regulations were not substantially equivalent to those in effect in Florida during that specific time. The

Committee would allow Dr. Morgan the option of withdrawing his application within 14 days. Dr. Rafael Rivas-Vazquez seconded the motion, which carried 2/0.

The Credentials Committee adjourned at 8:14 a.m.

CONTINUING EDUCATION COMMITTEE MEETING

MEMBERS PRESENT

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

STAFF PRESENT

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

ASSISTANT ATTORNEY GENERAL

Rachel Clark, Esquire

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Dr. Dean Aufderheide, Chair, called the Continuing Education Committee to order at approximately 8:20 a.m.

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

REVIEW OF APPLICATIONS FOR CONTINUING EDUCATION PROVIDER STATUS

Tab 1 EXECULEARNE. KEITH LESTER, PA.
"14 Hour Basic Hypnosis Training Program"
Course No. 20-395645

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

The Continuing Education Committee adjourned at 8:21 a.m.

GENERAL BUSINESS MEETING

Dr. Harry J. Reiff, Chair, called the general business meeting to order at approximately 9:00 a.m. Those present for all or part of the meeting, included the following:

MEMBERS PRESENT

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

STAFF PRESENT

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

ASSISTANT ATTORNEY GENERAL

Rachel Clark, Esquire

COURT REPORTER
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PROSECUTOR'S REPORT

Tab 1 Lealand McCharen, Esq

Mr. McCharen was not present during the meeting; however, he submitted a copy of his report for the Board's review in his absence. The prosecutor's report outlined the current status of the twenty-six (26) open disciplinary cases as of July 8, 2013. Dr. Harry Reiff expressed concerns as to why there were no disciplinary cases before the Board during the instant meeting, particularly the ones referenced in the report that are over a year old. Dr. Reiff would like to see these cases moving forward.

CASE STATUS SUMMARY # OF CASES

Cases in EAU 2

Under legal Review
– Status 60 or lower 6

Agendaed for PCP or no probable
cause found and not yet closed
– Status 70 5

Public case, probable cause found
– Status 80 or higher 5

—
– Older than one year 8

- 2008-19261
- 2009-16980
- 2010-05368
- 2010-09248
- 2011-04640
- 2011-14605
- 2011-18815
- 2012-04065

ADMINISTRATIVE PROCEEDINGS

APPLICANTS FROM APA ACCREDITED PROGRAMS FOR EXAMINATION AND LICENSURE AS NOTED

Tab 2 List of Applicants

Dr. Harry Reiff indicated he was involved with supervision during the internship of one of the applicants on the list, but that it would not create any bias.

Dr. Luis Orta indicated that he is familiar with one of the applicants in a personal capacity, but that it would not create any bias.

Dr. Luis Orta moved to approve the list of applicants for examination and licensure as noted. Dr. Dean Aufderheide seconded the motion, which carried 4/0.

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

Tab 3 Jessica Calvo-Blanco

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

Dr. Calvo-Blanco requested an extension on her Examination application. Successful completion of the EPPP is pending.

Following discussion, the Board determined that there has been a good faith effort to complete the requirements for licensure. Dr. Luis Orta moved to approve the extension for twelve (12) months. Dr. Dean Aufderheide seconded the motion, which carried 4/0.

Tab 4 Donald English

Dr. English was not present nor represented by counsel

Dr. English requested an extension on his Bifurcation/Examination application. Successful completion of the EPPP and the Laws and Rules examination are pending.

Following discussion, the Board determined that there has been a good faith effort to complete the requirements for licensure. Dr. Rafael Rivas Vazquez moved to approve the extension for twelve (12) months. Dr. Luis Orta seconded the motion, which carried 4/0.

Tab 5 Melissa Jean

Dr. Jean was not present nor represented by counsel

Dr. Jean requested an extension on her Examination application. Successful completion of the EPPP and the Laws and Rules examination are pending.

Following discussion, the Board determined that there has been a good faith effort to complete the requirements for licensure. Dr. Luis Orta moved to approve the extension for twelve (12) months. Dr. Dean Aufderheide seconded the motion, which carried 4/0.

Tab 6 Ellyn Turer

Dr. Turer was not present nor represented by counsel

Dr. Turer requested an extension on her Examination application. Successful completion of the Laws and Rules examination is pending.

Following discussion, the Board determined that there has been a good faith effort to complete the requirements for licensure. Dr. Rafael Rivas Vazquez moved to approve the extension for twelve (12) months. Dr. Luis Orta seconded the motion, which carried 4/0.

Dr. Harry Reiff requested that the language in the file closure letter found under the instructions to request an extension be modified to read: "You are *encouraged* to include with your written

request, any supplemental documentation you believe would be beneficial in supporting your bid for an extension”.

At this point in the meeting, Addendum tab 30 was taken out of order.

ADDENDUM - RECONSIDERATION OF REQUEST FOR EXTENSION

Tab 30 Despina Karfis

Dr. Karfis was not present nor represented by counsel.

Dr. Karfis' original request for extension was before the Board during the June 21, 2013 Board Quorum meeting. At that time, the Board determined that there had not been a good faith effort to complete the exam requirements and denied the request for an extension.

Dr. Karfis submitted documentation further clarifying her hardships and requested the Board to reconsider her request for an extension.

Dr. Rafael Rivas-Vazquez moved to reconsider the request for an extension. Dr. Luis Orta seconded the motion, which carried 4/0.

Following discussion, the Board determined that the applicant had experienced hardships which impacted her ability to sit for the required examinations. Dr. Rafael Rivas Vazquez moved to approve the extension for twelve (12) months. Dr. Luis Orta seconded the motion, which carried 4/0.

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

Tab 7 List of Applicants

Dr. Luis Orta moved to approve the list of applicants for file closure as noted. Dr. Dean Aufderheide seconded the motion, which carried 4/0.

RECONSIDERATION OF PETITION AND LICENSE APPLICATION

Tab 8 Ruth Prevor

Dr. Prevor was present and sworn in. Mark Thomas, Esquire, was also present as Dr. Prevor's legal representative.

Dr. Luis Orta recused himself from the proceeding due to his professional affiliation with the applicant.

Dr. Prevor was before the Board at the April 26, 2013 General Business meeting. She filed a petition for a variance or waiver of rule 64B19-11.0035 F.A.C. so that her education would be acceptable for licensure. Dr. Prevor graduated with a Ph.D in Clinical Psychology from the Caribbean Center for Advanced Studies in Puerto Rico, which was not accredited by the American Psychological Association (APA) at the time she completed her studies. The Board moved to deny the petition based on the fact that the rule no longer exists or has been amended.

After further review, Board Counsel requested the petition and application go before the Board again for reconsideration. Dr. Prevor was requesting a waiver of the current rule in place and requests the previous rule be applied, which was previously misinterpreted.

Dr. Rafael Rivas Vazquez moved to reconsider the petition for variance or waiver. Dr. Dean Aufderheide seconded the motion, which carried 3/0.

Following discussion, the Board determined that even if they were to reconsider the rule, they are still bound by the statute, as the Board does not have the authority to waive the statute. Dr. Dean Aufderheide moved to deny the petition. Dr. Rafael Rivas-Vazquez seconded the motion, which carried 3/0.

At this point in the meeting, the Board took a short break so Dr. Prevor could consult with her attorney.

Dr. Prevor's attorney requested that the application remain in abeyance for an additional six (6) months. Dr. Rafael Rivas-Vazquez moved to grant a six-month abeyance. Dr. Harry Reiff seconded the motion. The motion carried 2/1. Dr. Dean Aufderheide opposed.

At this point, the Board took a short break at 9:54 a.m. and reconvened at 10:13 a.m.

PETITIONS FOR DECLARATORY STATEMENT

Tab 9 Robin Wilson, Section 490.003, F.S.

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

Dr. Harry Reiff recused himself due to prior contact regarding this issue.

Dr. Wilson petitioned for a declaratory statement regarding Florida Statutes Section 490.003, Definitions. He inquired whether his intention to provide assessment and consultation services to Florida Civil Commitment Center (FCCC) residents, legal counsel retained by residents of the FCCC, or to the State's Attorney's Office would, in any way, constitute a harmful multiple relationship, conflict of interest, or any other breach of professional ethics, given his former role as FCCC Clinical Director.

Following extensive discussion, Dr. Rafael Rivas-Vazquez moved to decline to provide an opinion on the declaratory statement. Dr. Dean Aufderheide seconded the motion, which carried 3/0.

It was mentioned that Dr. Wilson may direct any interested parties to listen to the Board's detailed discussion on this item by visiting the Board's website at <http://ww10.doh.state.fl.us/pub/medical-therapies/PY/> and that a detailed transcript of this item may also be requested from the court reporter.

PROPOSED MEETING DATES

Tab 10 2014 Proposed Board of Psychology Meeting Dates

During the April 26, 2013 General Business Meeting, the proposed 2014 meeting dates were presented to the Board. Dr. Reiff requested to move the proposed October 17, 2014 General Business meeting back a week to October 10, 2014, however after confirming the meeting dates of other boards, staff determined that there would be a conflict with the October 10th date. In addition, any other dates in October would be very close to either the ASPPB meeting near the end of October or the proposed September Board Quorum meeting.

Following discussion, Dr. Reiff withdrew his request to move the proposed date for the October 2014 General Business meeting.

DISCUSSION

Tab 11 Chapter 490.014, F.S., Exemptions

Dr. Harry Reiff requested the Board discuss Florida Statutes Section 490.014 regarding exemptions to licensure. The discussion centered on paragraphs (2)(a) and (2)(b) of this section, which provides licensure exemptions to salaried persons working in specific settings. These settings include, among others, government agencies, academic institutions and private, nonprofit organizations providing counseling services to children, youth and families.

Dr. Reiff indicated he had noticed that the 1979 Florida Statutes version of this section specifically referenced that nothing in Chapter 490 (1979) should be “...*construed to restrict or prevent activities of a psychological nature...*” on the part of “psychologists” who were salaried employees in these settings. The current statute does not mention “psychologists” and concerns were therefore raised regarding the potential impact on the safety of the public if unlicensed persons are providing psychological services under this section.

Also mentioned were the possible conflicts in the current exemptions section with other statutory provisions such as those found in Section 456.065 (1), F.S., regarding the unlicensed practice of a health profession and Section 490.012 (6), F.S., regarding violations for practicing psychology, as defined in Section 490.003(4), unless actively licensed to practice psychology in this state.

The Board discussed various scenarios in which this difference may be of concern. Florida-licensed psychologist, Dr. William Samek, also addressed the Board.

No action other than discussion was undertaken by the Board on this item.

RULES REVIEW AND/OR DEVELOPMENT

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

Rule 64B19-11.005, F.A.C., Supervised Experience Requirements is on the Board's 2013 – 2014 Annual Regulatory review plan for discussion regarding internship requirements and other proposed modifications.

Dr. Reiff provided draft language for the Board's consideration. Dr. Carolyn Stimel, Director of Professional Affairs, Florida Psychological Association (FPA) and an intern at Citrus Health Network also addressed the Board during the discussion.

After discussion, it was determined that additional information would be helpful prior to making a final decision on the draft. The Board agreed to table further discussion pending additional research Dr. Reiff indicated he would bring back for the Board's review.

Tab 13 Rule 64B19-17.007, F.A.C., Mediation

Rule 64B19-17.007, F.A.C., Mediation, is on the Board's 2013-2014 Annual Regulatory Plan for review of possible additions of offenses that may be mediated.

During the April, 26, 2013 General Business meeting, Dr. Reiff requested to table this item until the July 26, 2013 meeting to get clarification from Board counsel on what is mediation, who are the parties to the mediation and who serves as the mediator.

Ms. Amie Rice, Investigation Manager with the Consumer Services Unit, provided preliminary information on the mediation process for the Board's review. Ms. Rice will also provide a proposal

for the Board's consideration this fall. She will be available for either the September 27, 2013 Board Quorum meeting or the October 25, 2013 General Business Meeting; whichever the Board prefers her to attend.

The Board requested to table further discussion on this rule until Ms. Rice appears at the October 25, 2013 General Business meeting.

Tab 14 Rule 64B19-17.004, F.A.C., Citations

Rule 64B19-17.004, F.A.C., Citation, is on the Board's 2013-2014 Annual Regulatory Plan for review to determine whether there are any citation offenses which may be more efficiently addressed through the mediation process.

During the April 26, 2013 General Business meeting, the Board opened the rule for development. At that time, the Board requested to remove paragraph (3), violation of Section 490.009(1)(f), F.S. (for maintaining a professional association with a person who may be in violation of the chapter or rule): \$500 fine.

The rule was brought back in anticipation of any additional changes that might be made in discussing the mediation rule. Ms. Rachel Clark advised that the Board could proceed with the current change proposed and later open up a new rule development if additional changes are needed based on the mediation discussion. The Board agreed that Ms. Clark should move forward with the change approved during the April 2013 meeting.

RULE STATUS REPORT

Tab 15 Rachel Clark, Assistant Attorney General

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

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-11.001	Examination	3/05/2013	3/15/2013	4/5/2013		

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

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B-19-11.005	Supervised Experience Requirements					

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

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-11.011	Provisional License; Supervision of Provisional Licensees	3/22/2013	4/05/2013	4/19/2013		

- 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 Forms	3/22/2013	4/05/2013	4/19/2013		

- 64B19-12.002, F.A.C, Application and Examination Fee for Licensure by

Examination; Review Fee

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-12.002	Application and Examination Fee for Licensure by Examination; Review Fee	3/22/2013	4/05/2013	4/19/2013	6/25/2013	7/15/2013

- 64B19-12.004, F.A.C, Application Fee for Licensure by Endorsement

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-12.004	Application Fee for Licensure by Endorsement	3/22/2013	4/05/2013	4/19/2013	6/25/2013	7/15/2013

- 64B19-12.0041, F.A.C, Initial Fee for Licensure

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-12.0041	Initial Fee for Licensure	3/22/2013	4/05/2013	4/19/2013	6/25/2013	7/15/2013

- 64B19-12.012, F.A.C, Fee for Provisional Licensure

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-12.012	Fee for Provisional Licensure	3/22/2013	4/05/2013	4/19/2013	6/25/2013	7/15/2013

- 64B19-13.003, F.A.C, Continuing Psychological Education Credit

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-13.003	Continuing Psychological Education Credit					

- 64B19-13.004, F.A.C, Board Approval of Continuing Psychological Education Providers

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-13.004	Board Approval of Continuing Psychological Education Providers	5/01/2013	5/10/2013	5/29/2013	6/28/2013	7/18/2013

- 64B19-17.004, F.A.C, Citations

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-17.004	Citations					

At this point in the meeting, addendum Tab 31 was taken out of order.

ADDENDUM - RULES REVIEW AND/OR DEVELOPMENT

Tab 31 Rule 64B19-11.001(4)(b), F.A.C., Examination

During the June 4, 2013 Special Meeting, Dr. Reiff requested that the examination rule be added to the July 26, 2013 General Business Meeting agenda to discuss extending the expiration timeframe

for the laws and rules exam to be consistent with the 24 month closure timeframe specified in Rule 64B19-11.0075, F.A.C. and Section 490.005(3)(a), F.S.

Following discussion, Dr. Rafael Rivas-Vazquez moved to approve the language to allow the laws and rules exam score to be valid for 24 months. Dr. Luis Orta seconded the motion, which carried 4/0.

Dr. Rafael Rivas-Vazquez moved that the change in the rule would not have a negative impact on small businesses or have an economic impact on government or any entity in excess of \$200,000 within one year of the rule being implemented. Dr. Harry Reiff seconded the motion, which carried 4/0.

At this point in the meeting, the Board broke for lunch at 11:59 a.m. and reconvened at 1:12 p.m.

REPORTS, IF ANY

Tab 16 Dr. Harry Reiff, Ph.D.

Dr. Reiff reported that he had responded to the Association of State and Provincial Psychology Board's (ASPPB) Telepsychology E-Passport proposal on behalf of the Board. Dr. Reiff also mentioned the upcoming ASPPB meeting, scheduled for October 16 – 20, 2013 in Las Vegas, Nevada. He encouraged attendance by other members as well as staff. Staff was requested to e-mail the meeting information recently distributed by the ASPPB to the members and staff.

Other Board Members:

No reports were made by other members.

Tab 17 Executive Director

Report topics

- Cash Balance Reports
- Expenditures by Function Report

The Board requested that Mr. Allen Hall research and report at a future meeting details on the following items on the Expenditures by Function report: 1) \$6,958 spent on the Strategic Management Unit; 2) \$20,505 spent on System Support Services and 3) \$117,594 for the Service Charge to General Revenue.

Tab 18 Credentials Committee Report

Ms. Anna King reported to the full Board the Credentials Committee's recommendations. The committee recommended a personal appearance for Tab 1 at one of the September conference calls and denied Tab 2 allowing the option for the applicant to withdraw the application within 14 days.

Dr. Rafael Rivas-Vazquez moved to ratify the recommendation of the committee. Dr. Luis Orta seconded the motion, which carried 4/0.

Tab 19 Continuing Education Report

Ms. Anna King reported to the full Board the Continuing Education Committee's recommendation. The committee approved Tab 1.

Dr. Luis Orta moved to ratify the recommendations and actions of the committee. Dr. Dean Aufderheide seconded the motion, which carried 4/0.

NEW BUSINESS

Tab 20 CS/SB 248 Delegation of PRN Evaluations

This legislation relates to the Professionals Resource Network (PRN) and allows a Board or Council to delegate to the Chair or other designee the authority to require an applicant for licensure to undergo a PRN evaluation.

Currently, the decision to require a PRN evaluation is made by the full Board or Council during a public meeting. The legislation authorizes but does not require this delegation. Each Board or Council may adopt a new procedure or maintain the current practice. Boards and Councils will need to specify by amending the current Delegation of Authority if they wish to delegate this process to the Chair or other designee.

Following discussion, Dr. Luis Orta moved to keep the current procedure in place in which the full Board determines whether an applicant should be referred to PRN prior to consideration for licensure. Dr. Dean Aufderheide seconded the motion, which carried 4/0.

OLD BUSINESS

Tab 21 Discussion: Penalty Recommendations by the Board's Probable Cause Panel

Ms. Rachel Clark advised the Board that they may request that the Probable Cause Panel consider making recommendations to the prosecutor regarding penalties.

After discussion, the Board determined to allow the process to remain unchanged, as the prosecuting attorney will ultimately make recommendations based on existing disciplinary guidelines. The Board has the ability to make any objections to those recommendations and propose different penalties, within the guidelines, as it has done in past disciplinary cases.

Tab 22 April 26, 2013 General Business Meeting Minutes

Dr. Luis Orta moved to accept the minutes. Dr. Harry Reiff seconded the motion, which carried 4/0.

Tab 23 June 4, 2013 Special Meeting Minutes

Dr. Dean Aufderheide moved to accept the minutes. Dr. Luis Orta seconded the motion, which carried 4/0.

Tab 24 June 21, 2013 Board Quorum Call Minutes

Dr. Luis Orta moved to accept the minutes. Dr. Dean Aufderheide seconded the motion, which carried 4/0.

OTHER BUSINESS AND INFORMATION

Tab 25 Board Information Packet and Resource Manual

The Board was provided with a resource manual for reference with regard to procedures for licensure and disciplinary agenda items. This information will continue to be provided to members at each meeting.

A general information packet about the board, meeting dates, the role of the Board and staff and the structure of board meetings was also provided for the Board's review and will be made available to the public at future Board meetings.

Staff was also requested to provide a copy of the Board Member Resource Manual via e-mail.

Tab 26 Annual Regulatory Plan

Ms. Rachel Clark provided a listing of the rules the Board requested to be on its 2013 – 2014 annual regulatory plan. Ms. Clark submitted the listing to the Office of Fiscal Accountability and Regulatory Reform (OFARR) as required.

Tab 27 Unlicensed Activity Report

Informational Item

Tab 28 ASPPB Disciplinary Data Report

Informational Item

Tab 29 Psychology Staff Recognition

Informational Item

ADJOURNMENT

The meeting adjourned at 1:54 p.m.