

**DEPARTMENT OF HEALTH  
BOARD OF PSYCHOLOGY  
GENERAL BUSINESS MEETING  
JANUARY 24, 2014  
MINUTES**

**CROWNE PLAZA PENSACOLA  
200 E. GREGORY STREET  
PENSACOLA, FL 32501  
(850) 433-3336**

**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**

Harry J. Reiff, Psy.D., Chair  
J. Drake Miller, Psy.D

**STAFF PRESENT**

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

**MEMBER ABSENT**

Dean Aufderheide, Ph.D - Excused

**ASSISTANT ATTORNEY GENERAL**

Lynette Norr, Esquire

**Dr. Harry Reiff, Chair, called the Credentials Committee to order at approximately 8: 15 a.m.**

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

**Tab 1.            Sara White            Exam with Waiver**

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

Dr. White was before the committee due to APA education issues. Dr. White received her Ph.D. in School Psychology from North Carolina State University on 12/16/1986, however the program was not APA accredited until 04/10/1987.

Following discussion, Dr. Harry Reiff informed Dr. White that the committee would be moving toward a denial due to the educational requirements not being met. He gave her the option to withdraw the application. Dr. White requested to withdraw the application. The committee moved to accept the withdrawal, which carried 2/0.

The Committee informed Dr. White that she might want to consider obtaining a diplomate status with the American Board of Professional Psychology (ABPP) and re-applying under the Endorsement of ABPP Diplomate Status.

**Tab 2. Ivette Russo Bifurcation/Exam**

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

Dr. Russo was before the committee due to her supervision. Dr. Russo's original post-doctoral supervisor is deceased; therefore, the Clinical Director where Dr. Russo was supervised has completed the supervision forms.

Following discussion, Dr. J. Drake Miller moved to approve the supervision. Dr. Harry Reiff seconded the motion, which carried 2/0.

The Credentials Committee adjourned at 8:30 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**

Lynette Norr, Esq.

**Dr. Dean Aufderheide, Chair, called the Continuing Education Committee to order at approximately 8:32 a.m.**

**REVIEW OF APPLICATION FOR CONTINUING EDUCATION PROVIDER STATUS**

**Tab 1 Manatee Glens Corp  
Motivational Interviewing  
Course No. 20-409807**

Following discussion, Dr. Luis Orta moved to approve the application for continuing education provider status and the corresponding course with the stipulation that they specify that the course is for psychology. Dr. Aufderheide will review the application prior to the course being approved in CEBroker. Dr. Dean Aufderheide seconded the motion, which carried 2/0.

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

**Tab 2. CE4Less.com  
Preventing Medical Errors: Best Practices for Mental Health Professionals-  
Revised 2014  
Course No. 20-426514**

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

## **PROPOSAL**

### **Tab 3. Streamlining the Review of Continuing Education Applications**

Boards within the Division of Medical Quality Assurance are continuously reviewing and seeking means by which to streamline processes for efficiency.

The Department of Health is contracted with CEBroker to manage the continuing education process for all licensees to include application and approval of continuing education providers, publication of approved courses and tracking of continuing education credits for renewal.

Staff is requesting that the Committee and Board consider taking full advantage of the capabilities within CEBroker as it pertains to review and action upon new providership applications and new medical errors course approval.

#### **Current Process**

When an applicant applies for providership, or approval of a new medical errors course, all documents required to review the application for action are contained within the CEBroker system. Under the current process, after being determined complete for review, resources are allocated in the production of multiple copies of paper agendas and time is allocated during general business meetings for what is generally a very brief discussion and then final action on the applications.

#### **Proposed Process**

To streamline this process, other boards have designated a Continuing Education liaison, and usually a back-up. The liaison or back-up, upon notification from Board staff, is authorized to login to CEBroker, review all documents normally printed for an agenda and notify staff of the action to be taken on the application through the system. Approved applications are then added to a ratification list for approval by the full Board at the next scheduled meeting. If at any point the liaison believes a file should be reviewed by the full Committee or Board, he or she may notify staff to prepare the application for the next scheduled meeting agenda.

If this proposal is approved, an appropriate provision would be added to the Board's formal delegation of authority and the designated liaison would receive the simple training required to navigate the system.

#### **Anticipated Benefits:**

- Elimination of automatic delay for these applicants, who must wait until the next scheduled board meeting for review.
- Reduction of costs in reproduction of documentation which is available electronically for review and action.
- Reallocation of time during General Business meetings.

Following discussion, Dr. Luis Orta moved to approve the recommendation to designate a liaison and a back up system. Dr. Dean Aufderheide seconded the motion, which carried 2/0.

The Continuing Education Committee adjourned at 8:45 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,  
Dean Aufderheide, Ph.D.  
J. Drake Miller, Psy.D  
Andrew S. Rubin, Ph.D

### STAFF PRESENT

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

### MEMBER ABSENT

Mary O'Brien, J.D. - Excused

### ASSISTANT ATTORNEY GENERAL

Lynette Norr, Esq.

### COURT REPORTER

American Court Reporting  
Suzette Bragg Peterson  
850-421-0058

### PROSECUTOR'S REPORT

Tab 1. Lealand McCharen, Esq.

CASE STATUS SUMMARY	# OF CASES
Total Cases open/active in PSU:	19
Cases under legal review:	9
Cases where PC Recom made:	2
Total Cases where PC has been found:	6
Cases in holding status:	0
Cases awaiting supp. invest.:	0
Cases in which AC has been filed:	6
Cases pending before DOAH:	0
Cases awaiting board action:	2
Cases in Emergency Action Unit:	3

Executive Director, Allen Hall, provided an update in Leland McCharen's absence. Two of the cases will be presented at the Probable Cause Panel Meeting on January 28, 2014, two cases will be presented at the April 25, 2014 General Business Meeting and four additional cases have been received since the preparation of the report.

## **POST DISCIPLINARY PROCEEDINGS**

### **Tab 2. Request for Extension/Modification: Charles Henry Madsen, Jr., Case # 2006-36570 and 2008-16914**

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

Dr. Luis Orta recused himself due to his participation on the Probable Cause Panel.

Dr. Madsen requested an extension/modification of his final order regarding the payment of the fine of \$42,000.00 and the costs of \$16,575.54. Prior to the meeting, Dr. Madsen did make payment to the Department on the fine in the amount of \$8,575.54. The Department did not have any objection to any proposed reduction of the fine agreed to by the Board.

Following discussion, Dr. J. Drake Miller moved to approve a reduction in the fine by \$5000 and extend the timeframe to complete the requirements by two years. The fines must be paid by May 10, 2018. Dr. Madsen's retired status, substantial legal bills, termination of work contracts and a major accident are the basis for the reduction in the fine and the extension. Dr. Dean Aufderheide seconded the motion, which carried 4/0.

Dr. Madsen also inquired concerning modification of a continuing education requirement in the final order. Dr. Madsen was directed to send his specific request to the Board's compliance officer for appropriate follow-up.

## **ADMINISTRATIVE PROCEEDINGS**

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

#### **Tab 3. List of Applicants**

Dr. Dean Aufderheide moved to approve the list of applicants for examination and licensure as noted. Dr. J. Drake Miller seconded the motion, which carried 5/0.

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

#### **Tab 4. Kayla Hochman**

Dr. Hochman was not present nor represented by counsel.

Dr. Hochman requested an extension on her Examination application. Passing scores on the EPPP and passing scores on the Laws and Rules have not been completed.

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 5/0.

#### **Tab 5. Melissa Noya**

Dr. Noya was not present nor represented by counsel.

Dr. Noya requested an extension on her Bifurcation/Examination application. Passing scores on the EPPP and passing scores on the Laws and Rules have not been completed.

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

**Tab 6. Rosamari Pena**

Dr. Pena was not present nor represented by counsel.

Dr. Pena requested an extension on her Examination application. Passing scores on the EPPP have not been completed.

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. J. Drake Miller seconded the motion, which carried 5/0.

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

**Tab 7. List of Applicants**

Dr. Kayla Hochman was removed from the list due to the granting of her extension. Dr. Luis Orta moved to approve the list of applicants for file closure as amended. Dr. Dean Aufderheide seconded the motion, which carried 5/0.

**PROVISIONAL PSYCHOLOGIST – REQUEST FOR APPROVAL OF NEW SUPERVISOR**

A provisional license is a temporary license that requires the licensee to work under the supervision of a licensed psychologist until the provisional licensee is in receipt of a license or a letter from the department stating that he or she is licensed as a psychologist. A provisional license expires 24 months after the date it is issued and may not be renewed or reissued. Any proposed changes in the supervising psychologist must be approved by the Board pursuant to Rule 64B19-11.011(5), Florida Administrative Code.

**Tab 8. Jaymes Gonzales**

Dr. Gonzales was not present nor represented by counsel.

Dr. Gonzalez informed the Board office on 01/02/2014 that the supervisory relationship with Dr. W Scott Whitacre will terminate in January 2014. Dr. Ariel Gonzalez is the proposed new supervisor. Dr. Gonzalez has provided the required documents indicating his agreement to supervise Dr. Gonzales.

Following discussion, Dr. Luis Orta moved to accept Dr. Ariel Gonzalez as the new supervisor. Dr. Dean Aufderheide seconded the motion, which carried 5/0.

**Tab 9. Amberlee Henson**

Dr. Henson was not present nor represented by counsel.

Dr. Gonzalez informed the Board office on 01/02/2014 that the supervisory relationship with Dr. W. Scott Whitacre will terminate in January 2014. Dr. Ariel Gonzalez is the proposed new supervisor. Dr. Gonzalez has provided the required documents indicating agreement to supervise Dr. Henson.

Following discussion, Dr. Luis Orta moved to accept Dr. Ariel Gonzalez as the new supervisor. Dr. Andrew Rubin seconded the motion, which carried 5/0.

**Tab 10. Son Il Yun**

Dr. Yun was not present nor represented by counsel.

Dr. Yun informed the Board office on 11/18/2013 that the supervisory relationship with Dr. Joseph Lupo will terminate in January 2014. Dr. Yun has proposed a new supervisor, Dr. Edward Cunliffe. Dr. Cunliffe has provided the required documents indicating his agreement to supervise Dr. Yun.

Following discussion, Dr. Luis Orta moved to accept Dr. Edward Cunliffe as the new supervisor. Dr. Andrew Rubin seconded the motion, which carried 5/0.

**RULES REVIEW AND/OR DEVELOPMENT**

MQA Boards have been directed to add a statement regarding email addresses being public to each application. Questions requiring the listing of the city or state of birth on an application have also been removed due to finding that there is no statutory authority to make these inquiries.

**Tab 11. Rule 64B19-11.001, F.A.C., Examination**

Provided for the Board's approval were the revised Laws and Rules Re-Examination Application as well as the EPPP Re-Examination Application with the email statement added on page 3 and the request for the city or state of birth removed from page 1 on each application.

Following discussion, the Board agreed to add the word "optional" under the request for an email address as well as an asterisk that will direct them to the email statement. Dr. Dean Aufderheide moved to approve the revised form as verbally amended. Dr. Luis Orta seconded the motion, which carried 5/0.

Dr. Luis Orta moved that the change in the rule would not have a negative impact on small businesses. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Dr. J. Drake Miller moved that the change in the rule would not have an economic impact on government or any entity in excess of \$200,000 within one year of the rule being implemented. Dr. Luis Orta seconded the motion, which carried 5/0.

**Tab 12. Rule 64B19-11.010, F.A.C., Limited Licensure**

Provided for the Board's approval was the revised Application for Psychologist Limited Licensure with the email statement added on page 9 and the request for the city or state of birth removed from page 2.

Following discussion, the Board agreed to add the word "optional" under the request for an email address as well as an asterisk that will direct them to email statement. Dr. Luis Orta moved to approve the revised form as verbally amended. Dr. J. Drake Miller seconded the motion, which carried 5/0.

Dr. Luis Orta moved that the change in the rule would not have a negative impact on small businesses. Dr. J. Drake Miller seconded the motion, which carried 5/0.

Dr. Luis Orta moved that the change in the rule would not have an economic impact on government or any entity in excess of \$200,000 within one year of the rule being implemented. Dr. J. Drake Miller seconded the motion, which carried 5/0.

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

Provided for the Board's approval was the revised Application for Provisional Psychology Licensure with the email statement added on page 10 and the request for the city or state of birth removed from page 2.

Following discussion, the Board agreed to add the word "optional" under the request for an email address as well as an asterisk that will direct them to email statement. Dr. Luis Orta moved to approve the revised form as verbally amended. Dr. J. Drake Miller seconded the motion, which carried 5/0.

Dr. Luis Orta moved that the change in the rule would not have a negative impact on small businesses. Dr. J. Drake Miller seconded the motion, which carried 5/0.

Dr. Luis Orta moved that the change in the rule would not have an economic impact on government or any entity in excess of \$200,000 within one year of the rule being implemented. Dr. Andrew Rubin seconded the motion, which carried 5/0.

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

Provided for the Board's approval was the revised Psychology Licensure Application with the email statement added on page 5 and the request for the city or state of birth removed from page 7.

Following discussion, the Board agreed to add the word "optional" under the request for an email address as well as an asterisk that will direct them to email statement. Dr. J. Drake Miller moved to approve the revised form as verbally amended. Dr. Luis Orta seconded the motion, which carried 5/0.

Dr. Luis Orta moved that the change in the rule would not have a negative impact on small businesses. Dr. J. Drake Miller seconded the motion, which carried 5/0.

Dr. Luis Orta moved that the change in the rule would not have an economic impact on government or any entity in excess of \$200,000 within one year of the rule being implemented. Dr. J. Drake Miller seconded the motion, which carried 5/0.

**RULE STATUS REPORT**

**Tab 15. Lynette Norr, Assistant Attorney General**

- Rule 64B19-10.015 F.A.C., Public Comment

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-10.015	Public Comment	11/07/2013	11/15/13	12/3/2013	(JAPC ltr rcv'd 12/9/13)	

- Rule 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	11/14/13	11/22/13	12/9/13	(JAPC ltr rcv'd 12/13/13)	

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

Rule	Sent to	Rule Dev.	Notice
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Number	Title	OFARR	Published	Published	Adopted	Effective
64B19-13.003	Continuing Psychological Education Credit	7/10/13	07/18/13	08/5/13	(JAPC ltr rcv'd 08/08/13) Rule Told on 10/3/13	

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

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-17.004	Citations	11/07/2013	11/15/13			

- **Rule 64B19-17.007 F.A.C., Mediation**

Rule Number	Title	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-17.007	Mediation	11/07/2013	11/15/13			

## REPORTS, IF ANY

### Tab 16. Dr. Harry Reiff, Ph.D.

Dr. Harry Reiff discussed the new board member training on April 24, 2014 at 4:00 p.m. with ASPPB. He requested an item be added to the April 25, 2014 General Business Meeting agenda for ASPPB's two representatives, Dr. Alex Siegel and Janet Pippin Orwig to address the Board to offer information on how ASPPB works and what resources they have to offer.

Dr. Reiff also informed the Board that the ASPPB's Mobility Committee will be meeting in Clearwater on February 21-23, 2014 at the Hyatt Regency Resort and Spa. All Board members and staff are invited for lunch and to meet with the Mobility Committee to discuss any areas that might be of interest or concern for the Florida Board of Psychology.

Mr. Allen Hall informed the Board that if more than one member of the Board will be attending, then a notice will be required to be posted to FAR.

### Other Board Members

Dr. Luis Orta requested that the October 2014 General Business Meeting be moved to south Florida. Board staff will submit this request for follow-up by the MQA Bureau of Operations.

### Tab 17. Executive Director

#### Report topics

- Cash Balance Reports – Informational Item

Mr. Allen Hall informed the Board that there will be a Budget Liaison Meeting in Tallahassee on March 6, 2014.

- Expenditures by Function Report – Informational Item

Mr. Allen Hall informed the Board that the psychology Unlicensed Activity campaign is moving forward.

### **Tab 18.            Credentials Committee Report**

Dr. Harry Reiff reported to the full Board the Credentials Committee's recommendation. The committee recommended approval of Tab 2. Tab 1 withdrew the application.

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

### **Tab 19.            Continuing Education Report**

Dr. Dean Aufderheide reported to the full Board the Continuing Education committee's recommendations. The committee recommended approval of Tab 2. Tab 1 was approved with conditions. The staff proposal under Tab 3 was approved by the Committee.

Dr. Luis Orta moved to ratify the recommendations and actions of the committee. Dr. J. Drake Miller seconded the motion, which carried 5/0.

## **NEW BUSINESS**

### **Tab 20.            Election of Officers                       2014 Election of Officers and Committee Assignments**

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

BOARD CHAIR: Dr. Luis Orta

VICE CHAIR: Dr. Dean Aufderheide

BUDGET LIASION: Dr. Harry Reiff

LEGISLATIVE LIASION: Dr. J. Drake Miller

LEGISLATIVE COMMITTEE: Dr. J. Drake Miller, Chair, Ms. Mary D. O'Brien, Dr. Harry Reiff

COMMUNICATIONS LIASION: Dr. Andrew Rubin

UNLICENSED ACTIVITY LIASION: Ms. Mary D. O'Brien

CONTINUING EDUCATION LIAISON: Dr. Luis Orta with Dr. Dean Aufderheide as a back-up

CREDENTIALS COMMITTEE: Dr. Harry Reiff, Chair, Dr. J. Drake Miller, Ms. Mary D. O'Brien

EXAMINATION LIASION: Dr. Dean Aufderheide

IMPAIRED PRACTITIONERS LIASION: Dr. Andrew Rubin

PROBABLE CAUSE PANEL: Dr. Amy Swan, Chair, Dr. Luis Orta, current Board Member, Ms. Ana Martin-Lavielie, past consumer member

**Tab 21. Sunshine Laws Refresher**

Florida's Government in the Sunshine Law, commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels. The law is equally applicable to elected and appointed boards and has been applied to any gathering of two or more members of the same board to discuss some matter, which will foreseeably come before that board for action.

Assistant Attorney General, Lynette Norr provided a refresher on the Sunshine Law for the Board.

**Tab 22. Delegation of Authority and Conviction Records Guidelines**

The 2014 Delegation of Authority was updated to allow the Board's Continuing Education Committee liaison to review and approve courses within CEBroker, for ratification at the next Board meeting, consistent with the proposal approved by the Board under Tab 19. No updates were proposed to the Conviction Records Guidelines.

Following discussion, Dr. Luis Orta moved to approve the Delegation of Authority and the Conviction Records Guidelines. Dr. Andrew Rubin seconded the motion, which carried 5/0.

**Tab 23. Fee Change Recommendations**

The Senior Health Budget Analyst, Mendy Simmons conducted a review and analysis of current fees and projected cash balances. Section 456.025, F.S., states that renewal fees "Shall not be more than 10 percent greater than the actual cost to regulate that profession for the previous biennium". Section 456.025, F.S., states, "It is also the intent of the Legislature that fees should be reasonable and not serve as a barrier to licensure."

Of the scenarios presented, Scenario 3 was recommended by Ms. Simmons, and included the following fee reductions:

- Active renewal fee reduced from \$340 to \$295
- Inactive renewal fee reduced from \$340 to \$295
- Application Fee reduced from \$250 to \$200
- Initial Licensure Fee reduced from \$250 to \$100

Following discussion, Dr. Luis Orta moved to accept Scenario 3. Dr. Dean Aufderheide seconded the motion, which carried 5/0.

Dr. Luis Orta moved to open the following rules for development: Chapter 64B19-11.012, F.A.C., Chapter 64B19-12.002, F.A.C., Chapter 64B19-12.004, F.A.C., Chapter 64B19-12.0041, F.A.C., Chapter 64B19-12.005, F.A.C., and Chapter 64B19-12.007, F.A.C. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Dr. Luis Orta moved that the change in the rules would not have a negative impact on small businesses. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Dr. Luis Orta moved that the change in the rules would not have an economic impact on government or any entity in excess of \$200,000 within one year of the rule being implemented. Dr. J. Drake Miller seconded the motion, which carried 5/0.

## **OLD BUSINESS**

### **Tab 24.        October 25, 2013 General Business Meeting Minutes**

Dr. Luis Orta moved to accept the minutes. Dr. J. Drake Miller seconded the motion, which carried 5/0.

### **Tab 25.        November 22, 2013 Board Quorum Call Minutes**

Dr. Luis Orta moved to accept the minutes. Dr. J. Drake Miller seconded the motion, which carried 5/0.

### **Tab 26.        December 4, 2013 Continuing Education Committee Meeting Minutes**

Dr. Luis Orta moved to accept the minutes with corrections. Dr. Andrew Rubin seconded the motion, which carried 5/0.

## **OTHER BUSINESS AND INFORMATION**

### **Tab 27.        ASPPB Disciplinary Data Report**

Informational Item

### **Tab 28.        ASPPB Meeting Minutes**

Informational Item

### **Tab 29.        Psychology Staff Recognition**

Informational Item

The meeting adjourned at 12:00 p.m.