

The Florida

Board of Psychology

Draft Minutes

JULY 17, 2015

**BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING**

**PALM BEACH GARDENS MARRIOTT
4000 RCA BLVD.
PALM BEACH GARDENS, FL. 33410
(561) 622-8888**



Dr. Dean Aufderheide, Ph.D
Chair
Dr. J. Drake Miller
Vice Chair

Minutes

**DEPARTMENT OF HEALTH
BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING
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(Draft)**

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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
Ms. Mary D. O'Brien, J.D

STAFF PRESENT

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

ASSISTANT ATTORNEY GENERAL

Rachel Clark, Esq.

Dr. Harry Reiff, Chair, called the Credentials Committee to order at approximately 8:01 a.m.

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

Tab 1. John Blaze Exam with Waiver

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

Dr. Blaze is before the Committee due to his "yes" answer to Part I., Personal History question B on page 6, and question #32 Criminal History on page ten (10) of the application. Provided for the Committee's review was the application, a personal statement from Dr. Blaze and all documentation regarding his treatment, and court records.

Following discussion, Dr. J. Drake Miller moved to approve the application. Ms. Mary O'Brien seconded the motion, which carried 3/0.

The Credentials Committee adjourned at 8:08 a.m.

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Call to order - General Business Meeting

GENERAL BUSINESS MEETING

Dr. Dean Aufderheide, Chair, called the general business meeting to order at approximately 9:07 a.m. Those present for all or part of the meeting, included the following:

MEMBERS PRESENT

Dean Aufderheide, Ph.D., Chair
J. Drake Miller, Psy.D, Vice Chair
Harry Reiff, Psy.D.
Andrew Rubin, Ph.D.
Mary D. O'Brien, J.D

STAFF PRESENT

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

Dr. Randi Macintosh was excused from this meeting.

ASSISTANT ATTORNEY GENERAL

Rachel Clark, Esq.

ASSISTANT GENERAL COUNSEL

Cecilie Sykes, Esq.

COURT REPORTER

Apex Reporting
Julie Bruens
954-467-8204

DISCIPLINARY PROCEEDINGS

MOTION FOR DETERMINATION OF WAIVER

Tab 1. David Gitlin, Case # 2014-03093 (p/c/p Dr. Amy Swan, Dr. Harry Reiff, Ms. Ana Martin Lavielle)

Dr. Gitlin was not present nor represented by counsel.

Dr. Harry Reiff recused himself due to his participation in this case on the Probable Cause Panel.

Dr. Gitlin is before the Board for being terminated from an impaired practitioner treatment program for failure to comply, without good cause, with the terms of the monitoring or treatment contract by voluntarily withdrawing from the Professional Resources Network (PRN) program.

Following discussion, Ms. Mary O'Brien moved to accept the investigative report into evidence for the purpose of imposing a penalty. Dr. Andrew Rubin seconded the motion, which carried 4/0.

Following discussion, Ms. Mary O'Brien moved to find the respondent was properly served and waived his right to a formal hearing. Dr. Andrew Rubin seconded the motion, which carried 4/0.

Following discussion, Ms. Mary O'Brien moved to adopt the findings of fact and conclusions of law as set forth in the Administrative Complaint and to find that this constitutes a violation of the Practice Act. Dr. Andrew Rubin seconded the motion, which carried 4/0.

Following discussion, Ms. Mary O'Brien moved to accept the Department's recommendation of a \$500.00 fine to be paid within ninety (90) days of the filing of the Final Order, \$522.28 in costs to be

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paid within ninety (90) days of the filing of the Final Order and that respondents license remain suspended until it has been determined that he is safe to practice by PRN. Dr. Andrew Rubin seconded the motion, which carried 4/0.

MOTION FOR DETERMINATION OF WAIVER AND FOR FINAL ORDER BY HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

Tab 2. Lance Pulver, Case # 2012-14553 (p/c/p Dr. Amy Swan, Dr. Luis Orta, Ms. Ana Martin Lavielle)

Dr. Pulver was not present, nor represented by counsel. Dr. Michael Herkov with PRN was present and sworn in.

Dr. Pulver is before the Board with a violation of Section 490.009(1)(p), Florida Statutes, by being unable to practice psychology with reasonable skill and safety by reason of a mental condition, including recurrent major depressive disorder, and/or use of opiates.

Following discussion, Ms. Mary O'Brien moved to accept the investigative report into evidence for the purpose of imposing a penalty. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Following discussion, Ms. Mary O'Brien moved to find the respondent was properly served and waived his right to a formal hearing. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Dr. Michael Herkov addressed the Board indicating that Dr. Pulver has been non-compliant since 2012 and there has been no contact with him since then.

Following discussion, Ms. Mary O'Brien moved to adopt the findings of fact as set forth in the Administrative Complaint and to find that this constitutes a violation of the Practice Act. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Following discussion, Ms. Mary O'Brien moved to adopt the conclusions of law as set forth in the Administrative Complaint and to find that this constitutes a violation of the Practice Act. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Following discussion, Dr. Andrew Rubin moved to accept the Department's recommendation of a \$4,346.59 in costs to be paid within ninety (90) days of the filing of the Final Order and that respondents license remain suspended until it has been determined that he is safe to practice by PRN. Dr. Harry Reiff seconded the motion, which carried 4/0.

MOTION FOR BOARD'S FINAL ORDER BY SETTLEMENT AGREEMENT

Tabs 3, 4 and 5 are combined into one Settlement Agreement.

Tab 3. Sharon Lee Peterson-Schulman, Case # 2010-09248 (p/c/p Dr. Luis Orta, Dr. Carol Webster, Dr. Herbert Goldstein, Ms. Ana Martin Lavielle)

Dr. Peterson-Schulman was not present. She was represented by Mr. Christopher Brown, Esq. with the Health Law Firm. Complainants, S.R. and J. W. were both present and sworn in and addressed the Board.

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Dr. Peterson-Schulman, when court appointed to provide a child custody evaluation for child and parents, failed to meet minimum standards of performance in court-related child custody evaluations by failing to sufficiently observe parent-child interactions, use collateral sources of information provided, corroborate information of questionable reliability, obtain written informed consent and/or signed verification of notification of confidentiality from either parent, and adhere to the APA Guidelines for Child Custody Evaluations in Divorce Proceedings. Dr. Peterson-Schulman also kept insufficient records by failing to include basic identification data and contact information for the parents, dates and type of service provided, significant actions, correspondence, conversation notes, all documents reviewed for the custody evaluations, signed written informed consent and notification regarding confidentiality from both parents, notes of service sessions with the parents or child, MMPI-2 records, and documentations of fees charged or collected.

Mr. Christopher Brown, Esq. objected to statements and documents provided to the Board by the complainant.

The following are the terms of the Settlement Agreement:

- Reprimand
- \$8,000 fine to be paid within twelve (12) months of the filing of the Final Order
- \$12,500 in costs to be paid within twelve (12) months of the filing of the Final Order
- Continuing Education-Eight (8) hours in Child Custody Evaluations, three (3) hours of Laws and Rules, three (3) hours of Record Keeping and three (3) hours of Ethics to be completed within six (6) months of the filing of the Final Order. These continuing education hours would be in addition to the regular forty (40) hours that are required for renewal.
- Temporary restriction on practice until continuing education is complete

Following discussion, Dr. Harry Reiff moved to reject the Settlement Agreement. Ms. Mary O'Brien seconded the motion, which carried 5/0.

Following discussion, Dr. Harry Reiff moved to provide a counter offer which includes the following:

- Reprimand
- \$8,000 fine to be paid within eighteen (18) months of the filing of the Final Order
- \$12,500 in costs to be paid within eighteen (18) months of the filing of the Final Order
- Continuing Education-Eight (8) hours in Child Custody Evaluations, three (3) hours of Laws and Rules, three (3) hours of Record Keeping and three (3) hours of Ethics to be completed within six (6) months of the filing of the Final Order. These continuing education hours would be in addition to the regular forty (40) hours that are required for renewal.
- Temporary restriction on practice until continuing education is complete
- Permanent restriction of practice in the area of forensic evaluations to address matters relating to child custody, dissolution of marriage, support or time sharing actions and parenting plans.
- Restriction to service as guardian ad litem or mediator, or therapist or parenting coordinator regarding child custody.

Dr. Peterson-Shulman will have thirty (30) days to respond to the counter-offer.
Ms. Mary O'Brien seconded the motion, which carried 5/0.

The disciplinary proceedings ended at approximately 10:10 a.m.

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Tab 4. Sharon Lee Peterson-Schulman, Case # 2010-05368 (p/c/p Dr. Luis Orta, Dr. Carol Webster, Dr. Herbert Goldstein, Ms. Ana Martin Lavielle)

Dr. Peterson-Schulman, after treating a child from approximately April 30, 2009 through September 30, 2009, failed to meet the minimum standard of performance by inappropriately conducting therapeutic visitation with child's father and appearing as an expert witness and rendering opinion regarding visitation between child and father in family court. Dr. Peterson-Schulman also failed to keep adequate records by including undated and unidentified notes from and unidentified source, failing to include a letter wherein she made visitation recommendations, and failing to adequately document each service session.

Tab 5. Sharon Lee Peterson-Schulman, Case # 2009-16980 (p/c/p Dr. Luis Orta, Dr. Carol Webster, Dr. Herbert Goldstein, Ms. Ana Martin Lavielle)

Dr. Peterson-Schulman treated a child for approximately six months and then terminated therapy. The child returned to Dr. Peterson-Schulman for treatment again beginning on or about November 27, 2006. Dr. Peterson-Schulman failed to meet the minimum standards of performance while treating child by appearing to testify as an expert witness on custody matters related to the child and by submitting a letter to the court with forensic findings regarding the relationships between the child and his parents related to custody.

Dr. Peterson-Schulman made misleading, deceptive, untrue or fraudulent misrepresentations by billing the child's insurance for treatment of the child in a colleagues' name, giving conflicting explanations of an incident in a letter to the court and in a statement under oath, and kept two sets of records for five service sessions that differ in substance.

PROSECUTOR'S REPORT

Tab 6. Sharmin Hibbert, Esq.

As of July 15, 2015, there were 28 open disciplinary cases in the PSU Detailed Inventory.

Under Legal Review: 16

PC recommendation made
or no PC found and not yet closed: 5

Probable cause found: 5

Cases Older than One Year:

2009: 1

2010: 2

2011: 2

2012: 1

2013: 2

Total: 8

Of the 26 open cases, 3 are in the Emergency Action Unit (EAU) and one is on appeal.

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Of the 22 cases, the three oldest cases in inventory are before the Board this meeting on a settlement agreement, two are awaiting supplemental investigation, and four will go to the next PCP meeting.

Following discussion, Dr. Harry Reiff moved to move forward with cases older than one (1) year. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Dr. Harry Reiff moved to submit a Letter of Concern to the Prosecution Services Unit regarding the number of cases that are older than a year that have not been brought forward in a reasonable amount of time. There was no second. The motion was denied.

Ms. Rachel Clark will research the possibility of using outside counsel for prosecution of cases.

The Board broke at 10:21 a.m. and reconvened at 10:37 a.m.

POST DISCIPLINARY PROCEEDINGS

PETITION FOR TERMINATION OF PROBATION

Tab 7. April Kassover, Case # 2011-18815

Dr. Kassover and her supervisor, Dr. Harvey Klein were both present and sworn in. Dr. Kassover was not represented by counsel.

Dr. Kassover 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 6, 2014, Dr. Kassover's probationary supervision was scheduled for termination on June 26, 2015.

Provided for the Board's review was all relevant documentation, including the compliance report documenting Dr. Kassover's compliance with the requirements set forth by the Board in this case.

Following discussion, Dr. Harry Reiff moved to terminate the probation. Dr. J. Drake Miller seconded the motion, which carried 5/0.

Tab 8. Kenneth Long, Case # 2008-16794

Dr. Long and his supervisor, Dr. Mary Waters were both present and sworn in. Dr. Long was not represented by counsel.

Dr. Long is before the Board as per the final order, which requires that he and his probationary supervisor appear at the last meeting before his probation is scheduled to conclude. As per the Board's order filed March 12, 2012, Dr. Long's probationary supervision is scheduled for termination on July 23, 2015.

Provided for the Board's review was all relevant documentation, including the compliance report documenting Dr. Long's compliance with the requirements set forth by the Board in this case.

Following discussion, Dr. Andrew Rubin moved to terminate the probation. Dr. Harry Reiff seconded the motion, which carried 5/0.

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REQUEST FOR EXTENSION OF ORDER ON REINSTATEMENT

Tab 9. Johann Prewett, Case #'s 2009-18055, 2009-01620, 2008-18038, 2008-15286, and 2008-16412

Dr. Prewett was present and sworn in.

Dr. Prewett is before the Board petitioning for an extension of time to comply with the payment of the outstanding balance of \$11,137.24 as required in the Order on Reinstatement filed on May 23, 2011.

Provided for the Board's review was all relevant documentation, including the compliance report documenting Dr. Prewett's compliance with the requirements set forth by the Board in this case.

Dr. Herkov with Professional Resource Network (PRN) indicated that Dr. Prewett's contract with them was terminated in May 2015.

Following discussion, Dr. Harry Reiff moved to extend the amount of time to comply with the payment from one (1) year to three (3) years. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Dr. Harry Reiff requested that Dr. Herkov attend the October 23, 2015 General Business Meeting to provide a short presentation regarding PRN.

The post discipline proceedings ended at 10:58 a.m.

ADMINISTRATIVE PROCEEDINGS

APPLICANTS FROM APA ACCREDITED PROGRAMS FOR EXAMINATION AND LICENSURE AS NOTE

Tab 10. List of Applicants

Following discussion, Dr. Harry Reiff moved to approve the list of Examination applicants for examination and licensure as noted. Dr. J. Drake Miller seconded the motion, which carried 5/0.

Following discussion, Ms. Mary O'Brien moved to approve the list of Bifurcation applicants for examination and licensure as noted. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Following discussion, Ms. Mary O'Brien moved to approve the list of Endorsement of 20 Years of Licensed Psychology Experience for examination and licensure as noted. Dr. Andrew Rubin seconded the motion, which carried 5/0.

CONTINUING EDUCATION RATIFICATION LIST

Tab 11. List of Applicants

This item has been withdrawn. No action required.

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

Tab 12. Alex Dryden

Dr. Dryden was not present nor represented by counsel.

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Dr. Dryden is requesting an extension on his Bifurcation/Examination application. Passing scores of the EPPP exam have not been completed.

Following discussion, the Board determined there has been a good faith effort to complete the exam requirements. Ms. Mary O'Brien moved to approve the request for an extension for an additional twelve (12) months. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Tab 13. Geeta Arora

Dr. Dryden was not present nor represented by counsel.

Dr. Arora is requesting an extension on her Examination application. Passing scores of the Laws and Rules exam have not been completed.

Dr. Harry Reiff noted the applicant was an internship student in his program.

Following discussion, the Board determined there has been a good faith effort to complete the exam requirements. Ms. Mary O'Brien moved to approve the request for an extension for an additional twelve (12) months. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Tab 14. Lee Ann Lehman

Dr. Lehman was not present nor represented by counsel.

Dr. Lehman is requesting an extension on her Examination application. Passing scores of the Laws and Rules exam and the EPPP exam have not been completed.

Following discussion, the Board determined there has been a good faith effort to complete the exam requirements. Ms. Mary O'Brien moved to approve the request for an extension for an additional twelve (12) months. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Tab 15. Jennifer Solomon

Dr. Solomon was not present nor represented by counsel.

Dr. Solomon is requesting an extension on her Examination application. Passing scores of the EPPP exam have not been completed.

Following discussion, the Board determined there has been a good faith effort to complete the exam requirements. Ms. Mary O'Brien moved to approve the request for an extension for an additional twelve (12) months. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Tab 16. Neeta Sookhoo

Dr. Sookhoo was not present nor represented by counsel.

Dr. Sookhoo is requesting an extension on her Bifurcation/Examination application. Passing scores of the Laws and Rules exam and the EPPP exam have not been completed.

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Following discussion, the Board determined there has been a good faith effort to complete the exam requirements. Ms. Mary O'Brien moved to approve the request for an extension for an additional twelve (12) months. Dr. Andrew Rubin seconded the motion, which carried 5/0.

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

Tab 17. List of Applicants

Dr. Alex Dryden, Dr. Leeann Lehman, Dr. Neeta Sookhoo, and Dr. Geeta Arora were all removed from the list due to the granting of extensions. Following discussion, Ms. Mary O'Brien moved to approve the amended list of applicants for file closure as noted. Dr. Harry Reiff seconded the motion, which carried 5/0.

PETITION FOR VARIANCE OR WAIVER AND REVIEW OF APPLICATION FOR LICENSURE

Tab 18. Shelley Krach Endorsement of Other State License (NV 2009)

Dr. Krach was not present nor represented by counsel.

Dr. Krach has applied for licensure under the Endorsement of other State License method. Enclosed for your review under this method is the Nevada licensure Verification form, Florida Regulations (2009) and Nevada Regulations (2009). Should the Committee determine that Dr. Krach does not meet the qualifications for Licensure by Endorsement, she has provided documentation for your consideration under the Examination w/Waiver method. Dr. Krach's post-doctoral supervisor, Dr. Paul W. Jones is deceased; therefore, she has submitted supervision forms from Nevada for the Board's consideration. She has also submitted a Petition for Variance or Waiver from Rule 64B19-11.005, F.A.C., Supervised Experience Requirements, with regard to the clinical hours accrued during her post-doctoral experience. Following discussion, Dr. Harry Reiff moved to deny the application under the Endorsement of Other State License method due to the education and experience requirements of Nevada in 2009 not being equivalent to or more stringent than Florida's requirements at that same time. Ms. Mary O'Brien seconded the motion, which carried 5/0.

Following discussion, Dr. Dean Aufderheide moved to deny the petition due to it not meeting the requirements of the underlying statute, nor will it create a hardship if the petition is not granted. Dr. Andrew Rubin seconded the motion, which carried 5/0.

Following discussion, Dr. Harry Reiff moved to request a personal appearance at the October 23, 2015 General Business Meeting to allow Dr. Krach time to file another petition documenting additional hours. Ms. Mary O'Brien seconded the motion, which carried 5/0.

Following discussion, Dr. Harry Reiff moved to amend his original motion denying the application under the Endorsement of Other State method, to denying the application with the option to withdraw within 14 days of the order.

Tab 19. Marshall Robinson

Dr. Robinson was not present nor represented by counsel.

Dr. Robinson has applied for licensure under the Exam with Waiver method. Dr. Robinson received a total of 1,620 hours of post-doctoral supervision and petitions for a variance or waiver of Rule 64B19-

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11.005, F.A.C. respectfully requesting the Board determine that his supervision be acceptable for Florida licensure.

Provided for the Board's review and action was the petition as well as the licensure application, transcripts and supervision forms from Rhode Island. Dr. Robinson has been unable to contact his supervisor to complete the Florida Supervising Psychologist Verification form.

Following discussion, Dr. Harry Reiff moved to deny the petition based on the internship and 1,620 hours of post-doctoral supervision does not meet the underlying intent of the full two (2) year requirement. Ms. Mary O'Brien seconded the motion, which carried 5/0.

Following discussion, Dr. Harry Reiff moved to request a personal appearance. Dr. Robinson may attend a conference call as he is located in Germany. Dr. Andrew Rubin seconded the motion, which carried 5/0.

The Board broke for lunch at 11:56 a.m. and reconvened at 1:14 p.m. Ms. Mary O'Brien was excused from the remainder of the meeting.

PROVISIONAL PSYCHOLOGIST – REQUEST FOR APPROVAL OF NEW SUPERVISOR

Tab 20. Sandra Martinez

Dr. Martinez was not present nor represented by counsel.

A provisional license is an option for applicants. A provisional licensee must 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.

Dr. Martinez informed the Board office on 04/24/2015 that she will no longer be supervised by Dr. Stuart Townsend. She has proposed Dr. Rafael Tapia as the new supervisor. Dr. Tapia has submitted documentation indicating his agreement to supervise Dr. Martinez.

Dr. Dean Aufderheide has granted temporary approval.

Following discussion, Dr. J. Drake Miller moved to approve Dr. Tapia as the new supervisor. Dr. Andrew Rubin seconded the motion, which carried 4/0.

Tab 21. Deborah Wiedlund

Dr. Wiedlund was not present nor represented by counsel.

A provisional license is an option for applicants. A provisional licensee must 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.

Dr. Joseph Lupo informed the Board office on 06/10/2015 that he has agreed to provide supervision to Dr. Wiedlund effective June 12, 2015. Dr. Wiedlund's current supervisor, Dr. William Oglesby is moving out of the area and will no longer be able to provide supervision. Dr. Lupo has provided the required documents indicating his agreement to supervise Dr. Wiedlund.

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Dr. Dean Aufderheide has granted temporary approval.

Following discussion, Dr. J. Drake Miller moved to approve Dr. Lupo as the new supervisor. Dr. Andrew Rubin seconded the motion, which carried 4/0.

The board has requested Dr. Lupo attend the October 23, 2015 General Business meeting to discuss how the supervision he is providing to multiple provisional licensees works remotely.

RULE STATUS REPORT

Tab 22. Rachel Clark, Assistant Attorney General

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

Rule Number	Title	Approved by Board	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-11.001	Examination	05/29/2015					

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

Rule Number	Title	Approved by Board	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-11.012	Application Forms	11/21/14	01/26/15	01/28/15	02/13/15	03/17/15	04/06/15

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

Rule Number	Title	Approved by Board	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-11.012	Application Forms	05/29/2015					

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

Rule Number	Title	Approved by Board	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-12.002	Application and Examination Fee for Licensure by Examination; Review Fee	05/29/2015					

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- Rule 64B19-12.003 F.A.C., Reexamination Fee

Rule Number	Title	Approved by Board	Sent to OFARR	Rule Dev. Published	Notice Published	Adopted	Effective
64B19-12.003	Reexamination Fee	05/29/2015					

Following discussion, Dr. Andrew Rubin moved to repeal Rule 64B19-11.006, F.A.C. and Rule 64B19-12.011 as they only repeat what is in the statute and are not necessary. Dr. J. Drake Miller seconded the motion, which carried 4/0.

Following discussion, Dr. J. Drake Miller moved that the change in Rule 64B19-11.006, F.A.C. would not have a negative impact on small businesses and 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 repeal of the rule. Dr. Andrew Rubin seconded the motion, which carried 4/0.

Following discussion, Dr. J. Drake Miller moved that the change in Rule 64B19-12.011, F.A.C. would not have a negative impact on small businesses and 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 repeal of the rule. Dr. Andrew Rubin seconded the motion, which carried 4/0.

REPORTS, IF ANY

Tab 23. Dr. Dean Aufderheide, Ph.D.
Other Board Members

Board Member Recognition
Dr. Luis Orta

The Board recognized Dr. Orta, former Board Chair, Continuing Education Committee Chair and Probable Cause Panel member, with a plaque for his service.

Tab 24. Executive Director

Report topics

- Cash Balance Reports

Informational Item

- Expenditures by Function Report

Dr. Harry Reiff requested staff follow up on and provide a description of Consulting Services expense, Advertising expense and Facility expense and provide a report at the October 23, 2015 General Business Meeting.

Dr. J. Drake Miller requested an agenda item to be added to the October 23, 2015 General Business Meeting to report on the status of a Unlicensed Activity (ULA) case he submitted to DOH.

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Tab 25. Credentials Committee Report

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

Dr. J. Drake Miller moved to ratify the recommendation of the committee. Dr. Andrew Rubin seconded the motion, which carried 4/0.

NEW BUSINESS

Tab 26. US Supreme Court Ruling in North Carolina State Board of Dental Examiners v. FTC

On February 25, 2015, the United States Supreme court issued its decision in North Carolina State Board of Dental Examiners v. Federal Trade Commission. It concluded that a state regulatory board that includes a "controlling number" of "active market participants" is not entitled to immunity from federal antitrust laws unless it can show "active state supervision."

Provided for the Board's review is the overview and potential implications of the ruling.

Dr. Harry Reiff addressed the Board stating this case has some potential implications for all regulatory boards, including psychology. An article in the May-June edition of National Psychologist magazine stated an independent institute for issuing a new kind of doctoral degree, Doctor of Behavioral Health (DBH) has been created. A doctor associated with the Board of Directors of this new doctoral program has indicated that if any state refuses a DBH a license, they will challenge it in court.

Ms. Rachel Clark and Mr. Allen Hall addressed the Board.

Dr. Harry Reiff will provide additional information from the ASPPB meeting for the January 2016 General Business Meeting.

Tab 27. Strategic Planning Activities

Lucy C. Gee, M.S., Division Director, has requested the profession representative attending the September 24, 2015 Board Chairs/Vice Chairs Annual Long-Range Planning Meeting give an update on strategic planning activities engaged in by the Board/Council.

This item has been included in the agenda to give an opportunity for discussion and provide input to the representative attending the September 24, meeting. Please consider and be prepared to discuss examples of past or future planning activities.

456.005 Long-range policy planning.—To facilitate efficient and cost-effective regulation, the department and the board, if appropriate, shall develop and implement a long-range policy planning and monitoring process that includes recommendations specific to each profession. The process shall include estimates of revenues, expenditures, cash balances, and performance statistics for each profession. The period covered may not be less than 5 years. The department, with input from the boards and licensees, shall develop and adopt the long-range plan. The department shall monitor compliance with the plan and, with input from the boards and licensees, shall annually update the plans. The department shall provide concise management reports to the boards quarterly. As part of the review process, the department shall evaluate:

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- (1) Whether the department, including the boards and the various functions performed by the department, is operating efficiently and effectively and if there is a need for a board or council to assist in cost-effective regulation.
 - (2) How and why the various professions are regulated.
 - (3) Whether there is a need to continue regulation, and to what degree.
 - (4) Whether or not consumer protection is adequate, and how it can be improved.
 - (5) Whether there is consistency between the various practice acts.
 - (6) Whether unlicensed activity is adequately enforced.
- The plans shall include conclusions and recommendations on these and other issues as appropriate.

Following discussion, Dr. Harry Reiff suggested including the effectiveness of operations, the lowering of fees, ASPPB's Plus Program and ULA Campaign at the upcoming Board Chair and Board Vice-Chair meeting.

Tab 28. Committee on Competency Assessment (CCA) Survey

The Board of Directors of the Association of State and Provincial Psychology Boards (ASPPB) has appointed the Committee on Competency Assessment (CCA) to gather information in order for the Board to determine the feasibility of developing a standardized and validated procedure to assess competency. Competence is the integrated use of knowledge, skills, attitudes, and values that are necessary to ensure the protection of the public in the professional practice of psychology. The current exam, the Examination for Professional Practice in Psychology (EPPP), is designed to assess one aspect of competence, the foundational knowledge of entry-level applicants for licensure. The proposed new exam will focus on the skills needed for competent practice and will complement the knowledge based exam that is currently administered for licensure.

If a new skills exam is developed, regulatory boards and colleges will have a sequence of examinations to assess a candidate's competency. The first exam will be the current EPPP, what they are calling for the purposes of this survey, the EPPP Step 1 and the second one will be the new skills exam, what they are calling the EPPP Step 2. This examination sequence will provide a more comprehensive assessment of a candidate's competency to practice independently.

Provided for the Board's review was information on the proposed skills exam as well as a survey the CCA has requested a response to.

The Board provided responses to the survey. Staff will submit the Board's responses.

OLD BUSINESS

Tab 29. Discussion: Section 490.014(2)(e), F.S. Exemptions

During the April 24, 2015 General Business Meeting, the Board considered a petition for a declaratory statement from Dr. Dona Locke. Dr. Locke was requesting to provide services in Florida with her Arizona and Minnesota licenses under the exemption statute Section 490.014(2)(e), F.S. The petition was approved based on Dr. Locke meeting the statute requirement of being licensed in another state. Dr. Harry Reiff requested this item be placed on the July 17, 2015 General Business Meeting agenda for further debate and discussion.

Provided for the Board's review were the minutes excerpt from the April 24, 2015 General Business Meeting as well as Section 490.014(2)(e), F.S., Exemptions.

Minutes

Following discussion, the Board determined that psychologists licensed or certified by a state or territory within the United States are automatically deemed qualified to operate under this exemption. Psychologists licensed or certified by a foreign country or province must request the Board's review to determine equivalency of licensure.

Tab 30. April 24, 2015 General Business Meeting Minutes

Dr. Harry Reiff requested that his comments regarding his request for an explanation from PSU as to the lack of cases ready to be presented for Board action be added to Tab 1.

Dr. J. Drake Miller moved to accept the minutes with the additional comments from Dr. Harry Reiff. Dr. Andrew Rubin seconded the motion, which carried 4/0.

Tab 31. May 29, 2015 Special Meeting Minutes

Dr. Harry Reiff requested to add his comments regarding the untimely notification of the exam vendor change.

Dr. J. Drake Miller moved to accept the minutes with the additional comments from Dr. Harry Reiff. Dr. Harry Reiff seconded the motion, which carried 4/0.

OTHER BUSINESS AND INFORMATION

Tab 32. ASPPB Psychology Interjurisdictional Compact (PSYPACT)

ASPPB's Board of Directors has introduced the Psychology Interjurisdictional Compact. Enclosed is a letter from Dr. Millan, ASPPB'S Past-President and Chair of the ASPPB Telepsychology Task Force, highlighting the process and future steps. Also enclosed is the final Board of Directors approved Psychology Interjurisdictional Compact language.

Informational Item

Tab 33. ASPPB Disciplinary Data Report

Informational Item

Tab 34. ASPPB Meeting Minutes

Dr. Harry Reiff provided a reminder of the upcoming ASPPB fall conference on October 7-11, 2015 in Phoenix, AZ. He plans to attend.

Tab 35. Psychology Staff Recognition

Informational Item

The meeting adjourned at 2:45 p.m.