

**DEPARTMENT OF HEALTH
BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING
APRIL 20, 2018
MINUTES
(Draft)**

**FOUR POINTS TALLAHASSEE DOWNTOWN
316 W. TENNESSEE ST.
TALLAHASSEE, FL 32301
(850) 422-0071**

Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the Board's website.

8:00 a.m. ET

Call to order - General Business Meeting

Dr. J. Drake Miller, Chair, called the general business meeting to order at approximately 8:00 a.m. Those present for all or part of the meeting included the following:

Members Present

Dr. J. Drake Miller, Psy.D., Board Chair
Dr. Andrew Rubin, Ph.D., Vice Chair
Dr. Dean Aufderheide, Ph.D.
Dr. Randi Mackintosh, Psy.D.
Dr. Catherine Drew, Ph.D.
Ms. Denny (Denny) O' Brien, J.D.

Staff Present

Allen Hall, Executive Director
Anna King, Program Operations Administrator
Tybriana Tucker, Regulatory Specialist II

Assistant Attorney General

Diane Guillemette, Esquire

Assistant General Counsel's Office

Christina Shideler, Esquire
John Wilson, Esquire

DISCIPLINARY PROCEEDINGS

SETTLEMENT AGREEMENT

1. Heather Dahl Holt, DOH Case No. 2017-00855 (p/c/p Dr. Luis Orta, Dr. Andrew Rubin and Dr. Amy Swan)

Dr. Holt was present with legal representative, Tracy M. Falkowitz, Esquire. Dr. Holt was sworn in by the court reporter. Dr. Andrew Rubin was recused from discussion on this case due to his service on the Board's probable cause panel with regard to this matter.

Dr. Holt was before the Board for violations of the following: Section 490.009(1)(w), Florida Statutes (2015), through a violation of Rule 64B19-19.0025(1), Florida Administrative Code, for failure to maintain minimum required records; and Section 456.072(1)(i), Florida Statutes (2015), for failure to report to the Department a person whom Dr. Holt knew to be in violation of Section 491.009(1)(r), Florida Statutes (2015), pertaining to the minimum standards of performance in professional activities for a registered clinical social work intern.

The Settlement Agreement included the following terms:

- Reprimand;
- \$6,000.00 fine payable within 4 years from the filing of the Final Order in this case;

- \$3,500.00 in costs payable within 4 years from the filing of the Final Order in this case;
- 25 hours of continuing education to include a specified number of hours in boundaries in mental health treatment; doing the right thing; ethics and boundary issues; ethics and law; laws and rules; and, clinical supervision;
- Appearance of Respondent and/or Respondent's attorney at the Board meeting in which the Settlement Agreement was to be considered.

During the discussion, Ms. Denny O'Brien stated that all future Settlement Agreements should specifically require Respondent's appearance.

As suggested by Board Counsel, Ms. Diane Guillemette, and agreed to by the Board and parties to the Settlement Agreement, Dr. Holt would be required to pay a minimum of equal installments on both the fine and costs per each year of the four-year payment period.

Following further discussion, Dr. Dean Aufderheide moved to accept the Settlement Agreement with the amended payment schedule. Dr. Catherine Drew seconded the motion, which carried 5/0.

PROSECUTOR'S REPORT

2. Christina Shideler, Esquire

Mr. John Wilson, Esquire, provided the prosecutor's report.

Total cases open/active in PSU: 17
 Cases under legal review: 13
 Cases in Emergency Action Unit (EAU): 1
 Cases where probable cause recommendation made: 1
 Cases where probable cause found/waived: 1
 Cases in holding status: 0
 Cases awaiting supplemental investigation: 0
 Cases undergoing expert review: 0
 Cases pending before DOAH: 0
 Cases on agenda for current/future board meeting: 1
 Cases older than one year: 8 (1 case is from 2014 and the rest in 2016-2017)

Dr. Drake Miller moved to allow Prosecution Services to continue to prosecute cases more than one (1) year old. Dr. Andrew Rubin seconded the motion, which carried 6/0.

Mr. Wilson noted that Eric Fryson, Esquire, is scheduled to fill in for Ms. Shideler when she begins an approved extended leave.

ADMINISTRATIVE PROCEEDINGS

PERSONAL APPEARANCES PURSUANT TO §456.013(3)(c), FLORIDA STATUTES

3. David Gottesfeld Endorsement of 20 Years of Licensed Psychology Experience

Dr. Gottesfeld was present and sworn in by the court reporter. Dr. Gottesfeld was not represented by legal counsel.

Dr. Gottesfeld applied for licensure under the Endorsement of 20 Years Licensed Psychology Experience method. Dr. Gottesfeld's application was originally considered by the Board at its January 2018 meeting, during which the Board determined to require Dr. Gottesfeld's personal appearance at one of the next two scheduled Board meetings.

Provided for the Board's review was the application, supporting documents and other information submitted by Dr. Gottesfeld.

Following discussion, Dr. Dean Aufderheide move to approve the application. Dr. Andrew Rubin seconded the motion, which carried 6/0.

4. Richard Scott Exam with Waiver

Dr. Scott was not present nor represented by legal counsel.

Dr. Scott applied for licensure under the Examination with Waiver method. He received his Ph.D. in psychology from Saybrook University, which did not hold APA accreditation at time of his enrollment and graduation from the program. Thereafter, Dr. Scott completed 2000 hours of post-doctoral experience. Dr. Scott then pursued a Psy.D. in clinical psychology from Nova Southeastern University, which held APA-accreditation at the time he completed that program.

During the January 2018 meeting, Dr. Scott's application was before the Board for review of his supervised experience, due to having been completed prior to his meeting Florida's educational requirements for psychologist licensure. Rule 64B19-11.005(1)(b), F.A.C., in part, defines a psychology resident or post-doctoral fellow as a person who has met Florida's educational requirements for licensure. After review and discussion, the Board required a personal appearance from Dr. Scott at one of the next two scheduled Board meetings.

Provided for the Board's review was the licensure application and other required supporting documentation.

Following discussion, Ms. Denny O'Brien moved to table to the next meeting. Dr. Catherine Drew seconded the motion, which carried 6/0.

REVIEW OF PSYCHOLOGIST LICENSURE APPLICATIONS

5. Lorraine Engl Endorsement of Other State License (NY 1995)

Dr. Engl was present and sworn in by the court reporter. Dr. Engl was not represented by legal counsel.

Dr. Lorraine Engl applied for licensure under the Endorsement of Other State License method. Dr. Engl was licensed in New York in 1995 and is currently active with good standing.

Provided for the Board's review was the application, active New York license verification and the 1995 regulations for psychologist licensure in New York and Florida.

Following discussion, Dr. Drake Miller moved to allow Dr. Engl to withdraw her application, as it was determined that the 1995 New York licensure regulations were not substantially equivalent to those in Florida in that same year. Dr. Andrew Rubin seconded the motion, which carried 6/0. The Board recommended that Dr. Engl consider the ABPP Endorsement method of application.

6. Mark Vogel Endorsement of Other State License

Dr. Vogel was not present nor represented by legal counsel.

Dr. Mark Vogel applied for licensure under Endorsement of Other State License method. Dr. Vogel was licensed in New York in 1979 and is active with good standing.

Provided for the Board's review was the application, active license verification and the 1979 regulations for psychologist licensure in New York and Florida.

Following determination that the 1979 New York licensure regulations were not substantially equivalent to those in Florida in that same year, Dr. Drake Miller moved to deny licensure and allow the applicant 14 days to withdraw. Ms. Denny O'Brien seconded the motion, which carried 6/0.

7. Elena Negron-Chaves Endorsement of Other State License (NY 2007)

Dr. Negron-Chaves was not present nor represented by legal counsel.

Dr. Elena Negron-Chaves applied for licensure under the Endorsement of Other State License method. Dr. Negron-Chaves was licensed in New York in 2007 and is active with good standing.

Provided for the Board's review was the licensure application, active license verification and the 2007 regulations for psychologist licensure in New York and Florida.

After determination that the 2007 regulations in New York were not substantially equivalent to those in Florida in the same year, Dr. Drake Miller moved to deny the application with allowance for the applicant to change to the Examination with Waiver application method or withdraw within 14 days. Dr. Andrew Rubin seconded the motion, which carried 6/0. Dr. Miller asked that staff inquire with the New York Board as to its criteria for approval of doctoral psychology programs.

LICENSURE RATIFICATION LISTS

8. Licensed Psychologists

Dr. Drake Miller moved to approve the list of psychologists for licensure as noted. Dr. Andrew Rubin seconded the motion, which carried 6/0.

9. Licensed Provisional Psychologists

Dr. Drake Miller moved to approve the list of provisional psychologists for licensure as noted. Dr. Randi Mackintosh seconded the motion, which carried 6/0.

10. Licensed Limited Psychologists

No action required by the Board, as there were no Limited Psychologist licenses issued since the January 8, 2018 Board meeting.

CONTINUING EDUCATION RATIFICATION LIST

11. List of Applicants

Dr. Catherine Drew moved to approve the list of Continuing Education providers. Ms. Denny O'Brien second the motion, which carried 6/0.

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

12. Diana Amodeo

Dr. Amodeo was not present nor represented by legal counsel.

Dr. Diana Amodeo requested an extension of time to complete the requirements for licensure due to specified hardships.

Following discussion, Ms. Denny O'Brien moved to approve the request for extension for an additional twelve (12) months from the date of the meeting. Dr. Andrew Rubin seconded the motion, which carried 6/0.

13. Willie Bankston

Dr. Bankston was not present nor represented by legal counsel.

Dr. Willie Bankston requested an extension of time to complete the requirements for licensure due to specified hardships.

Following discussion, Dr. Randi Mackintosh moved to approve the request for extension for an additional twelve (12) month from the date of the meeting. Dr. Catherine Drew seconded the motion, carried 6/0.

14. Nathalia Betancourt-Kolosick

Dr. Betancourt-Kolosick was not present nor represented by legal counsel.

Dr. Nathalia Betancourt-Kolosick requested an extension of time to complete the requirements for licensure due to specified hardships.

Following discussion, Dr. Catherine Drew moved to approve the request for extension for an additional twelve (12) months from the date of the meeting. Dr. Drake Miller seconded the motion, which carried 6/0.

15. Kim Conradson

Dr. Conradson was not present nor represented by legal counsel. Dr. Miller recused himself from this consideration due to his stated personal interactions with this applicant.

Dr. Kim Conradson requested an extension of time to complete the requirements for licensure due to specified hardships.

Following discussion, Dr. Andrew Rubin moved to approve the request for extension for an additional twelve (12) months from the date of the meeting. Ms. Denny O'Brien seconded the motion, which carried 5/0.

16. Maria Duarte

Dr. Duarte was not present nor represented by legal counsel.

Dr. Maria Duarte requested an extension of time to complete the requirements for licensure due to specified hardships.

Following discussion, Dr. Andrew Rubin approved request for extension for an additional twelve (12) months from the meeting. Ms. Denny O'Brien seconded the motion, which carried 6/0.

17. Harleen Hutchinson

Dr. Hutchinson was not present nor represented by legal counsel.

Dr. Harleen Hutchinson requested an extension of time to complete the requirements for licensure due to specified hardships.

Following discussion, Ms. Denny O'Brien approved request for extension for an additional twelve (12) months from the meeting. Dr. Andrew Rubin seconded the motion, which carried 6/0.

18. Yoslane Mesa-Jimenez

Dr. Mesa-Jimenez was not present.

Dr. Yoslane Mesa-Jimenez requested an extension of time to complete the requirements for licensure due to specified hardships.

Following discussion, Dr. Drake Miller approved the request for extension for an additional twelve (12) months from the meeting. Dr. Andrew Rubin seconded the motion, which carried 6/0.

19. Johanna Rengifo Nevarez

Dr. Rengifo Nevarez was not present.

Dr. Johanna Rengifo Nevarez request for extension for time allowed to complete the requirement for licensure due personal problems.

Following discussion, Dr. Randi Mackintosh approved the request for extension for an additional (12) months from the date of the meeting. Dr. Andrew Rubin seconded the motion, which carried 6/0.

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

20. List of Applicants

Following discussion, Dr. Drake Miller moved to ratify the amended file closure list and deny the remaining applicants on the list including the following: Dr. Danielle Koskey, Dr. Lawrence Simon, Dr. Lauren Day, Dr. Lisa Garcia and Dr. Jeanne Kimura. Dr. Andrew Rubin seconded the motion, which carried 6/0.

PROVISIONAL PSYCHOLOGIST – REQUEST FOR APPROVAL OF NEW SUPERVISOR

21. Sophia Demorizi

Dr. Sophia Demorizi informed the Board office 02/02/2017 that she will no longer be supervised by Dr. Maria Luz Valcourt-Rodriguez. She proposed Dr Jay Wienstein as the new supervisor. Dr. Wienstein submitted documentation indicating his agreement to supervise Dr. Demorizi

Following discussion, Ms. Denny O'Brien moved to approve the new supervisor. Dr. Catherine Drew seconded the motion, which carried 6/0.

22. Justin Clary

Dr. Justin Clary informed the Board office he would no longer be supervised by Dr. C. Moreira-Harris, PY8133, and provided an updated supervisory agreement with Dr. Ava Colantuono Land, PY 4857, effective April 2, 2018. On April 3, 2016 the Board Chair temporarily approved the proposed supervisor.

Following discussion, Dr. Randi Mackintosh motion to approve new supervisor. Dr. Andrew Rubin seconded the motion, which carried 6/0.

23. Le Ann Marie Egan

Dr. Le Ann Marie Egan informed the Board office she would no longer be supervised by Dr. Cindy Moreira-Harris, PY8133, and provided an updated supervisory agreement with Dr. Ava Colantuono Land, PY 4857, effective April 2, 2018. On April 3, 2018, the Board Chair temporarily approved the proposed supervisor.

Following discussion, Ms. Denny O'Brien motion to approve the new supervisor. Dr. Catherine Drew seconded the motion, which carried 6/0.

The Board Chair requested a break at 8:57 a.m. to resume at 9:20 a.m.

PETITION FOR SPECIALTY BOARD APPROVAL

24. American Board of Correctional Psychology

Dr. Dean Aufderheide recused himself from discussion and voting to present this agenda item as the American Board of Correctional Psychology's (ABCP's) representative. Dr. Aufderheide provided verbal amendments to the material presented to the Board.

During the discussion, Dr. Aufderheide indicated his intention to serve as Executive Director of the ABCP, noting that he will resign from the psychology board in October 2018, prior to beginning his service in that role.

Dr. Drake Miller moved to approve the ABCP as a specialty certifying body. Dr. Randi Mackintosh seconded the motion, which carried 5/0.

RULES REVIEW AND/OR DEVELOPMENT

25. Rule 64B19-17.002, F.A.C., Disciplinary Guidelines

Ms. Diane Guillemette, Assistant Attorney General, provided the following amended rule language for the Board's consideration in response to February 2018 correspondence received from the Joint Administrative Procedures Committee (JAPC):

64B19-17.002 Disciplinary Guidelines.

(1) When the Board finds that an applicant or a licensee has committed any of the acts set forth in Section 456.072(1) or 490.009(2), F.S., it shall issue a final order imposing one or more of the penalties listed in Section 456.072(2), F.S., as recommended in the following disciplinary guidelines. The descriptions of violations are only a summary; the full language of each statutory provision cited must be consulted in order to determine the conduct involved. The guidelines are presented provision cited must be consulted in order to determine the conduct involved. The guidelines are presented as a range of penalties that may be imposed.

VIOLATION	FIRST OFFENSE	SUBSEQUENT OFFENSE(S)
(a) through (f) No change.	No change.	No change.

(g) Knowingly aiding, assisting, procuring, or advising a non-licensed person. (Sections 490.009(1)(g) and 456.072(1)(j), F.S.)	Reprimand or probation, and \$1,000 to \$5,000 <u>fine</u> .	No change.
(h) through (l) No change.	No change.	No change.
(m) Soliciting through fraud, intimidation, undue influence, etc. (Section 490.009(1)(m), F.S.) If fraud or fraudulent misrepresentations.	Reprimand and/or suspension, and \$1,000 to \$5,000 fine. Suspension and \$10,000 fine.	No change.
(n) through (r)	No change.	No change.
(s) Negligence. (Section 490.009(1)(r), F.S.)	Reprimand or suspension, and \$1,000 to \$5,000 <u>fine</u> .	No change.
(t) through (kk) No change.	No change.	No change.

(2) through (3) No change.

Rulemaking Authority 456.079, 490.004(4) FS. Law Implemented 456.072, 456.079, 490.009 FS. History--New 11-24-86, Amended 7-18-88, 4-26-93, Formerly 21U-18.003, Amended 6-14-94, Formerly 61F13-18.003, Amended 1-9-96, Formerly 59AA-17.002, Amended 9-18-97, 9-26-01, 3-25-02, 4-3-05, 1-2-06, 12-31-06, 2-18-10, 6-21-17, _____.

Dr. Drake Miller moved to approve the amended rule language. Ms. Denny O'Brien seconded the motion, which carried 6/0.

Dr. Drake Miller moved the proposed amended language should not be designated as a minor violation for first time offenses. Ms. Denny O'Brien seconded the motion, which carried 6/0.

Ms. Denny O'Brien moved that the proposed amended language would not have an adverse impact on small business nor have an economic impact on government or any other entity in excess of \$200,000 within one year of the rule being implemented. Dr. Catherine Drew seconded the motion, which carried 6/0.

RULE STATUS REPORT

26. Assistant Attorney General, Diane Guillemette, Esquire

- Rule 64B19-11.0035, F.A.C., Licensure by Examination: Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination
- Rule 64B19-17.002, F.A.C., Disciplinary Guidelines

Ms. Guillemette noted that Rules 64B19-11.010, .011 and .012, F.A.C., regarding the limited, provisional and full psychologist licensure applications were recently opened for rule development.

NEW BUSINESS

27. Proposed 2019 Meeting Dates

The Board agreed to the following proposed dates and suggested the locations indicated.

- January 25th – Miami or Orlando

- April 26th – Sarasota or Tampa
- July 26th – Ft. Lauderdale or Ft. Myers
- October 25th – Tallahassee or Pensacola

28. Review of Psychology Fees

At the request of the Board Chair, several fees defined in Rule Chapter 64B19-12, F.A.C., were reviewed for possible reduction.

Following discussion, the Board agreed to seek a reduction of the biennial active licensure renewal fee from \$295 to \$200. Ms. Guillemette recommended and the Board agreed to specify a time limitation for the reduction.

Mr. Hall will request that the MQA Budget Analyst provide the Board with an analysis and projections on how the proposed change might impact the Board's financial status.

OLD BUSINESS

29. January 19, 2018 General Business Meeting Minutes

Dr. Drake Miller moved to approve the January 19, 2018 meeting minutes. Ms. Denny O'Brien seconded the motion, which carried 6/0.

REPORTS, IF ANY

30. J. Drake Miller, Psy.D.

- Other Board Members:
- Dr. Andrew Rubin, Healthiest Weight Updates, if any

Dr. Miller reported that he had the opportunity to review exam questions and test statistics with Professional Testing, with whom the Department of Health is contracted to provide the Florida laws and rules examination for psychologist licensure. Dr. Miller requested additional subject matter experts from the Board. Dr. Rubin agreed to serve as a subject matter expert. Dr. Miller asked that Ms. King notify Professional Testing and also extend an invitation to the organization to attend a future Board meeting.

31. Executive Director

Report topics:

- Cash Balance Reports
- Expenditures by Function Report

Mr. Hall provided brief comments regarding the Ch. 215, F.S., sweeps of the MQA trust fund.

OTHER BUSINESS AND INFORMATION

32. ASPPB Disciplinary Data Report

Informational item.

33. ASPPB Meeting Minutes

Informational item.

34. Psychology Staff Recognition

Informational item.

Adjournment: 9:59 p.m.