

Florida
Board of Psychology

Draft Minutes

JANUARY 25, 2019
BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING

DOUBLETREE BY HILTON
711 NW 72ND AVENUE
MIAMI, FL 33126
(305) 261-3800



VACANT
Chair

Dr. Andrew Rubin
Vice Chair

Minutes

**DEPARTMENT OF HEALTH
BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING
January 25, 2019
AGENDA**

**DOUBLETREE BY HILTON
711 NW 72ND AVENUE
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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. Andrew Rubin, Chair, called the general business meeting to order at approximately 8:05 a.m. Those present for all or part of the meeting included the following:

MEMBERS PRESENT

Andrew Rubin, Ph.D., Vice Chair
Dr. Catherine Drew, Ph.D.
Dr. Randi Mackintosh, Psy.D
Mary (Denny) O'Brien, J.D

STAFF PRESENT

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

ASSISTANT ATTORNEY GENERAL

Diane Guillemette, Esq.

ASSISTANT GENERAL COUNSEL

Christina Shideler, Esq.

COURT REPORTER

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POST-DISCIPLINARY PROCEEDING

MOTION FOR RECONSIDERATION OF FINAL ORDER

1. Harry A. Kesten, Ph.D., Case #2017-07680 (PCP: Dr. Andrew Rubin and Dr. Amy Swan)

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

Dr. Michael Herkov was present on behalf of PRN. Dr. Rubin recused due to being on the PCP Panel.

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Following review, Ms. O'Brien moved to reconsider terms of probation outlined in Department of Health final order, DOH-19-0013-F01-MQA filed in this case on January 9, 2019. Dr. Randi Mackintosh seconded the motion, which carried 3/0.

Following discussion, Ms. O'Brien remove probation as a penalty in this case. Dr. Randi Mackintosh seconded the motion, which carried 3/0.

PROSECUTOR'S REPORT

2. Christina Shideler, Esquire

Total Cases open/active in PSU: 32
Cases in EAU: 0
Cases under legal review: 27
Cases where PC Recommendation made: 2
Total Cases where PC has been found: 3
Cases in holding status: 0
Cases pending before DOAH: 0
Cases Agendaed for Board: 1
Cases on Appeal: 0
Year Old Cases: 14

Dr. Rubin moved to continue Prosecution of cases older than one (1) year. Ms. O'Brien seconded the motion, which carried 4/0.

ADMINISTRATIVE PROCEEDINGS

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

3. Stephanie Hovda Examination with Waiver

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

Dr. Hovda applied for licensure under the Examination with Waiver method. She received her Psy.D. in Clinical Psychology from George Fox University, which held APA accreditation at the time Dr. Hovda was enrolled and graduated.

During the August 2018 Board Meeting, Dr. Hovda's application was before the Board for review. Upon review, a personal appearance was required of Dr. Hovda at one of the next two scheduled meetings, pursuant to Section 456.013(3)(c), F.S.

Dr. Hovda previously responded that she would attend the October 19th meeting, however, provided a statement explaining her inability to attend when the meeting was cancelled and rescheduled for November 8th.

Provided for the Board's review was the application and supporting documents.

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Following discussion, Dr. Miller moved to approve application for licensure with conditions to completion of PRN evaluation. When ready to relocate to Florida, Dr. Hovda is to notify the Board office. Must complete PRN evaluation according to the following timeframe. Contact PRN with 30-day schedule evaluation, with 60-day evaluation, and complete an evaluation within 90 days. Ms O'Brien seconded the motion, which carried 4/0.

REVIEW OF PSYCHOLOGIST LICENSURE APPLICATIONS

4. Lindsay Coyle Examination with Waiver

Dr. Coyle's application was before the Board on November 8, 2018 for consideration under the Endorsement of Other State Method. The Board determined to deny the application under Endorsement of Other State, however allowed for either withdrawal of application or change to a different application method.

On 12/12/2018 Dr. Coyle notified the Board Office that she would like to change her method to Examination with Waiver. Dr. Coyle has provided from Alliant International University which indicates a major in Forensic Psychology with an inference in Clinical. She has also provided a letter from the program director further explaining the degree. It is unclear whether this program is the same as the APA accredited PhD Clinical Psychology program. Additional information will be provided from the APA in an addendum.

Provided for the Board's review was the application and all relevant supporting documentation.

Following discussion, Dr. Rubin moved to deny application. Dr. Randi Mackintosh seconded the motion, which carried 4/0.

5. John Lacy Endorsement of Other State

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

Dr. John Lacy has applied for licensure under the Endorsement of Other State License method. Enclosed for the Board's review is the application, the 2018 Texas regulations as well as the regulations of Florida that were in effect at that same time. The applicant's statement and related documentation is provided for the Board's review.

Following discussion, the Board determined the 2018 Texas licensure regulations were not substantially equivalent to or more stringent than those in Florida in that same year. Dr. Rubin moved to deny under the Endorsement of Other State License application method with allowance to withdraw his application or change his application to a qualified method within 14 days. Dr. Randi Mackintosh seconded the motion, which carried 4/0.

6. Michael Caruso Endorsement of Other State

Dr. Caruso was not present, nor represented by counsel.

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Dr. Michael Caruso has applied for licensure under the Endorsement of Other State License method. Enclosed for the Board's review is the application, the 1983 Texas regulations as well as the regulations of Florida that were in effect at that same time. Additionally, Dr. Caruso responded affirmatively to question 24 in the disciplinary history section regarding actions taken by the TX BOP in 1991. All relevant documents and the applicant's statement is provided for the Board's review.

Following discussion, the Board determined the 1983 Texas licensure regulations were not substantially equivalent to or more stringent than those in Florida in that same year. Dr. Mackintosh moved to deny under the Endorsement of Other State License application method with allowance to withdraw his application or change his application to a qualified method within 14 days. Dr. Rubin seconded the motion, which carried 4/0.

7. Sean Bresnahan Endorsement of Other State

Dr. Bresnahan was not present, nor represented by counsel.

Dr. Sternberg has applied for licensure under the Endorsement of Other State License method. Enclosed for the Board's review is the application, the 1979 Connecticut regulations as well as the regulations of Florida that were in effect at that same time.

Following discussion, the Board determined the 1979 Connecticut licensure regulations were not substantially equivalent to or more stringent than those in Florida in that same year. Dr. Rubin moved to deny under the Endorsement of Other State License application method with allowance to withdraw his application or change his application to a qualified method within 14 days. Ms. O'Brien seconded the motion, which carried 4/0.

8. Kristi Alexander Endorsement of Other State

Dr. Kristi Alexander has applied for licensure under the Endorsement of Other State License method. Enclosed for the Board's review is the application, the 2007 California regulations as well as the regulations of Florida that were in effect at that same time.

Following discussion, the Board determined the 2007 California licensure regulations were not substantially equivalent to or more stringent than those in Florida in that same year. Dr. Drew moved to deny under the Endorsement of Other State License application method with allowance to withdraw his application or change his application to a qualified method within 14 days. Ms. O'Brien seconded the motion, which carried 4/0.

9. David Lawson Endorsement of Other State

Dr. Lawson was not present, nor represented by counsel.

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Dr. David Lawson has applied for licensure under the Endorsement of Other State License method. Enclosed for the Board's review is the application, the 2000 Virginia regulations as well as the regulations of Florida that were in effect at that same time.

Following discussion, the Board determined the 2000 California licensure regulations were not substantially equivalent to or more stringent than those in Florida in that same year. Dr. Rubin moved to deny under the Endorsement of Other State License application method with allowance to withdraw his application or change his application to a qualified method within 14 days. Ms. O'Brien seconded the motion, which carried 4/0.

10. Constance Ratliffe Endorsement of Other State

Dr. Ratliffe was not present, nor represented by counsel.

Dr. Constance Ratliffe has applied for licensure under the Endorsement of Other State License method. Enclosed for the Board's review is the application, the 2005 California regulations, 1999 Michigan regulations as well as the regulations of Florida that were in effect at that same time.

Following discussion, the Board determined the 2005 California and 1999 Michigan licensure regulations were not substantially equivalent to or more stringent than those in Florida in both years. Dr. Rubin moved to deny under the Endorsement of Other State License application method with allowance to withdraw his application or change his application to a qualified method within 14 days. Dr. Drew seconded the motion, which carried 4/0.

REVIEW OF MATERIAL CHANGE IN LICENSURE APPLICATION

**** At this point in the meeting, the Vice Chair requested a break at 9:13 a.m. to convene at 9:30 a.m.***

The Board Vice Chair moved to Addendum Tabs 33 –34.

ADDENDUM

33. Michael Greenberg Endorsement of Other State

Dr. Greenberg was not present, nor represented by counsel.

Dr. Michael Greenberg has applied for licensure under the Endorsement of Other State License method. Enclosed for the Board's review is the application, the 2018 California, Virginia, and Michigan regulations as well as the regulations of Florida that were in effect at that same time.

Following discussion, the Board determined the 2018 California, Virginia, and Michigan licensure regulations were not substantially equivalent to or more stringent than those in Florida in that same year. Dr. Rubin moved to deny under the Endorsement of Other State License application method with allowance to withdraw his application or change

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Dr. Rubin moved to approve the list of psychologists for licensure as noted. Dr. Drew the motion, which carried 4/0.

12. Licensed Provisional Psychologists

Dr. Rubin moved to approve the list of provisional psychologists for licensure as noted. Ms. O'Brien second the motion, which carried 4/0.

13. Licensed Limited Psychologists

Dr. Rubin moved to approve the list of limited psychologists for licensure as noted. Dr. Mackintosh second the motion, which carried 4/0.

CONTINUING EDUCATION RATIFICATION LIST

14. List of Applicants

Dr. Drew moved to approve the list of continuing education providers and medical errors course applicants as noted. Dr. Rubin seconded the motion, which carried 4/0.

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

15. Audrey Dawson

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

Dr. Dawson an extension of time allowed to complete the requirements for licensure.

Following discussion, Dr. Mackintosh moved to approve the request for an extension for an additional twelve (12) months from the original file closure date. Ms. Drew seconded the motion, which carried 4/0.

16. Blanca Lopez-Suarez

Dr. Lopez-Suarez was not present nor represented by legal counsel.

Dr. Lopez-Suarez requested an extension of time allowed to complete the requirements for licensure.

Following discussion, Dr. Drew moved to approve the request for an extension for an additional twelve (12) months from the original file closure date. Ms. O'Brien seconded the motion, which carried 4/0.

17. James Rosado

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

Dr. Rosado requested an extension of time to complete the requirements for licensure.

Minutes

Following discussion, Ms. O'Brien moved to approve the request for an extension for an additional twelve (12) months from the file closure date. Dr. Rubin seconded the motion, which carried 4/0.

18. Tracy Alloway

Dr. Tracy Alloway was not present nor represented by legal counsel.

Dr. Alloway requested an extension of time to complete the requirements for licensure.

****Dr. Drew recused herself because she works with Dr. Alloway.***

Following discussion, Dr. Drew moved to approve the request for an extension for an additional twelve (12) months from the file closure date. Ms. O'Brien seconded the motion, which carried 3/0.

19. Lena Dobson

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

Dr. Dobson requested an extension of time allowed to complete the requirements for licensure.

Following discussion, Dr. Rubin moved to approve the request for an extension for an additional twelve (12) months from the original file closure date. Dr. Drew seconded the motion, which carried 4/0.

The Board Vice Chair moved to Addendum Tabs 35 –36.

ADDENDUM

35. Yamaris Bobe

Dr. Yamaris Bobe was not present nor represented by legal counsel.

Dr. Bobe requested an extension of time allowed to complete the requirements for licensure.

Following discussion, Ms. O'Brien moved to approve the request for an extension for an additional twelve (12) months from the original file closure date. Dr. Mackintosh seconded the motion, which carried 4/0.

36. Zaylee Otero-Martinez

Dr. Zaylee Otero-Martinez was not present nor represented by legal counsel.

Dr. Otero-Martinez requested an extension of time allowed to complete the requirements for licensure.

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Following discussion, Dr. Rubin moved to approve the request for an extension for an additional twelve (12) months from the original file closure date. Dr. Drew seconded the motion, which carried 4/0.

At this point in the meeting, the Board moved to Tab 20.

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

20. List of Applicants

Following review and action on extension applications, the file closure list was amended to reflect four (4) applicants that failed to submit evidence of completion of the requirements for licensure within 24 months of approval to sit for the required examination(s).

Following discussion, Dr. Miller moved to ratify the file closure list. Dr. Aufderheide seconded the motion, carried 4/0.

RULES REVIEW AND/OR DEVELOPMENT

21. Rule 64B19-12.005, F.A.C., Biennial Active Renewal Fee

During the November 2018 meeting, Dr. Aufderheide request this rule be amended to reduce the biennial active renewal fee of veterans of the Armed Forces of the United States to \$100.00.

Following discussion, the Board voted to amend Rule 64B19-11.005, F.A.C., to clarify that supervision of both hours of clinical experience may be done by HIPPA complaint video. The Board also approved changing the text in Paragraph (2)(c) 3.b. of this rule from “additional” hour to “remaining” hour.

During the October meeting, Ms. Guillemette presented draft language incorporating the requested changes. Dr. Miller moved to adopt the rule text with amendments to Paragraphs (2)(c)3. a. and (2)(c)3. b. to further clarify the ability to use HIPPA compliant video for both hours of clinical supervision. Dr. Aufderheide seconded the motion, which carried 4/0.

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

Provided for the Board’s review was updates to the re-examination application for the EPPP and the Florida Laws & Rules Exam

- Re-Examination Application/National Exam
- Re-Examination Application/Laws and Rules Exam

Dr. Rubin moved to approved draft rule text for both forms and Dr. Drew seconded the motion, which carried 4/0.

Dr Rubin also approved that the proposed rule change would not constitute a minor violation. Dr. Drew seconded the motion, which carried 4/0.

RULE OF ASSISTANT ATTORNEY GENERAL, DIANE GUILLEMETTE, ESQUIRE

23. Rule Status Report

Ms. Guillemette provided an update on the status of the following rules, all of which were still moving through the rule promulgation process at the time of this report.

- Rule 64B19-11.005, F.A.C., Supervised Experience
- Rule 64B19-11.010, F.A.C., Limited Licensure
- Rule 64B19-11.011, F.A.C., Provisional License; Supervision of Provisional Licensees
- Rule 64B19-11.012, F.A.C., Application Forms

NEW BUSINESS

24. 2019 Delegation of Authority

The Delegation of Authority reviewed and approved annually, facilitates administrative efficiency and documents when individuals or entities have been delegated to act on behalf of a Board/Council.

Each Board/Council is invited to review, make changes if necessary, and approve the 2019 delegation.

Following discussion, Dr. Rubin moved to approve the 2019 Delegation of Authority and Dr. Drew seconded the motion, which carried 4/0.

25. 2019 Conviction Record Guidelines

The Conviction Record Guidelines, reviewed and approved by the Boards/Councils, are used by staff to assist in determining which licensure applications require individual consideration at the quarterly meetings. Board/Council review of every applicant that reports a conviction of any kind, regardless of when the issue occurred, would be an inefficient process. As minor convictions and some more serious convictions, where significant time has elapsed, are generally not considered grounds for denial, a screening process based upon specific criteria allows the Board/Council to focus on applicants who may pose a risk to the public.

Each Board/Council is invited to review, make changes if needed, and approve the 2018 Conviction Record Guidelines.

Following discussion, Dr. Rubin moved to approve the Conviction Record Guidelines as written. Dr. Dr. Catherine Drew seconded the motion, which carried 4/0.

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26. 2019 Board Elections

2019 PSYCHOLOGY BOARD OFFICERS & LIAISONS ELECTIONS

January 25, 2019

Position	2018 Assignments	2019 Assignments
Chair	VACANT	
Vice Chair	Andrew Rubin, Ph.D.	
ASPPB Delegate	Andrew Rubin, Ph.D.	
Budget Liaison	VACANT	
Continuing Education Liaison	Catherine Drew, Ph.D. Andrew Rubin, Ph.D. (CE Liaison Back-Up)	
Credentials Liaison	Randi Mackintosh, Psy.D.	
Healthy Weight Liaison	Andrew Rubin, Ph.D.	
Legislative Liaison	Randi Mackintosh, Psy.D.	
Unlicensed Activity Liaison	Mary O'Brien, J.D.	
Examination Liaison	VACANT	

Probable Cause Panel – As Currently Appointed by Board Chair	
PCP Chair	VACANT
Past Board Member	Dr. Amy Swan
Current Board Member	Dr. Andrew Rubin

Following review, Dr. Andrew Rubin moved to approve the list of candidate assignment as nominated. Dr. Catherine Drew seconded the motion, which carried 4/0.

BOARD CHAIR: Dr. Andrew Rubin

VICE CHAIR: Dr. Randi Mackintosh

BUDGET LIASION: Ms. O'Brien

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EXAMINATION LIASION: Dr. Catherine Drew and Dr. Randi Mackintosh

PCP CURRENT BOARD MEMBER & PCP CHAIR: Dr. Catherine Drew

27. Proposed 2020 Meeting Dates

- January 24, 2020
- April 24, 2020
- July 24, 2020
- October 30, 2020

Following discussion, Allen mentioned Board Chair and Vice Chair meeting may occur around May 30 or May 31. Dr. Catherine Drew mentioned a potential conflict with March 24 PCP meeting date.

OLD BUSINESS

28. November 8, 2018 General Business Meeting Minutes

Following discussion, Dr. Rubin moved to approve the updated minutes. Ms. O'Brien seconded the motion, which carried 4/0.

REPORTS, IF ANY

29. Andrew S. Rubin

- Other Board Members:

30. Executive Director

Report topics:

- Cash Balance Reports
- Expenditures by Function Report

Mr. Hall informed the Board there were preliminary considerations to move licensure renewals from a biennial to quadrennial timeframe. After discussion, the Board indicated it had no issues with this potential change and were in favor of pursuing the quadrennial option.

OTHER BUSINESS AND INFORMATION

31. ASPPB Disciplinary Data Report

No action taken. Informational item.

32. Psychology Staff Recognition

No action taken. Informational item.

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Adjournment: 10:10 a.m.