
The Florida
Board of Psychology

**Draft Minutes
April 26, 2019
BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING**

**EMBASSY SUITES-TAMPA USF
3705 SPECTRUM BLVD
TAMPA, FL 33612
(844) 205-1785**



**Dr. Andrew Rubin
Chair**

**Dr. Randi Mackintosh
Vice Chair**

Minutes

**DEPARTMENT OF HEALTH
BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING
April 26, 2019
AGENDA**

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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.

Call to order - General Business Meeting

GENERAL BUSINESS MEETING

Dr. Andrew Rubin, Chair, called the general business meeting to order at approximately 8:04 a.m. Those present for all or part of the meeting, included the following:

MEMBERS PRESENT

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

STAFF PRESENT

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

SENIOR ASSISTANT ATTORNEY GENERAL

Deborah Loucks, Esq.

ASSISTANT GENERAL COUNSEL

Christina Shideler, Esq.

COURT REPORTER

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DISCIPLINARY PROCEEDINGS

MOTION FOR BOARD'S FINAL ORDER BY SETTLEMENT AGREEMENT

1. Robert S. Rosen, Ph.D., DOH Case No. 2016-16402 (p/c/p Dr. Luis Orta, Dr. Amy Swan and Dr. Andrew Rubin)

Dr. Robert S. Rosen was present and sworn in. Dr. Rosen was represented by Christopher L. Schultz, Esquire. Dr. Andrew Rubin was recused from the discussion on this case due to his service on the Board's probable cause panel with regard to this matter.

Dr. Rosen was before the Board for violation of the following: Section 490.009(1)(r), Florida Statutes (2015), failure to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities of which the licensee is not qualified by training or experience.

The Settlement Agreement included the following terms:

- Reprimand;
- Fine in the amount of \$2,000 payable within 6 months from the filing of the Final Order in this case;
- Costs in the amount of \$3,447.11 payable within 6 months from the filing of the Final Order in this case;
- Continuing education in the amount of 17 hours, online or in person, to include 10 hours in Ethical Boundaries in Balancing the Power Dynamic in the Therapist Patient Relationship; 1 hour in Boundaries in Clinical Practice; 6 hours in Laws and Ethics; and
- Appearance of Respondent at the Board meeting in which the Settlement Agreement was to be considered.

Following discussion, Dr. Drew moved to accept the Settlement Agreement as presented. Ms. O'Brien seconded the motion, which carried 3/0.

PROSECUTOR'S REPORT

2. Christina Shideler, Esq.

Total Cases open/active in PSU: 32

- Cases in EAU: 0
- Cases under legal review: 21
- Cases where PC Recom made: 4
- Total Cases where PC has been found: 7
- Cases in holding status: 0
- Cases pending before DOAH: 0
- Cases Agendaed for Board: 0
- Cases on Appeal: 0
- Year Old Cases: 15

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Dr. Rubin moved to continue prosecuting cases older than 1 year. Dr. Drew seconded the motion, which carried 4/0.

ADMINISTRATIVE PROCEEDINGS

REVIEW OF PSYCHOLOGIST LICENSURE APPLICATIONS

3. Patricia Dow-Nelson Examination with Waiver

Dr. Dow-Nelson was not present nor represented by legal counsel.

Dr. Dow-Nelson applied for licensure under the Examination with Waiver of the National Examination for Professional Practice in Psychology (EPPP) method. Dr. Dow-Nelson documented satisfaction of all except the 2000-hour post-doctoral supervision requirements. Due to the unavailability of her supervisor to complete Florida's forms. Dr. Dow-Nelson provided the forms she originally submitted to the New Jersey Board of Psychological Examiners for licensure. The Board reviewed the forms provided to determine whether that supervised experience comported to Florida's requirements.

Following discussion, Dr. Drew moved to require a personal appearance to obtain further clarification regarding the applicant's supervised experience. Ms. O'Brien seconded the motion, which carried 4/0.

4. Joycelyn Wildgoose Endorsement of Other State

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

Dr. Wildgoose applied for licensure under the Endorsement of Other State License method. Provided for the Board's review were 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 Virginia licensure regulations were equivalent to those in Florida in that same year. Dr. Randi Mackintosh moved to approve the application under the Endorsement of Other State License application method. Dr. Andrew Rubin seconded the motion, which carried 4/0.

5. Darla Slicton Endorsement of Other State

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

Dr. Slicton applied for licensure under the Endorsement of Other State License method. Provided for the Board's review were the application, the 2016 Colorado regulations as well as the regulations of Florida that were in effect at that same time.

Following discussion, the Board determined the 2016 Colorado 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 her application within 14 days. Dr. Mackintosh seconded the motion, which carried 4/0.

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6. Danielle Martines Endorsement of Other State

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

Dr. Martines applied for licensure under the Endorsement of Other State License method. Provided for the Board's review were the application, the 2017 Ohio regulations as well as the regulations of Florida that were in effect at that same time.

Following discussion, the Board determined the 2017 Ohio 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 her application within 14 days. Dr. Rubin seconded the motion, which carried 4/0.

5. Cris Johnston Endorsement of Other State

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

Dr. Johnston applied for licensure under the Endorsement of Other State License method. Enclosed for the Board's review is the application, the 1985 Minnesota regulations as well as the regulations of Florida that were in effect at that same time.

Following discussion, the Board determined the 1985 Minnesota 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 within 14 days. Ms. O'Brien seconded the motion, which carried 4/0.

6. Laura Ellick Endorsement of Other State/Examination with Waiver

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

Dr. Ellick applied for licensure under the Endorsement of Other State License method. Provided for the Board's review were the application, the 2001 New York regulations as well as the regulations of Florida that were in effect at that same time. Prior to the meeting, Dr. Ellick submitted a written request that should the Board move towards denial of the application under Endorsement of Other State License, she would like to be considered under the Examination with Waiver of the National EPPP method.

Following discussion, the Board determined the 2001 New York 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. Dr. Drew seconded the motion, which carried 4/0.

Dr. Rubin moved to allow the application to be withdrawn within 14 days. Dr. Mackintosh seconded the motion, which carried 4/0.

Thereafter, the Board considered Dr. Ellick's application and material under the Examination with Waiver method. Following discussion, Dr. Rubin moved to approve the application under the Examination with Waiver method. Dr. Mackintosh seconded the motion, which carried 4/0.

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7. Zulma Sella Nieves Endorsement of Other State

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

Dr. Nieves applied for licensure under the Endorsement of Other State License method. Provided for the Board's review were the application, the 2017 New York regulations as well as the regulations of Florida that were in effect at that same time.

Following discussion, the Board determined the 2017 New York 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. Ms. O'Brien seconded the motion, which carried 4/0.

Dr. Rubin moved to allow the application to be withdrawn within 14 days. Dr. Mackintosh seconded the motion, which carried 4/0.

8. Erich Grommet Endorsement of Other State

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

Dr. Grommet applied for licensure under the Endorsement of Other State License method. Provided for the Board's review were the application, the 2019 New York regulations as well as the regulations of Florida that were in effect at that same time.

Following discussion, the Board determined the 2019 New York 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 within 14 days. Dr. Mackintosh seconded the motion, which carried 4/0.

9. Robert McAlister Endorsement of Other State

Dr. McAlister was not present or represented by legal counsel.

Dr. McAlister applied for licensure under the Endorsement of Other State License method. Provided for the Board's review were the application, the 2010 California regulations as well as the regulations of Florida that were in effect at that same time.

Following discussion, the Board determined the 2010 California licensure regulations were not substantially equivalent to or more stringent than those in Florida in that same year. Dr. Andrew Rubin moved to deny under the Endorsement of Other State License application method. Ms. Denny O'Brien seconded the motion, which carried 4/0. Dr. Rubin moved to allow the application to be withdrawn within 14 days. Dr. Drew seconded the motion, which carried 4/0.

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PETITION FOR VARIANCE OR WAIVER AND REVIEW OF LICENSURE APPLICATION

12. Alicia Laconich Bifurcation/Examination – International Education

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

Dr. Laconich applied under the Bifurcation/Examination-International Education application method, which requires as follows: 1) proof the government in which the training institution was located officially recognized the program for training in the practice of professional psychology; 2) a comparability letter from an APA-accredited program director stating applicant's program was equivalent to an APA-accredited psychology program; and 3) proof of doctoral-level psychology degree and internship equivalence by a Board-approved credentials evaluation service. If approved by the Board, Dr. Laconich would also be required to complete the EPPP and Florida laws and rules examinations as well as submit proof of completion of a 2000-hour post-doctoral supervised experience prior to licensure.

Dr. Laconich filed a Petition for Variance or Waiver of Rule 64B19-11.0035, F.A.C., Licensure by Examination: Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination, due to her stated inability to obtain the required APA Comparability Letter.

Following discussion, Dr. Rubin moved to deny the petition for variance as a result of there not being not being substantiation that Dr. Laconich had otherwise met the intent of the underlying statute. Dr. Randi Mackintosh seconded the motion, which carried 4/0.

Thereafter, Dr. Laconich waived the 90 days for Board action on her application for licensure, which allows her application to still be open to pursue the required documentation.

PETITION FOR HEARING

13. Saba Adhal Examination

No Board action was required on this item. The applicant's attorney sent in a Notice of Voluntary Dismissal of the petition and Dr. Adhal reapplied and was approved to resume the licensing process prior to the meeting.

LICENSURE RATIFICATION LISTS

14. Licensed Psychologists

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

15. 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.

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CONTINUING EDUCATION RATIFICATION LIST

16. 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.

17. Cathleen O'Hare

Dr. O'Hare was not present nor represented by legal counsel.

Dr. O'Hare 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. Ms. O'Brien seconded the motion, which carried 4/0.

18. Corey Milsap

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

Dr. Milsap 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. Ms. O'Brien seconded the motion, which carried 4/0.

19. Donna Wilson-Brown

Dr. Wilson-Brown was not present nor represented by legal counsel.

Dr. Wilson-Brown 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. Ms. O'Brien seconded the motion, which carried 4/0.

20. Joseph Bragg

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

Dr. Bragg 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. Ms. O'Brien seconded the motion, which carried 4/0.

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21. Jessenia Perez-Carrion

Dr. Perez-Carrion was not present nor represented by legal counsel.

Dr. Perez-Carrion 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. Ms. O'Brien seconded the motion, which carried 4/0.

22. Kimberly Tarman

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

Dr. Tarman 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. Ms. O'Brien seconded the motion, which carried 4/0.

23. Krista Kovatch

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

Dr. Kovatch 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. Mackintosh seconded the motion, which carried 4/0.

24. Leehy Gavi

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

Dr. Gavi 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. Ms. O'Brien seconded the motion, which carried 4/0.

25. Yadira Mir

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

Dr. Mir 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. Ms. O'Brien seconded the motion, which carried 4/0.

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

26. 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. Rubin moved to ratify the file closure list excluding those granted an extension or licensed prior to the Board meeting. Dr. Mackintosh seconded the motion, carried 4/0.

PETITION FOR DECLARATORY STATEMENT

27. Diana M. Trevouledes re: Section 490.003(4), F.S., Definition of the Practice of Psychology and Section 490.014, F.S., Exemptions

Following discussion, Dr. Rubin moved to affirm students still met criteria for exemption given the scenarios noted in the petition. Dr. Drew seconded the motion, which carried 4/0.

Dr. Lisa Costas address the Board with a general update regarding the Argosy transition.

RULES REVIEW AND/OR DEVELOPMENT

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

Mr. Hall provided a legislative update including bills that might be of interest to the Board. He explained that the Department of Health bills stalled in mid-April. Mr. Hall requested the Board approve rule text consistent with the proposed amendments to the psychology licensure regulations within the Department of Health bill, contingent on the bill being passed.

Ms. O'Brien move to approve the proposed rule text below contingent on bill passage. Dr. Rubin seconded the motion, which carried 4/0.

Proposed Rule Text:

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

(1) U.S. ~~and Canadian~~ Education.

(a) Institution: Applicant must have received a Ph.D. in Psychology, a Psy.D., or an Ed.D. in Psychology from an institution of higher learning recognized and approved by the U.S. States Department of Education ~~or recognized as a member in good standing with the Association of Universities and Colleges of Canada;~~ and,

(b) Program: Applicant's degree must have been obtained from a program accredited by the American Psychological Association (APA).

(c) Proof may be provided by:

1. A true copy of the applicant's transcript sent directly to the Board, or
2. Electronic submission through the National Student Clearinghouse, or

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3. Electronic submission through the Association of State and Provincial Psychology Board's (ASPPB) Mobility Program, or

4. Electronic submission through the National Register of Health Service Psychologists.

(2) International Education:

(a) Institution: Applicant's who obtained a degree outside of the United States or ~~Canada~~ must provide proof that the institution was officially recognized by the government of the country in which it is located as an institution to train students to practice professional psychology; and,

(b) Program: An original, signed letter on official letterhead sent directly to the Board from the director of a doctoral psychology program accredited by the accrediting agency recognized and approved by the United States Department of Education. The letter shall state that the Applicant's Program is equivalent to a psychology program accredited by APA and enumerate the exact documents that were reviewed in determining comparability.

(c) Proof of degree and internship equivalence must be provided by a Board approved education credentials evaluation service.

Rulemaking Authority 490.004(4), 490.005(1)(b) F.S. Law Implemented 490.003(3), 490.005 F.S. History--New 1-7-96, Formerly 59AA-11.0035, Amended 12-4-97, 9-20-98, 11-24-98, 1-25-00, 10-12-11, 11-26-17, 3-15-18.

Dr. Rubin moved the proposed rule amendments would not have an adverse impact on small business nor directly or indirectly increase regulatory costs in excess of \$200,000 within one year of the rule being implemented in Florida. Ms. O'Brien seconded the motion, which carried 4/0.

Dr. Rubin moved that no violation of the proposed rule be deemed a minor violation. Ms. O'Brien seconded the motion, which carried 4/0.

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

Dr. Rubin moved to approve the following proposed rule text and the proposed revised application form contingent on bill passage. Ms. O'Brien seconded the motion, which carried 4/0.

Proposed Rule Text:

64B19-11.012 Application Forms.

(1) All applicants for licensure pursuant to chapter 490, F.S., shall complete and submit form DH-MQA 1187, (~~revised 11/18-04/19~~), "State of Florida Application for Licensure As A Psychologist," which is incorporated herein by reference and which may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-10234>, the Board office, or at <http://floridapsychology.gov/applications/psychology-licensure-app.pdf>.

(2) All applicants for licensure pursuant to chapter 490, F.S., who have ever held a license to practice psychology or a related profession shall complete and submit PY FORM 1.VERIF (rev. 10/01), "Licensure/Certification Verification Form," effective 6-25-02, which is incorporated herein by reference and which may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-10234>, the Board office, or at <https://floridapsychology.gov/applications/license-verification-form.pdf>.

(3) An applicant who is a diplomate in good standing with the American Board of Professional Psychology, Inc., and who wishes to apply for licensure by endorsement pursuant to section 490.006(1)(b), F.S., shall submit as part of his or her application PY FORM 4.abpp (rev. 10/01), "ABPP Diplomate Verification Form," effective 6-25-02, which is incorporated herein by reference and which may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-10234>, the Board office, or at <https://floridapsychology.gov/applications/abpp-diploma-verification-form.pdf>.

Rulemaking Authority 456.013, 456.025, 490.004(4), 490.005 F.S. Law Implemented 456.013, 456.025, 456.0635, 490.005,

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490.006, 490.007(1) FS. History—New 6-25-02, Amended 5-24-09, 3-1-10, 5-23-10, 11-10-11, 6-18-12, 12-25-12, 10-28-13, 5-1-14, 11-2-14, 4-6-15, 12-3-15, 4-21-16, 9-27-16, 11-23-17, 2-18-19.

Dr. Rubin moved the proposed rule amendments would not have an adverse impact on small business nor directly or indirectly increase regulatory costs in excess of \$200,000 within one year of the rule being implemented in Florida. Ms. O'Brien seconded the motion, which carried 4/0.

Dr. Rubin moved that no violation of the proposed rule be deemed a minor violation. Ms. O'Brien seconded the motion, which carried 4/0.

REPORT OF ASSISTANT ATTORNEY GENERAL, DEBORAH LOUCKS, ESQUIRE

30. Rules Status Report:

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

OLD BUSINESS

31. January 25, 2019 General Business Meeting Minutes

It was noted a correction was needed on Page 5, Line 23, regarding the state of endorsement listed.

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

REPORTS, IF ANY

- ### 32. Andrew S. Rubin, Ph.D.
- Other Board Members:

No reports were provided by the Board Chair or other Board members.

33. Executive Director

Report topics:

- Cash Balance Report
- Expenditures by Function Report

No action taken. Informational item.

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OTHER BUSINESS AND INFORMATION

34. ASPPB Disciplinary Data Report

No action taken. Informational item.

35. Psychology Staff Recognition

No action taken. Informational item.

Adjournment: 9:30 a.m.