

Minutes

**The Florida
Board of Psychology**

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

**HOLIDAY INN TALLAHASSEE EAST CAPITOL-UNIV
2003 APALACHEE PARKWAY
TALLAHASSEE, FLORIDA 32301
(850) 792-8300**



**Dr. Andrew Rubin
Chair**

**Dr. Randi Mackintosh
Vice Chair**

Minutes

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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.

1 **Call to Order - General Business Meeting**

2 **GENERAL BUSINESS MEETING**

3 **Dr. Andrew Rubin, Chair, called the general business meeting to order at approximately**
4 **8:08 a.m. Those present for all or part of the meeting, included the following:**

5 **MEMBERS PRESENT**

6 Dr. Andrew Rubin, Chair
7 Dr. Randi Mackintosh, Vice Chair
8 Dr. Catherine Drew
9 Ms. Mary (Denny) O'Brien, J.D.

STAFF PRESENT

Allen Hall, Executive Director
Anna King, Program Administrator

10 **ASSISTANT ATTORNEYS GENERAL**

11 Ronald Jones, Esq.
12 Robert Milne, Esq.

ASSISTANT GENERAL COUNSEL

Chad Dunn, Esq.

13 **COURT REPORTER**

14 Phipps Reporting
15 Judy Martin, Stenographic Reporter
16 Direct Number: (301) 542-3377
17 Office Number: (888) 811-3408
18 Website: www.phippsreporting.com
19 Email: judym3549@gmail.com
20

DISCIPLINARY PROCEEDINGS

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

21 1. Lauren Kavanaugh-Wallace, DOH Case No. 2018-28628 (p/c/p Dr. Catherine Drew & Dr.
22 Amy Swan)

23 Dr. Kavanaugh-Wallace was not present nor represented by an attorney. Dr. Catherine Drew
24 was recused from the discussion on this case due to her service on the Board's probable cause
25 panel regarding this matter. Mr. Chad Dunn, Chief Prosecutor of the DOH Prosecution Services
26 Allied Health Unit, presented the case to the Board.

Minutes

27 Dr. Kavanaugh-Wallace was before the Board for violation of Section 490.009(1)(r), Florida
28 Statutes (2017), which subjects a psychologist to discipline for having a license to practice a
29 comparable profession revoked, suspended, or otherwise acted against, including the denial of
30 certification or licensure by another state, territory, or country. Dr. Kavanaugh-Wallace's license
31 to practice psychology was revoked by the North Carolina Psychology Board on May 10, 2018.

32 **MOTION:** Ms. O'Brien moved to find the Respondent was properly served and waived the right
33 to elect a formal hearing; to accept the investigative report into evidence; and to adopt the
34 findings of fact as set forth in the Administrative Complaint. The motion was seconded by Dr.
35 Mackintosh and carried with a 3/0 vote.

36 **MOTION:** Ms. O'Brien made a motion to adopt the conclusions of law as set forth in the
37 complaint and that it constituted a violation of the Practice Act. The motion was seconded by Dr.
38 Rubin and carried with a 3/0 vote.

39 The Department recommended revocation of the Respondent's license and noted the
40 disciplinary guidelines would allow for the Board to impose a fine at their discretion.

MOTION: Following discussion, Ms. O'Brien moved for revocation of the license and imposition
of a \$100 fine payable within 60 days of the filing of the final order. Dr. Mackintosh seconded
the motion, which carried 3/0.

41 **MOTION:** Dr. Mackintosh made a motion for Respondent to pay costs of \$85.44 within 60 days
42 of the filing of the final order. Dr. Rubin seconded the motion and carried with a 3/0 vote.

MOTION FOR BOARD'S FINAL ORDER BY SETTLEMENT AGREEMENT

43 2. Laura Bimbo Smith, DOH Case No. 2017-11623 (p/c/p Dr. Catherine Drew & Dr. Amy
Swan)

44 Dr. Smith was present and was represented by Attorney Bruce Lamb, Esq. Dr. Catherine Drew
45 was recused from the discussion on this case due to her service on the Board's probable cause
46 panel regarding this matter.

47 Dr. Smith was before the Board for an alleged violation of Section 490.009(1)(r), Florida
48 Statutes (2016-2017), which provides that failing to meet the minimum standards of
49 performance in professional activities when measured against generally prevailing peer
50 performance, including the undertaking of activities for which the licensee is not qualified by
51 training or experience, constitutes ground for discipline.

52 The Settlement Agreement signed by the Respondent was presented by the Department and
53 included the following:

- 54 ➤ Letter of Concern;
- 55 ➤ Fine in the amount of \$2,500 payable within 1 year from the filing of the final order in this
56 case;
- 57 ➤ Costs in the amount of \$2,500 payable within 1 year from the filing of the final order in
58 this case;

Minutes

92 After review of the supporting documents provided, the Board noted the New York supervision
93 verification forms showed Dr. Martin only completed 1,820 hours of post-doctoral supervised
94 experience. Florida requires 2,000 hours of post-doctoral supervision. Due to the lack of
95 documentation for the deficient 180 hours, the applicant could not be approved under the
96 Examination with Waiver method.

97 Following further discussion, Dr. Martin changed her application method to Bifurcation/
98 Examination with Waiver, which would allow the Board to consider approval of the applicant to
99 sit for the licensure examinations while she sought to document the remaining hours of
100 supervised experience required for licensure.

101 **MOTION:** Dr. Rubin moved to approve the application under the Bifurcation/Examination with
102 Waiver method. Dr. Mackintosh seconded the motion, which carried 4/0.

5. Michael Tamburino Examination with Waiver

103 Dr. Michael Tamburino was present and sworn in at the meeting but was not represented by an
104 attorney.

105 Dr. Tamburino applied for licensure under the Examination with Waiver of the National EPPP
106 method. Dr. Tamburino documented satisfaction of all except the supervision requirements,
107 which required further review by the Board. All relevant documentation was presented for the
108 Board's consideration. If approved, the applicant would be required to complete the Florida laws
109 and rules examination for licensure.

110 **MOTION:** Following discussion, Dr. Drew moved to approve the application under the
111 Examination with Waiver method. Ms. O'Brien seconded the motion, which carried 4/0.

112

113 6. David Lawson Examination with Waiver

114 Dr. David Lawson was present and sworn in at the meeting but was not represented by an
115 attorney.

116 Dr. Lawson was previously denied for licensure under the Endorsement of Other State method
117 at the January 25, 2019 meeting, with the opportunity to withdraw or change application
118 methods. Dr. Lawson requested through email on February 28, 2019 to change to the
119 Examination with Waiver (of the National EPPP) method.

120 Dr. Lawson documented satisfaction of all except the supervision requirements, which required
121 further review by the Board. Dr. Lawson provided his supervised experience form from the
122 Virginia state board for review along with a comparison of his supervised experience to Florida's
123 supervision verification requirements.

124 All relevant documentation was provided for the Board's consideration. If approved, the
125 applicant would be required to complete the Florida laws and rules examination for licensure.

126 **MOTION:** Following discussion, Dr. Drew moved to approve the application under Examination
127 with Waiver. Ms. O'Brien seconded the motion, which carried 4/0.

Minutes

- 128 7. Diana Chavez Bifurcation/Examination with Waiver
- 129 **Dr. Diana Chavez was present and sworn in at the meeting but was not represented by an**
130 **attorney.**
- 131 Dr. Chavez applied for licensure and was approved for licensure under the Bifurcation/
132 Examination with Waiver method pending submission of documentation of her 2000-hour post-
133 doctoral residency. Dr. Chavez successfully completed the laws and rules exam and was only
134 pending approval of her post-doctoral supervision.
- 135 Dr. Chavez submitted Supervision forms from the California Board for the Board's review as the
136 supervisor could not be located to fill out the Florida form. Provided for the Board's review was
137 the application and supporting supervision verification documents.
138
- 139 **MOTION:** Following discussion, Dr. Mackintosh moved to approve the supervision verification
140 hours from California as the last documents needed for licensure. Ms. O'Brien seconded the
141 motion, which carried 4/0.
- 142 8. Fabian Consbruck Bifurcation/Examination with Waiver
- 143 Dr. Fabian Consbruck was present and sworn in at the meeting but was not represented by an
144 attorney.
- 145 Dr. Consbruck met all requirements under the Bifurcation/Examination with Waiver method.
146 However, his application was before the Board due to his "yes" response to a history question
147 on his application. Provided for the Board's review was the application and related supporting
148 documents.
- 149 **MOTION:** Following discussion, Ms. O'Brien moved to approve the application under
150 Bifurcation/ Examination with Waiver method. Dr. Mackintosh seconded the motion, which
151 carried 4/0.
- 152 9. Thomas Coghlan Endorsement of Other State License
- 153 Dr. Thomas Coghlan was not present at the meeting nor represented by an attorney.
- 154 Dr. Coghlan applied for licensure under the Endorsement of Other State License method.
155 Provided for the Board's review was the application, the 2013 New York regulations as well as
156 the regulations of Florida that were in effect at that same time. If denied under the Endorsement
157 of Other State method, the applicant requested the Board review his application under the
158 Examination with Waiver of National EPPP requirements.
- 159 Dr. Coghlan received his Psy.D in Clinical Psychology from Yeshiva University, which held APA
160 accreditation at the time Dr. Coghlan was enrolled and graduated. He was licensed as a
161 psychologist in New York on 07/22/2013.
- 162 Provided for the Board's review was the application and other related supporting documents.
- 163 **MOTION:** Following discussion, Dr. Rubin moved to approve the application under the
164 Examination with Waiver method. Dr. Mackintosh seconded the motion, which carried 4/0.
165

Minutes

166 10. Gabrielle Stutman Endorsement of Other State License

167 Dr. Stutman was not present at the meeting nor represented by an attorney.

168 Dr. Gabrielle Stutman applied for licensure under the Endorsement of Other State License
169 method. Provided for the Board's review was the application, the 1982 New York regulations as
170 well as the regulations of Florida that were in effect at that same time.

171 **MOTION:** Following discussion, Dr. Rubin moved to approve the application under the
172 Endorsement of Other State method. Dr. Mackintosh seconded the motion, which carried 4/0.

173 11. Jonelle Ensign Endorsement of Other State License

174 Dr. Jonelle Ensign was present and sworn in at the meeting but was not represented by an
175 attorney.

176 Dr. Ensign applied for licensure under the Endorsement of Other State License method.
177 Provided for the Board's review was the application, the 2018 Indiana regulations as well as the
178 regulations of Florida that were in effect at that same time.

179 Following discussion, the Board was moving toward denial of the application under the
180 Endorsement of Other State License method, finding that the 2018 Indiana regulations for initial
181 licensure were not substantially equivalent to or more stringent than those in Florida at that time.

182 Consequently, Dr. Ensign stated she would like to withdraw her application to avoid a record of
183 application denial.

184 ***The Board Chair moved to Addendum Tab 30. ***

ADDENDUM REVIEW OF PSYCHOLOGIST LICENSURE APPLICATIONS

185

30. Mary Lewis Examination with Waiver

186 Dr. Lewis was not present at the meeting nor represented by an attorney.

187 Dr. Lewis' application was before the board due to her "yes" response to a history question on
188 her application as well as review of her post-doctoral supervision verification forms.

189 All relevant documentation was provided for the Board's consideration. If approved, the
190 applicant would be required to complete the Florida laws and rules examination for licensure.

191 **MOTION:** Following discussion, Dr. Drew moved to approve the application under the
192 Examination with Waiver method. Ms. O'Brien seconded the motion, which carried 4/0.

193 ***The Board Chair moved to Tab 12. ***

194 12. Alicia Ayala Laconich Bifurcation/Examination - Internationally Trained

195 Dr. Laconich was present and sworn in and represented by Attorney William Dillon, Esq.

Minutes

196 Dr. Laconich applied under the Bifurcation/Examination-International Education application
197 method, which requires as follows: 1) proof that the government of the country in which the
198 training institution was located officially recognized same for training in the practice of
199 professional psychology; 2) a comparability letter from an APA-accredited program director
200 stating applicant's program was equivalent to an APA-accredited psychology program; and 3)
201 proof of doctoral-level psychology degree and internship equivalence by a Board- approved
202 credentials evaluation service. If approved by the Board, the applicant must also complete the
203 EPPP and Florida laws and rules examinations as well as submit proof of completion of a
204 2000-hour post-doctoral supervised experience prior to licensure.

205 Dr. Laconich filed a Petition for Variance or Waiver of Rules 64B19-11.0035(2)(b) and 64B19-
206 11.005(1)(c), (2) and (3), F.A.C., to allow for acceptance of the required comparability letter
207 from a "former" director of an APA-accredited program and to have supervised experience
208 previously completed outside of the U.S. accepted in satisfaction of Florida's 2000-hour post-
209 doctoral experience requirements.

210 **MOTION:** Following discussion, Dr. Mackintosh moved to grant the petition and approve the
211 application under the initial examination application method, as the Board accepted the noted
212 experience by granting her petition. Dr. Drew seconded the motion, which carried 4/0.

213 LICENSURE RATIFICATION LISTS

214 13. Licensed Psychologists

215 Dr. Mackintosh stated she attended graduate school with one of the applicants on the
216 ratification list but did not believe it would create a bias requiring her to abstain from voting on
217 this item.

218 **MOTION:** Dr. Rubin moved to approve the list of psychologists for licensure as noted. Dr. Drew
219 seconded the motion, which carried 4/0.

220 14. Licensed Provisional Psychologists

221 **MOTION:** Dr. Rubin moved to approve the list of provisional psychologists for licensure as noted.
222 Dr. Drew seconded the motion, which carried 4/0.

223 15. Licensed Limited Psychologist

224 **MOTION:** Dr. Rubin moved to approve the list of limited psychologists for licensure as noted. Ms.
225 O'Brien seconded the motion, which carried 4/0.

226 CONTINUING EDUCATION RATIFICATION LIST

227 16. List of Applicants

228 **MOTION:** Dr. Drew moved to approve the list of continuing education providers and medical
229 errors course applicants as noted. Dr. Mackintosh seconded the motion, which carried 4/0.

Minutes

230 APPLICATION EXTENSION RATIFICATION LIST

231 17. List of Applicants

232 Dr. Rubin moved to approve the application extension ratification list of individuals granted
233 additional time to complete the requirements for licensure pursuant to Rule 64B19-11.0075(2),
234 F.A.C. Ms. O'Brien seconded the motion, which carried 4/0.

235 ***The Board chair moved to addendum Tab 31. ***

ADDENDUM

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

31. Mariceli O'Neill

237 Dr. O'Neill requested an extension time to complete outstanding requirements for licensure.
238 Upon consideration, the Board Chair determined to have the full Board review and determine
239 whether an extension should be granted.

240 **MOTION:** Following discussion, Ms. O'Brien moved to grant a 12-month extension beyond the
241 applicant's original application file closure date of August 24, 2019. Dr. Mackintosh seconded
242 the motion, which carried 4/0.

243 ***The Board chair moved to Tab 18. ***

244

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

246 18. List of Applicants

247 **MOTION:** Following discussion, Dr. Rubin moved to ratify the file closure list, as amended, to
248 remove Dr. O'Neill, who was granted an extension by the full Board. Dr. Mackintosh seconded
249 the motion, which carried 4/0.

250 REPORT OF ASSISTANT ATTORNEY GENERAL, DIANE GUILLEMETTE, ESQUIRE

19. Rules Status Report

- 251
- Rule 64B19-11.001, F.A.C., Examination
 - 252 • Rule 64B19-12.005, F.A.C., Biennial Active Renewal Fee
 - 253 • Rule 64B19-11.0035, F.A.C., Licensure by Examination: Proof Satisfactory to
 - 254 the Board for the Purpose of Determining Eligibility for Examination

Minutes

| Rule Number | Rule Title | Date Rule Language Approved by Board | Date Sent to OFARR | Rule Development Published | Notice Published | Adopted | Effective |
|---------------|--|--------------------------------------|--------------------|----------------------------|---|----------|-----------|
| 64B19-11.001 | Examination | 11/08/18 | 03/13/19 | 03/21/19 | 04/08/19 04/10/19 – japc ltr 04/29/19 – atty response 04/29/19 – japc letter 05/23/19 - TOLLED 05/23/19 – japc ltr 05/30/19 – atty response 08/21/19 – atty response | 09/18/19 | 10/08/19 |
| 64B19-12.005 | Biennial Active Renewal Fee | 01/25/19 | 04/17/19 | 04/25/19 | 05/13/19 05/24/19 – japc ltr 06/04/19 – atty response 08/05/19 – TOLLED 08/05/19 – japc ltr 08/07/19 – atty response 08/28/19 - WITHDRAWN | | |
| 64B19-11.0035 | Licensure by Examination: Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination | | 08/28/19 | 09/05/19 | | | |

255 20. 2019/2020 Annual Regulatory Plan

256 During the August 2019 meeting, the Board delegated Ms. O’Brien to collaborate with Ms.
257 Guillemette on preparation of the 2019/2020 Annual Regulatory Plan. The final plan was
258 presented to the Board for review and ratification.

259 **MOTION:** Following discussion, Dr. Rubin moved to ratify the plan as presented. Dr. Drew
260 seconded the motion, which carried 4/0.

261
262 **NEW BUSINESS**

263 21. Proposed Amendments to Section 490.006, F.S., Licensure by Endorsement –
264 National Register of Health Service Psychologists Credential (HSP) and Association of
265 State & Provincial Psychology Board’s Certificate of Professional Qualification in
266 Psychology (CPQ)

267 During the August 2019 Board meeting, the National Register of Health Service Psychologists
268 presented a proposal to amend Section 490.006, F.S. The proposed amendment would allow
269 for endorsement of its Health Service Psychologist (HSP) credential for Florida psychologist
270 licensure.

271 Due to concerns raised about the potential impact on school psychologist licensing, the Board
272 tabled further discussion to the October 2019 meeting and expressed interest in receiving
273 additional information regarding the ASPPB’s CPQ.

274 During the current meeting, the Board’s was provided overviews of the requirements for each
275 credential as well as two drafts of proposed amendment language for Section 490.006, F.S. The
276 first proposal addressed the addition of the HSP only. The second proposal addressed addition
277 of both the HSP and CPQ.

278 **MOTION:** Following discussion, Ms. O’Brien tabled for further discussion at a future Board
279 meeting. Dr. Drew seconded the motion, which carried 4/0.

Minutes

22. Financial Reports

No action taken. Informational item

280 **OLD BUSINESS**

281 23. April 14, 2019 General Business Meeting Minutes

282 **MOTION:** Dr. Rubin moved to approve the April 2019 Meeting Minutes. Ms. O'Brien seconded
283 the motion, which carried 4/0.

284 **REPORTS, IF ANY**

285 24. Andrew S. Rubin, Ph.D., Chair

- 286
 - Other Board Members:

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

288 25. Executive Director

289 Report topics:

- 290
 - Cash Balance Report
 - Expenditures by Function Report

292 These reports were provided for informational purposes only.

293 **OTHER BUSINESS AND INFORMATION** (Items that do not require Board action)

294 26. ASPPB Disciplinary Data Report

295 No action taken. Informational item.

296 27. Psychology Staff Recognition

297 Presented as informational items.

298 28. Spotlight on ULA – Winter 2019

299 No action taken. Informational item.

300 **ADDENDUM**

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

303 During the August 2019 Meeting, the Board agreed to amend the rule text for Rule 64B19-
304 11.0035, F.A.C., to allow former APA program directors to prepare APA comparability letters for
305 internationally trained applicants.

306 In Ms. Guillemette's absence, Mr. Milnes presented the following proposed rule language for the

Minutes

307 Board's review:

308 **64B19-11.0035 Licensure by Examination: Proof Satisfactory to the Board for the**
309 **Purpose of Determining Eligibility for Examination.**

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

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

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

317 (c) Proof may be provided by:

318 1. A true copy of the applicant's transcript sent directly to the Board, or

319 2. Electronic submission through the National Student Clearinghouse, or

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

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

323 (2) International Education:

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

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

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

334 *Rulemaking Authority 490.004(4), 490.005(1)(b) FS. Law Implemented 490.003(3), 490.005 FS. History—New*
335 *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-*
336 *18.*

337 **MOTION:** Following discussion, Ms. O'Brien moved to promulgate the rule. Dr. Rubin seconded
338 the motion, which carried 4/0.

339 The Board unanimously agreed the proposed rule language would not have an adverse impact
340 on small business nor have an economic impact on government or any other entity in excess of
341 \$200,000 within one year of the rule being implemented.

342 The Board unanimously agreed the proposed rule language should not be designated as a
343 minor violation for first-time offenses. Ms. Sarah Gray seconded the motion, which carried 4/0.

344 **ADJOURNMENT**

345 There being no further business before the Board, the meeting adjourned at 10:16 a.m.