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 8:08 a.m. Those present for all or part of the meeting, included the following:

5 MEMBERS PRESENT                      STAFF PRESENT
6 Dr. Andrew Rubin, Chair              Allen Hall, Executive Director
7 Dr. Randi Mackintosh, Vice Chair    Anna King, Program Administrator
8 Dr. Catherine Drew
9 Ms. Mary (Denny) O’Brien, J.D.

10 ASSISTANT ATTORNEYS GENERAL       ASSISTANT GENERAL COUNSEL
11 Ronald Jones, Esq.                Chad Dunn, Esq.
12 Robert Milne, 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. Amy Swan)

23 Dr. Kavanaugh-Wallace was not present nor represented by an attorney. Dr. Catherine Drew was recused from the discussion on this case due to her service on the Board’s probable cause panel regarding this matter. Mr. Chad Dunn, Chief Prosecutor of the DOH Prosecution Services Allied Health Unit, presented the case to the Board.
Dr. Kavanaugh-Wallace was before the Board for violation of Section 490.009(1)(r), Florida Statutes (2017), which subjects a psychologist to discipline for having a license to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country. Dr. Kavanaugh-Wallace’s license to practice psychology was revoked by the North Carolina Psychology Board on May 10, 2018.

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

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

The Department recommended revocation of the Respondent’s license and noted the 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.

**MOTION:** Dr. Mackintosh made a motion for Respondent to pay costs of $85.44 within 60 days 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**

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

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

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

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

- Letter of Concern;
- Fine in the amount of $2,500 payable within 1 year from the filing of the final order in this case;
- Costs in the amount of $2,500 payable within 1 year from the filing of the final order in this case;
Continuing education in the amount of 6 hours in laws and rules and a course titled, *Ethical Slippery Slopes: From Good Intentions to Blurred Boundaries,* within 1 year from the date of filling the final order; and Appearance of Respondent at the Board meeting in which the Settlement Agreement was to be considered.

**MOTION:** Following discussion, Ms. O’Brien moved to accept the Settlement Agreement. Dr. Mackintosh seconded the motion, which carried 3/0.

**PROSECUTOR’S REPORT**

3. Christina Shideler, Assistant General Counsel

In Ms. Shideler’s absence, Mr. Dunn presented the Prosecutor’s Report outlining the current status of 33 open/pending disciplinary cases.

**DOH/PROSECUTOR’S REPORT**

**BOARD OF PSYCHOLOGY MEETING**

**Meeting Date:** October 29, 2019

| Total Cases open/active in PSU: | 33 |
| Cases in EAU: | 0 |
| Cases under legal review: | 20 |
| Cases where PC Recom made: | 3 |
| Total Cases where PC has been found: | 6 |
| Cases in holding status: | 0 |
| Cases pending before DOAH: | 1 |
| Cases Agendaed for Board: | 4 |
| Cases on Appeal: | 0 |
| Year or Older Cases: | 21 |

**MOTION:** Ms. O’Brien moved to continue prosecuting cases older than 1 year. Dr. Rubin seconded the motion, which carried 4/0.

**ADMINISTRATIVE PROCEEDINGS**

**REVIEW OF PSYCHOLOGIST LICENSURE APPLICATIONS**

4. Lisa Martin Examination with Waiver

Dr. Lisa Martin was present and sworn in at the meeting but was not represented by an attorney.

Dr. Martin applied for licensure under the Examination with Waiver of the National EPPP method. Dr. Martin documented satisfaction of all except the supervision requirements, which required further review by the Board. All relevant documentation was provided for the Board’s consideration. If approved, the applicant would be required to complete the Florida laws and rules examination for licensure.
After review of the supporting documents provided, the Board noted the New York supervision verification forms showed Dr. Martin only completed 1,820 hours of post-doctoral supervised experience. Florida requires 2,000 hours of post-doctoral supervision. Due to the lack of documentation for the deficient 180 hours, the applicant could not be approved under the Examination with Waiver method.

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

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

5. Michael Tamburino Examination with Waiver

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

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

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

6. David Lawson Examination with Waiver

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

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

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

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

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

Diana Chavez was present and sworn in at the meeting but was not represented by an attorney.

Dr. Chavez applied for licensure and was approved for licensure under the Bifurcation/Examination with Waiver method pending submission of documentation of her 2000-hour post-doctoral residency. Dr. Chavez successfully completed the laws and rules exam and was only pending approval of her post-doctoral supervision.

Dr. Chavez submitted Supervision forms from the California Board for the Board’s review as the supervisor could not be located to fill out the Florida form. Provided for the Board’s review was the application and supporting supervision verification documents.

MOTION: Following discussion, Dr. Mackintosh moved to approve the supervision verification hours from California as the last documents needed for licensure. Ms. O’Brien seconded the motion, which carried 4/0.

8. Fabian Consbruck

Fabian Consbruck was present and sworn in at the meeting but was not represented by an attorney.

Dr. Consbruck met all requirements under the Bifurcation/Examination with Waiver method. However, his application was before the Board due to his “yes” response to a history question on his application. Provided for the Board’s review was the application and related supporting documents.

MOTION: Following discussion, Ms. O’Brien moved to approve the application under Bifurcation/Examination with Waiver method. Dr. Mackintosh seconded the motion, which carried 4/0.

9. Thomas Coghlan

Thomas Coghlan was not present at the meeting nor represented by an attorney.

Dr. Coghlan applied for licensure under the Endorsement of Other State License method. Provided for the Board’s review was the application, the 2013 New York regulations as well as the regulations of Florida that were in effect at that same time. If denied under the Endorsement of Other State method, the applicant requested the Board review his application under the Examination with Waiver of National EPPP requirements.

Dr. Coghlan received his Psy.D in Clinical Psychology from Yeshiva University, which held APA accreditation at the time Dr. Coghlan was enrolled and graduated. He was licensed as a psychologist in New York on 07/22/2013.

Provided for the Board’s review was the application and other related supporting documents.

MOTION: Following discussion, Dr. Rubin moved to approve the application under the Examination with Waiver method. Dr. Mackintosh seconded the motion, which carried 4/0.
10. Gabrielle Stutman  Endorsement of Other State License

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

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

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

11. Jonelle Ensign  Endorsement of Other State License

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

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

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

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

*The Board Chair moved to Addendum Tab 30.*

**ADDENDUM**
**REVIEW OF PSYCHOLOGIST LICENSURE APPLICATIONS**

30. Mary Lewis  Examination with Waiver

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

Dr. Lewis’ application was before the board due to her “yes” response to a history question on her application as well as review of her post-doctoral supervision verification forms.

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

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

*The Board Chair moved to Tab 12.*

12. Alicia Ayala Laconich  Bifurcation/Examination - Internationally Trained

Dr. Laconich was present and sworn in and represented by Attorney William Dillon, Esq.
Dr. Laconich applied under the Bifurcation/Examination-International Education application method, which requires as follows: 1) proof that the government of the country in which the training institution was located officially recognized same 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, the applicant must also 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 Rules 64B19-11.0035(2)(b) and 64B19-11.005(1)(c), (2) and (3), F.A.C., to allow for acceptance of the required comparability letter from a “former” director of an APA-accredited program and to have supervised experience previously completed outside of the U.S. accepted in satisfaction of Florida’s 2000-hour post-doctoral experience requirements.

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

**LICENSE RATIONATIFICATION LISTS**

13. Licensed Psychologists

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

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

14. Licensed Provisional Psychologists

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

15. Licensed Limited Psychologist

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

**CONTINUING EDUCATION RATIONIFICATION LIST**

16. List of Applicants

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

List of Applicants

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

*The Board chair moved to addendum Tab 31.*

ADDENDUM

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

31. Mariceli O'Neill

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

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

*The Board chair moved to Tab 18.*

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

List of Applicants

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

REPORT OF ASSISTANT ATTORNEY GENERAL, DIANE GUILLEMETTE, ESQUIRE

Rules Status Report

- Rule 64B19-11.001, F.A.C., Examination
- Rule 64B19-12.005, F.A.C., Biennial Active Renewal Fee
- Rule 64B19-11.0035, F.A.C., Licensure by Examination: Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination
20. 2019/2020 Annual Regulatory Plan

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

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

NEW BUSINESS

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

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

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

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

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

No action taken. Informational item

OLD BUSINESS

23. April 14, 2019 General Business Meeting Minutes

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

REPORTS, IF ANY

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

- Other Board Members:

25. Executive Director

Report topics:

- Cash Balance Report
- Expenditures by Function Report

These reports were provided for informational purposes only.

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

26. ASPPB Disciplinary Data Report

No action taken. Informational item.

27. Psychology Staff Recognition

Presented as informational items.

28. Spotlight on ULA – Winter 2019

No action taken. Informational item.

ADDENDUM

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

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

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

Board’s review:

64B19-11.0035 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
      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 or former 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) FS. Law Implemented 490.003(3), 490.005 FS. 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.

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

The Board unanimously agreed the proposed rule 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.

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

ADJOURNMENT

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