

# Minutes

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**The Florida  
Board of Psychology**

**DEPARTMENT OF HEALTH  
BOARD OF PSYCHOLOGY  
GENERAL BUSINESS MEETING  
January 24, 2020  
**DRAFT** MINUTES**

**Embassy Suites by Hilton Tampa Airport Westshore  
555 N. Westshore Blvd  
Tampa, FL 33609  
(813) 875-1555**



**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

4 **Dr. Andrew Rubin, Chair, called the general business meeting to order at approximately**  
5 **8:05 a.m. Those present for all or part of the meeting, included the following:**

6 **MEMBERS PRESENT**

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

**STAFF PRESENT**

Allen Hall, Executive Director  
Anna King, Program Administrator

11 **ASSISTANT ATTORNEYS GENERAL**

12 Diane Guillemette, Esq.  
13 Christopher Dierlam, Esq.

**ASSISTANT GENERAL COUNSEL**

Christina Shideler, Esq.

14 **COURT REPORTER**

15 Phipps Reporting  
16 April C. La Cava, RPR, FPR  
17 Office Number: (888) 811-3408  
18 Direct Number: (813) 767-1508  
19 Website: [www.phippsreporting.com](http://www.phippsreporting.com)  
20 Email: [aprilh@tampabay.rr.com](mailto:aprilh@tampabay.rr.com)

21 **DISCIPLINARY PROCEEDINGS**

22 **MOTION FOR HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT**

23 1. Lynn M. Henderson, Psy. D., Case Number 2018-04037 (p/c/p Dr. Catherine Drew & Dr.  
24 Amy Swan)

25 Dr. Henderson was not present nor represented by legal counsel. Dr. Catherine Drew was  
26 recused from the discussion on this case due to her service on the Board's probable cause  
27 panel regarding this matter.

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1 Ms. Christina Shideler, Assistant General Counsel, presented the case to the Board. Dr.  
2 Henderson's case was before the Board for violation of Section 490.009(1)(r), Florida Statutes  
3 (2017), for failing to meet the minimum standards of performance in professional activities when  
4 measured against generally prevailing peer performance including the undertaking of activities  
5 for which the licensee is not qualified by training or experience. Dr. Henderson also violated  
6 Section 490.009(1)(l), Florida Statutes (2017), for making misleading, deceptive, untrue, or  
7 fraudulent representations in the practice of any profession licensed under Chapter 490, Florida  
8 Statutes.

9 **MOTION:** Ms. O'Brien made a motion to accept the Investigative Report into evidence for  
10 purposes of imposing a penalty. The motion was seconded by Dr. Rubin, which carried with a  
11 3/0 vote.

12 **MOTION:** Ms. O'Brien moved to find the Respondent was properly served and waived the right  
13 to a formal hearing. The motion was seconded by Dr. Rubin, which carried with a 3/0 vote.

14 **MOTION:** Ms. O'Brien made a motion to adopt the findings of fact as set forth in the  
15 Administrative Complaint. The motion was seconded by Dr. Rubin, which carried with a 3/0  
16 vote.

17 **MOTION:** Ms. O'Brien made a motion to adopt the conclusion of laws as set forth in the  
18 Administrative Complaint finding this constitutes a violation of the Practice Act. The motion was  
19 seconded by Dr. Rubin, which carried with a 3/0 vote.

20 Ms. Shideler recommended the following penalties be imposed:

- 21 ➤ Reprimand
- 22 ➤ Fine in the amount of \$5,000 payable within 1 year from the filing of the final order in this  
23 case;
- 24 ➤ Costs in the amount of \$337.31 within 1 year from the filing of the final order in this case;
- 25 ➤ Continuing Education in the amount of 19 hours consisting of the following:
  - 26 ○ 12 hours - Ethical, Legal and Professional Issues in the Practice of Marriage and  
27 Family Therapy;
  - 28 ○ 3 hours - Top Ethics Violations: Recognition and How to Avoid Them; and
  - 29 ○ 4 hours - Ethics and legal Issues in Psychotherapy

30 **FINAL MOTION:** Following discussion, Ms. O'Brien accepted the recommendations with a  
31 change to allow two (2) years for payment of the fines and cost. The first half of the payment is  
32 to be paid within the one (1) year from the date the final order is filed. Dr. Mackintosh seconded  
33 the motion, which carried with a 3/0 vote.

### 34 VOLUNTARY RELIQUISHMENT

35 2. Roe F. Clarke, Ph.D., Case Number 2018-15756 (p/c/p Dr. Catherine Drew & Dr. Amy  
36 Swan)

37 Dr. Clarke was not present nor represented by legal counsel. Dr. Catherine Drew was recused  
38 from the discussion on this case due to her service on the Board's probable cause panel  
39 regarding this matter.

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1 Ms. Christina Shideler, Assistant General Counsel, presented the case to the Board. On July  
2 17, 2018, a uniform consumer complaint was filed with the Department of Health, alleging that  
3 Dr. Clarke violated the provision of Chapter 456 and Chapter 490, Florida Statutes. In lieu of  
4 undergoing further disciplinary proceedings, the Respondent returned an executed Voluntary  
5 Relinquishment of her license.

6 **MOTION:** Following discussion, Ms. O'Brien moved to accept the voluntary relinquishment. Dr.  
7 Rubin seconded the motion, which carried 3/0.

### 8 **PROSECUTOR'S REPORT**

9 3. Christina Shideler, Assistant General Counsel

### 10 **DOH/PROSECUTOR'S REPORT** 11 **BOARD OF PSYCHOLOGY MEETING** 12 **Meeting Date: January 24, 2020**

|   |    |
|---|----|
| 13 Total Cases open/active in PSU:      | 33 |
| 14 Cases in EAU:                        | 0  |
| 15 Cases under legal review:            | 14 |
| 16 Cases where PC Recom made:           | 8  |
| 17 Total Cases where PC has been found: | 8  |
| 18 Cases in holding status:             | 0  |
| 19 Cases pending before DOAH:           | 0  |
| 20 Cases Agendaed for Board:            | 3  |
| 21 Cases on Appeal:                     | 0  |
| 22 Year or Older Cases:                 | 20 |

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

### 25 **ADMINISTRATIVE PROCEEDINGS**

### 26 **REVIEW OF PSYCHOLOGIST LICENSURE APPLICATIONS**

27 4. Gail Bennett Endorsement of Other State License

28 Dr. Gail Bennett was present and sworn in at the meeting but was not represented by legal  
29 counsel.

30 Dr. Gail Bennett applied for licensure under the Endorsement of Other State License method.  
31 Provided for the Board's review were the application, the 1991 Massachusetts regulations as  
32 well as the regulations of Florida that were in effect at that same time.

33 Dr. Bennett completed her Psy.D. degree in Clinical Psychology at William James College on  
34 06/11/1989. The program was accredited by the APA at the time of Dr. Bennett's completion of  
35 the program. Dr. Bennett was informed of other application methods for APA graduates under  
36 which she might apply but elected to move forward with applying by Endorsement of Other  
37 State License.

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1 Following discussion, the Board was moving towards denial of the application under the  
2 Endorsement of Other State License method, finding that the 1991 Massachusetts regulations  
3 for initial licensure were not substantially equivalent to or more stringent than those in Florida at  
4 that time.

5 Consequently, Dr. Bennett waived the 90-day timeframe for Board action on her application and  
6 stated she would like to change her application method to Bifurcation/Examination with Waiver  
7 to avoid a record of application denial.

8 5. Jill Ormachea Endorsement of Other State

9 Dr. Jill Ormachea was present and sworn in at the meeting but was not represented by legal  
10 counsel.

11 Dr. Jill Ormachea applied for licensure under the Endorsement of Other State License method.  
12 Provided for the Board's review were the application, the 2001 Michigan regulations as well as  
13 the regulations of Florida that were in effect at that same time.

14 Following discussion, the Board was moving toward denial of the application under the  
15 Endorsement of Other State License method, finding that the 2001 Michigan regulations for  
16 initial licensure were not substantially equivalent to or more stringent than those in Florida at  
17 that time.

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

20 6. Toni Serpe Endorsement of Other State License

21 Dr. Toni Serpe was not present nor represented by legal counsel.

22 Dr. Toni Serpe applied for licensure under the Endorsement of Other State License method.  
23 Provided for the Board's review were the application, the 2012 New York regulations as well as  
24 the regulations of Florida that were in effect at that same time.

25 Dr. Toni Serpe completed her Psy.D. degree in School & Community Psychology at Hofstra  
26 University on 05/31/2009. This program was accredited by the APA at the time of Dr. Serpe's  
27 completion of the program. Dr. Serpe was informed of other application methods for APA  
28 Graduates under which she might apply but elected to move forward with applying by  
29 Endorsement of Other State License.

30 **MOTION:** Following discussion, the Board determined the 2012 New York licensure regulations  
31 were not substantially equivalent to or more stringent than those in Florida in that same year.  
32 Dr. Rubin moved to deny under the Endorsement of Other State License application method  
33 with allowance to withdraw her application or amend her application within 14 days of the filing  
34 of the denial order. Dr. Mackintosh seconded the motion, which carried 4/0.

35 7. Zhannah Vaysman Endorsement of Other State License

36 Dr. Zhannah Vaysman was not present nor represented by legal counsel.

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1 Dr. Zhannah Vaysman applied for licensure under the Endorsement of Other State License  
2 method. Provided for the Board's review were the application, the 2019 Wyoming regulations as  
3 well as the regulations of Florida that were in effect at that same time.

4 Dr. Zhannah Vaysman completed her Psy.D. degree in Clinical Psychology at Argosy University  
5 on 09/17/2017. This program was accredited by the APA at the time of Dr. Vaysman's  
6 completion of the program. Dr. Vaysman was informed of other application methods for APA  
7 Graduates under which she might apply but elected to move forward with applying by  
8 Endorsement of Other State License.

9 **MOTION:** Following discussion, the Board determined the 2019 Wyoming licensure regulations  
10 were not substantially equivalent to or more stringent than those in Florida in that same year.  
11 Dr. Rubin moved to deny under the Endorsement of Other State License application method  
12 with allowance to withdraw or change to another method of application within 14 days of the  
13 filing of the denial order. Dr. Mackintosh seconded the motion, which carried 4/0.

14 8. Jacqueline Wall Endorsement of Other State License

15 Dr. Jacqueline Wall was present and sworn in at the meeting but was not represented by legal  
16 counsel.

17 Dr. Jacqueline Wall applied for licensure under the Endorsement of Other State License  
18 method. Provided for the Board's review were the application, the 1997 Indiana regulations as  
19 well as the regulations of Florida that were in effect at that same time.

20 Following discussion, the Board was moving toward denial of the application under the  
21 Endorsement of Other State License method, finding that the 1997 Indiana regulations for initial  
22 licensure were not substantially equivalent to or more stringent than those in Florida at that time.

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

25 9. Elisa Gottheil Endorsement of Other State License

26 Dr. Elisa Gottheil was not present nor represented by legal counsel.

27 Dr. Elisa Gottheil applied for licensure under the Endorsement of Other State License method.  
28 Provided for the Board's review were the application, the 2009 California regulations as well as  
29 the regulations of Florida that were in effect at that same time.

30 Following discussion, the Board determined the 2009 California licensure regulations were not  
31 substantially equivalent to or more stringent than those in Florida in that same year. Dr. Rubin  
32 moved to deny under the Endorsement of Other State License application method with  
33 allowance to withdraw her application within 14 days of the filing of the denial order. Dr.  
34 Mackintosh seconded the motion, which carried 4/0.

35 10. Karen Johnston Gieske Endorsement of Other State License

36 Dr. Karen Johnston Gieske was not present nor represented by legal counsel.

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1 Dr. Gieseke applied for licensure under the Endorsement of Other State License method.  
2 Provided for the Board's review were the application, the 1994 Rhode Island regulations, 1994  
3 Massachusetts regulations, as well as the regulations of Florida that were in effect at that same  
4 time.

5 Following discussion, the Board determined the 1994 Rhode Island and 1994 Massachusetts  
6 licensure regulations were not substantially equivalent to or more stringent than those in Florida  
7 in that same year. Dr. Rubin moved to deny under the Endorsement of Other State License  
8 application method with allowance to withdraw her application within 14 of the filing of the denial  
9 order. Dr. Mackintosh seconded the motion, which carried 4/0.

10 11. Michael Lucido Endorsement of Other State License

11 Dr. Michael Lucido was not present nor represented by a legal counsel.

12  
13 Dr. Michael Lucido applied for licensure under the Endorsement of Other State License method.  
14 Provided for the Board's review were the application, the 2013 Michigan regulations as well as  
15 the regulations of Florida that were in effect at that same time.

16 Following discussion, the Board determined the 2013 Michigan licensure regulations were not  
17 substantially equivalent to or more stringent than those in Florida in that same year. Dr. Rubin  
18 moved to deny under the Endorsement of Other State License application method with  
19 allowance to withdraw her application within 14 days or amend. Dr. Mackintosh seconded the  
20 motion, which carried 4/0.

21 12. Bruce Eimer Endorsement of ABPP Method

22 Dr. Bruce Eimer was present and sworn in at the meeting but was not represented by legal  
23 counsel.

24 In November 2018, Dr. Eimer was before the Board for review of his licensure application due to  
25 recent discipline on his Pennsylvania psychology license. At the time of consideration, Dr. Eimer  
26 was under obligations to complete disciplinary sanctions imposed by the Pennsylvania Board.  
27 The Board denied the application with the option to withdraw within 14 days of the filing of the  
28 denial order. Dr. Eimer withdrew the application on November 15, 2018.

29 In December 2019, Dr. Eimer re-applied for Florida psychologist licensure after having  
30 completed all requirements of the Pennsylvania Board. Provided for the Board's review were  
31 related documents submitted in support of his application.

32 **MOTION:** Following discussion, Ms. O'Brien moved to approve the application under the  
33 Endorsement of ABPP method. Dr. Rubin seconded the motion, which carried 4/0.

34 13. Carita Shawchuck Endorsement of 20 Years' Experience

35 Dr. Carita Shawchuck was present and sworn in at the meeting but was not represented by  
36 legal counsel.

37 Dr. Carita Shawchuck applied for licensure under the Endorsement of 20 Years of Licensed  
38 Psychology Experience method. Dr. Shawchuck was before the Board regarding her affirmative

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1 response to disciplinary history by the North Dakota Board of Psychologist Examiners. Dr.  
2 Shawchuck completed all subsequent requirements set forth by the North Dakota Board in  
3 November 2001. Provided for the Board's review were the application, transcripts, personal  
4 statement and all other required supporting documentation.

5 **MOTION:** Following discussion, Dr. Rubin moved to approve the application under the  
6 Endorsement of 20 Years' Experience method. Dr. Mackintosh seconded the motion, which  
7 carried 4/0.

8 14. Marzia Giua Bifurcation/Examination – Internationally Trained

9  
10 Dr. Marzia Giua was not present nor represented by legal counsel.

11 Dr. Giua applied under the Bifurcation Examination-International Education application method,  
12 which requires as follows: 1) proof that the government of the country in which the training  
13 institution was located officially recognized same for training in the practice of professional  
14 psychology; 2) a comparability letter from an APA-accredited program director stating  
15 applicant's program was equivalent to an APA-accredited psychology program; 3) proof of  
16 doctoral-level psychology degree and internship equivalence by a Board-approved credentials  
17 evaluation service. Passage of the Florida laws and rules examinations would also be required  
18 prior to licensure.

19 Provided for the Board's review were the application and all other required supporting  
20 documentation. It was noted that Dr. Giua intends to file a Petition for Variance or Waiver for her  
21 supervised experience completed in Italy for the Board's consideration at a future meeting.

22 **MOTION:** Following review discussion, Dr. Rubin moved approve the application under the  
23 Bifurcation/Examination-Internationally Trained application method. Ms. O'Brien seconded the  
24 motion, which carried 4/0.

25 15. James Claiborn Out of State Telehealth Provider

26 Prior to the meeting, Dr. Claiborn's application was withdrawn for final action by the Division of  
27 Medical Quality Assurance's telehealth registration office.

28 **Break:** 8:59 a.m.

29 **Reconvened:** 9:10 a.m.

30 *At this point in the meeting, Tab 25 was taken out of order for discussion.*

31 25. Rule Status Report

- 32 • 64B19-11.0035, F.A.C., Licensure by Examination Proof Satisfactory to the Board for  
33 the Purpose of Determining Eligibility for Examination

34 During the October 2019 meeting, the Board determined to revise the APA comparability letter  
35 requirement to allow a "former" APA-accredited program director to prepare the letter. The Joint  
36 Administrative Procedures Committee (JAPC) issued a letter in November 2019 with comments  
37 on the proposed change.



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1 During the instant meeting, the Board discussed whether it would like to respond to JAPC's  
2 suggestion that the proposed rule language should provide criteria by which the comparability  
3 letter and list of documents will be judged for equivalency to an APA-accredited  
4 program. Following extensive discussion, the Board agreed to have Ms. Guillemette include the  
5 following in her response to JAPC:

- 6 • Explanation of the two-part requirement for internationally trained applicants to  
7 demonstrate having met the educational requirements for licensure by supplying a  
8 credentials evaluation and APA comparability letter;
- 9 • Explanation that the Board relies on credentials evaluation organizations for their  
10 expertise to determine the first criteria of the applicant's possession of a U.S. doctorate  
11 degree in psychology and likewise respects the expertise of a current or former director  
12 of an APA-accredited program to determine the second criteria regarding foreign  
13 program comparability to the APA's standards;
- 14 • Explanation that the Board's experience reviewing comparability letters would  
15 discourage their support of a "boiler-plate" template for persons to simply plug in  
16 information, but would prefer the holistic review and analysis the APA letter preparer  
17 applies to determining comparability; and
- 18 • Notation that the proposed rule language might be amended to have the preparer simply  
19 reflect "the basis for the current or former director's opinion".

20 Should JAPC require further attention to its request to have standard criteria by which the Board  
21 should approve comparability letters, a previous form of Rule 64B19-11.0035, F.A.C., containing  
22 same will be provided for the Board's review at a future meeting.

23 *At this point in the meeting, the regular agenda order was resumed.*

### 24 **PETITION FOR VARIANCE OR WAIVER AND REVIEW OF LICENSURE APPLICATION**

26 16. Ted Liberty Bifurcation/Examination – Internationally Trained

27  
28 Dr. Ted Liberty was not present nor represented by legal counsel.

29 Dr. Ted Liberty applied under the Bifurcation Examination-International Education application  
30 method, which requires as follows: 1) proof that the government of the country in which the  
31 training institution was located officially recognized same for training in the practice of  
32 professional psychology; 2) a comparability letter from an APA-accredited program director  
33 stating applicant's program was equivalent to an APA-accredited psychology program; 3) proof  
34 of doctoral-level psychology degree and internship equivalence by a Board-approved  
35 credentials evaluation service. Passage of the Florida laws and rules examinations would also  
36 be required prior to licensure.

#### 37 **APA Comparability Letter**

38 Applicant provided an APA-comparability letter; however, the letter was prepared by a "past"  
39 director of an APA accredited program. Consequently, Dr. Liberty filed a Petition for Variance or  
40 Waiver to request the Board waive the requirement of Rule 64B19-11.0035(2)(b), F.A.C., for the  
41 letter to be prepared by a current APA-accredited program director.

42 Provided for the Board's review were the petition, application, and all required supporting  
43 documents.

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1  
2 **MOTION:** Following discussion, Dr. Rubin moved to grant Dr. Liberty's petition to accept the  
3 APA comparability letter submitted by the former director of an APA-accredited program. Dr.  
4 Mackintosh seconded the motion, which carried 4/0.

5 **MOTION:** Dr. Rubin moved to approve the application under the Bifurcation/Examination-  
6 Internationally Trained application method. Dr. Mackintosh seconded the motion, which carried  
7 4/0.

### 8 **LICENSURE RATIFICATION LISTS**

9 17. Licensed Psychologists

10 Dr. Drew stated she knew an individual on the ratification list but did not believe it would create  
11 a bias requiring her to abstain from voting on this item.

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

14 18. Licensed Provisional Psychologists

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

### 17 **CONTINUING EDUCATION RATIFICATION LIST**

18 19. List of Applicants

19 **MOTION:** Dr. Rubin moved to approve the list of continuing education providers and medical  
20 errors course applicants, as orally amended to include recently approved courses. Dr. Drew  
21 seconded the motion, which carried 4/0.

### 22 **APPLICATION EXTENSION RATIFICATION LIST**

23 20. List of Applicants

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

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

28 21. List of Applicants

29 **MOTION:** Following discussion, Dr. Rubin moved to ratify the file closure list, as amended, to  
30 remove Dr. Santana, who was granted an extension by Dr. Rubin. Ms. O'Brien seconded the  
31 motion, which carried 4/0.

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## 1 PETITION FOR DECLARATORY STATEMENT

2 22. Dr. Stephen I. Bloomfield re: Rule 64B19-19.004, F.A.C., Disposition of Records Upon  
3 Termination or Relocation of Psychological Practice

4 Dr. Bloomfield filed a petition requesting the Board's opinion regarding disposition of records  
5 upon termination or relocation of psychological practice.

6 **MOTION:** Following discussion, Dr. Rubin moved to the Board opine that the records retention  
7 would be seven (7) years. Dr. Drew seconded the motion, which carried 4/0.

## 8 PETITION FOR SPECIALTY BOARD RECOGNITION

9 23. The Society for Police and Criminal Psychology

10 Dr. Scott Stubenrauch, Diplomate Committee Chair for the Society for Police and Criminal  
11 Psychology filed a petition for recognition as a certifying body for Florida-licensed psychologists.  
12 The Board was provided all supporting documents to make a decision on the petition pursuant  
13 to the requirements of Rule 64B19-18.008, F.A.C., Board Approval of Specialty Certifying  
14 Bodies.

15 **MOTION:** Following discussion, Dr. Rubin moved to approve the organization as a specialty  
16 certifying body in Florida. Dr. Mackintosh seconded the motion, which carried 4/0.

## 17 RULES REVIEW & DEVELOPMENT

18 24. Rule 64B19-15.003, F.A.C., Reactivation of Inactive Licenses

19 The Board was asked to consider revisions to this rule to eliminate an outdated Inactive-to-  
20 Active reactivation application form, which is no longer in use.

21 The proposed change would allow licensees to submit a written request for reactivation and  
22 thereafter receive the usual follow-up correspondence from the Board staff as to the individual  
23 continuing education and fee requirements he or she would be required to complete for  
24 reactivation.

25 Provided for the Board's consideration is the proposed rule language and reactivation form for  
26 reference.

### 27 **64B19-15.003 Reactivation of Inactive Licenses.**

28 (1) A licensee may reactivate his or her own inactive license and thereby place the license on active  
29 status by:

30 (a) Making a written request application on form DH-MQA 1239, Application for Reactivation of Inactive  
31 Psychologist Licensure (revised 10/14), which is hereby adopted and incorporated by reference, and can  
32 be obtained from the Board of Psychology's website at  
33 <http://floridaspsychology.gov/applications/reactivation-application.pdf>, or  
34 <http://www.flrules.org/Gateway/Reference.asp?No=Ref-04970>.

35 (b) Paying the application fee, set out in Rule 64B19-12.006, F.A.C.

36 (c) Paying the fee for biennial renewal of an active license, set out in Rule 64B19-12.005, F.A.C.

37 (d) Paying any owed delinquency fees; and,

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1 (e) Paying any owed fees for changing status.

2 (2) In addition, the licensee must submit proof that the licensee has obtained forty (40) hours of  
3 continuing education that meets the requirements of subsection 64B19-13.003(3), F.A.C., for each full  
4 biennium in which the license was in an inactive status and for the last full biennium in which the licensee  
5 held an active status license. Finally, the licensee must either report any disciplinary action that has been  
6 taken against the licensee by any regulatory agency or must state that no such disciplinary action has been  
7 taken against the licensee. If the licensee has any outstanding administrative fines, the license may not be  
8 restored to active status until the administrative fines are paid.

9 *Rulemaking Authority 456.036, 490.004(4) FS. Law Implemented 456.013, 456.036, 456.0635 FS. History—New 1-19-*  
10 *84, Formerly 21U-13.015, 21U-13.0015, 21U-19.003, 61F13-19.003, Amended 1-7-96, Formerly 59AA-15.003,*  
11 *Amended 8-5-01, 3-25-02, 12-27-05, 11-8-10, 10-23-14, 2-9-15.*

12 Following discussion, Ms. Guillemette indicated the proposed rule language would be revised to  
13 direct licensees to submit a written request to the Board office by mail to 4052 Bald Cypress  
14 Way, Bin C-05, Tallahassee, FL 32399 or via email to [MQA.Psychology@flhealth.gov](mailto:MQA.Psychology@flhealth.gov).

15 **MOTION:** Dr. Rubin moved the proposed rule language would not would not have an adverse  
16 impact on small business. Dr. Drew seconded the motion, which carried 4/0.

17 **MOTION:** Dr. Rubin moved the proposed rule language would not have an economic impact on  
18 government or any other entity in excess of \$200,000 within one year of the rule being  
19 implemented. Dr. Drew seconded the motion, which carried 4/0.

20 **MOTION:** Dr. Rubin moved to approve the proposed rule language should not be designated as  
21 a minor violation for first time offenses. Dr. Drew seconded the motion, which carried 4/0.

22 **MOTION:** Dr. Rubin moved to approve the proposed rule language would not require a sunset  
23 provision. Dr. Drew seconded the motion, which carried 4/0.

24 **MOTION:** Dr. Rubin moved to approve the proposed rule language will lessen the burden on  
25 licensees applying for reactivation. Ms. O'Brien seconded the motion, which carried 4/0.

## 26 **REPORT OF ASSISTANT ATTORNEY GENERAL, DIANE GUILLEMETTE, ESQUIRE**

27 26. Office of Fiscal Accountability and Regulatory Reform (OFARR) Enhanced Oversight of  
28 Rulemaking Process

29 Ms. Guillemette presented correspondence from Governor Ron DeSantis providing notice of  
30 changes to OFARR and rulemaking procedures. Ms. Guillemette mentioned that the  
31 requirement to include a sunset provision in all proposed amended rules does not apply to rule  
32 changes with a legislative mandate or with regard to public safety. Ms. Guillemette will ask  
33 questions related to sunset for each rule development going forward.

34 27. Facebook Disqualification Case

35 Ms. Guillemette gave an overview of a Florida Supreme Court case in which the legal  
36 sufficiency of a motion to disqualify a judge based on a Facebook "friendship" with an attorney  
37 appearing before him was considered. The Court held that the alleged Facebook friendship  
38 alone did not constitute a legally sufficient basis for disqualification.

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1 Ms. Guillemette reminded the Board that it serves in a quasi-judicial capacity. Board members  
2 were not discouraged from having Facebook accounts, but were simply being made aware of  
3 the potential for conflicts. Board Counsel will assist any members that would have any questions  
4 about discussing an item before the Board where he or she believes there may be any type of  
5 potential conflict or bias.

## 6 **NEW BUSINESS**

### 7 28. 2020 Delegation of Authority

8 The Delegation of Authority, reviewed and approved annually, facilitates administrative  
9 efficiency and documents when individuals or entities have been delegated to act on behalf of a  
10 Board/Council. The Board was invited to review, make changes if necessary, and approve the  
11 2020 delegation.

12 **MOTION:** Following discussion, Ms. O'Brien moved to approve the 2020 Delegation of  
13 Authority. Dr. Mackintosh seconded the motion, which carried 4/0.

### 14 29. 2020 Conviction Record Guidelines

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

22 The Board was invited to review, make changes if needed, and approve the 2020 Conviction  
23 Record Guidelines.

24 **MOTION:** Following discussion, Dr. Mackintosh moved to approve the 2020 Conviction Record  
25 Guidelines as written. Ms. O'Brien seconded the motion, which carried 4/0.

### 26 30. 2020 Board Elections

| Position                     | 2020 Assignments  |
|------------------------------|---|
| Chair                        | Andrew Rubin, Ph.D.   |
| Vice Chair                   | Randi Mackintosh, Psy.D.  |
| ASPPB Delegate               | Andrew Rubin, Ph.D.   |
| Budget Liaison               | Mary O'Brien, J.D.  |
| Continuing Education Liaison | Catherine Drew, Ph.D./<br>Andrew Rubin, Ph.D.<br>(CE Liaison Back-Up) |
| Credentials Liaison          | Randi Mackintosh, Psy.D.  |
| Healthy Weight Liaison       | Andrew Rubin, Ph.D.   |

# Minutes

|                             |  |
|-----------------------------|--|
| Legislative Liaison         | Randi Mackintosh, Psy.D.   |
| Unlicensed Activity Liaison | Mary O'Brien, J.D.   |
| Examination Liaison         | Catherine Drew, Ph.D. / Randi Mackintosh, Psy.D.<br>(Exam Liaison Back Up) |

1

| Probable Cause Panel – As Currently Appointed by Board Chair |                    |
|--|--------------------|
| PCP Chair  | Dr. Catherine Drew |
| Past Board Member  | Dr. Amy Swan       |

2 **MOTION:** Following discussion, Ms. O'Brien move to keep the current assignments for 2020.  
3 Dr. Rubin seconded the motion, which carried 4/0.

4 31. Proposed 2021 Meeting Dates

- 5 ➤ January 29, 2021- Fort Lauderdale or Miami
- 6 ➤ April 23, 2021- Tampa or Sarasota
- 7 ➤ July 23, 2021- Panama City or Pensacola
- 8 ➤ October 29, 2021- Tallahassee or Jacksonville

9 Following discussion, Ms. King mentioned she will bring the 2021 Probable Cause Panel (PCP)  
10 dates to the April General Business Meeting.

## 11 **OLD BUSINESS**

12 32. Rescheduling of July 24, 2020 General Business Meeting

13 Dr. Rubin informed of a conflict with the July 24, 2020 meeting currently scheduled to take place  
14 in Jacksonville.

The Board was asked to consider rescheduling the meeting for one of the following dates:

- 15 • Friday, August 7, 2020
- 16 • Friday, August 21, 2020

17 Following discussion, the Board considered rescheduling the meeting to July 31, 2020 in  
18 Jacksonville. After the meeting was adjourned, Dr. Rubin confirmed he could attend the  
19 meeting on July 31, 2020 in Jacksonville, FL.

20 33. October 25, 2019, General Business Meeting Minutes

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

## Minutes

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1 **REPORTS, IF ANY**

2 34. Andrew S. Rubin, Ph.D.

3 • Other Board Members:

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

35. Executive Director

5 Report topics:

6 • Cash Balance Report

7 • Expenditures by Function Report

8 These reports were provided for informational purposes only.

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

10 36. Spotlight on Unlicensed Activity

11 No action taken. Informational item.

12 37. ASPPB Disciplinary Data Report

13 No action taken. Informational item.

14 38. Message from the ASPPB CEO re: EPPP 2

15 No action taken. Informational item.

16 39. Psychology Staff Recognition

17 Presented as informational items.

18 **ADJOURNMENT**

19 There being no further business before the Board, the meeting adjourned at 10:13 a.m.