

**The Florida
Board of Psychology**

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

**GENERAL BUSINESS MEETING
BY TELEPHONE CONFERENCE CALL
DIAL-IN NUMBER: 1-888-585-9008**

When prompted, enter the following conference room number:
564-341-766, followed by the # sign.



**Dr. Andrew Rubin
Chair**

**Dr. Randi Mackintosh
Vice Chair**

**DEPARTMENT OF HEALTH
BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING
BY TELEPHONE CONFERENCE CALL
April 24, 2020**

AGENDA

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564-341-766, followed by the # sign.

Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the council's website.

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 8:00**
4 **a.m. Those present for all or part of the meeting, included the following:**

5 **MEMBERS PRESENT**

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

STAFF PRESENT

Allen Hall, Executive Director
Anna L. Hart King, Program Operations Administrator
Tybriana Tucker, Regulatory Specialist II

10 **ASSISTANT ATTORNEY GENERAL**

11 Christopher Dierlam, Esq.

ASSISTANT GENERAL COUNSEL

Christina Shideler, Esq.

12 **COURT REPORTER**

13 For the Record
14 1500 Mahan Drive
15 Suite 140
16 Tallahassee, FL 32317
17 (850) 222-5491
18 fortherecord@tallahasseecourtreporting.com

19 **DISCIPLINARY PROCEEDINGS**

20 **SETTLEMENT AGREEMENT**

21 1. Kenneth A. Christiansen, Psy.D., DOH Case No. 2018-12841 (p/c/p Dr. Catherine Drew &
22 Dr. Amy Swan)

23 Dr. Christiansen was present and represented by legal counsel, Ian Martinez, Esquire. Dr. Drew
24 was recused from this proceeding due to having served on the probable cause panel for this case.

25 Ms. Christina Shideler, Assistant General Counsel, presented the case to the Board. Dr.
26 Christiansen's case was before the Board for alleged violations of Section 490.009(1)(k), Florida
27 Statutes (2017), through a violation of Section 490.011, Florida Statutes (2017), and/or Rule
28 64B19-16.003(2) and/or (4), Florida Administrative Code.

1 Ms. O'Brien made a motion to table the case to allow Dr. Christiansen to appear before the Board
2 in-person. Board Counsel, Mr. Christopher Dierlam, stated that under the current circumstances it
3 was acceptable for Dr. Christiansen to appear before the Board via teleconference.

4 Ms. O'Brien's motion failed due to a second not having been offered.

5 Following further discussion, Dr. Rubin moved to accept the Settlement Agreement presented by
6 Ms. Shideler, which included the following:

- 7 • Appearance at the Board meeting in which the Settlement Agreement was to be
8 considered;
- 9 • \$5,000 fine to be paid within one (1) year of the filing of the Final Order in this case;
- 10 • \$1,074.70 in costs to be paid within one (1) year of the filing of the Final Order; and
- 11 • Completion of a 20-hour continuing education course, with receipt of a certificate, for the
12 PBI Professional Boundaries and Risk Management: A Primer US Edition course within one
13 (1) year of the filing of the Final Order.

14 Dr. Mackintosh seconded the motion, which carried 2/1. Ms. O'Brien opposed.

15 **PROSECUTOR'S REPORT**

16 2. Christina Shideler, Esq.

- 17 • Total Cases open/active in PSU: 33
- 18 • Cases in EAU: 0
- 19 • Cases under legal review: 14
- 20 • Cases where PC Recom made: 8
- 21 • Total Cases where PC has been found: 8
- 22 • Cases in holding status: 0
- 23 • Cases pending before DOAH: 0
- 24 • Cases Agendaed for Board: 3
- 25 • Cases on Appeal: 0
- 26 • Year Old Cases: 20

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

29 **ADMINISTRATIVE PROCEEDINGS**

30 **REVIEW OF PSYCHOLOGIST LICENSURE APPLICATIONS**

31 3. Carol Lipton Endorsement of Other State License

32 Dr. Carol Lipton was not present nor represented by legal counsel.

33 Dr. Carol Lipton applied for licensure under the Endorsement of Other State License method.
34 Provided for the Board's review was the application, the 2010 Connecticut regulations as well as
35 the regulations of Florida that were in effect at that same time.

36 **MOTION:** Following discussion, the Board determined the 2010 Connecticut licensure regulations
37 were not substantially equivalent to or more stringent than those in Florida in that same year. Dr.
38 Rubin moved to deny under the Endorsement of Other State License application method with
39 allowance to withdraw her application within 14 days of the filing of the denial order. Dr. Mackintosh
40 seconded the motion, which carried 4/0.

1 4. Christa Peterson Endorsement of Other State License

2 Dr. Christa Peterson was present but not represented by legal counsel.

3 Dr. Christa Peterson applied for licensure under the Endorsement of Other State License method.
4 Provided for the Board's review was the application, the 2016 Washington regulations as well as
5 the regulations of Florida that were in effect at that same time.

6 Following discussion, the Board was moving toward denial of the application under the
7 Endorsement of Other State License method, finding that the 2016 Washington regulations for
8 initial licensure were not substantially equivalent to or more stringent than those in Florida at that
9 time. Consequently, Dr. Peterson stated she would like to withdraw her application to avoid a
10 record of application denial.

11 5. Ingrid Diaz Endorsement of Other State License

12 Dr. Ingrid Diaz was present but not represented by legal counsel.

13 Dr. Ingrid Diaz applied for licensure under the Endorsement of Other State License method.
14 Enclosed for the Board's review was the application, the 2019 New Jersey regulations as well as
15 the regulations of Florida that were in effect at that same time.

16 **MOTION:** Following discussion, the Board determined the 2019 New Jersey licensure regulations
17 were not substantially equivalent to or more stringent than those in Florida in that same year. Dr.
18 Rubin moved to deny under the Endorsement of Other State License application method with
19 allowance to withdraw or amend the application within 14 days of the filing of the denial order. Dr.
20 Mackintosh seconded the motion, which carried 4/0.

21 6. Ginger Rennie Endorsement of Other State License

22 Dr. Ginger Rennie withdrew her application prior to the Board Meeting.

23 7. Jonelle Ensign Endorsement of Other State License

24 Dr. Jonelle Ensign was present but not represented by legal counsel.

25 Dr. Ensign previously applied to endorse her 2018 Indiana license during the October 2019 Board
26 meeting. Dr. Ensign withdrew her application at that meeting. Dr. Ensign subsequently re-applied
27 for licensure in March 2020 to request the Board review additional information.

28 Provided for the Board's review was Dr. Ensign's newly filed application, the Indiana regulations as
29 well as the regulations of Florida that were in effect at that same time.

30 Following discussion, the Board was moving toward denial of the application under the
31 Endorsement of Other State License method, finding that the 2018 Indiana regulations for initial
32 licensure were not substantially equivalent to or more stringent than those in Florida at that time.
33 Consequently, Dr. Ensign stated she would like to withdraw her application to avoid a record of
34 application denial.

35 8. Lisandra Mendoza Bifurcation/Examination

36 Dr. Lisandra Mendoza was present but not represented by legal counsel.

1 Dr. Lisandra Mendoza applied for licensure under the Bifurcation examination method. Dr.
2 Mendoza responded “yes” to criminal history on her application. Provided for the Board’s review
3 was the application, criminal history documents and related supporting documents.

4 **MOTION:** Following discussion, Dr. Rubin moved to approve the application under the Bifurcation
5 examination method, Dr. Mackintosh seconded the motion which carried 4/0.

6 9. Serge Lacoste Bifurcation/Examination- Internationally Trained

7 Dr. Serge Lacoste was present but not represented by legal counsel.

8 Dr. Serge Lacoste applied under the Bifurcation/Examination-International application method,
9 which requires as follows: 1) proof that the government of the country in which the training
10 institution was located officially recognized same for training in the practice of professional
11 psychology; 2) a comparability letter from a current or former APA-accredited program director
12 stating applicant’s program was equivalent to an APA-accredited psychology program; 3) proof of
13 doctoral-level psychology degree and internship equivalence by a Board-approved credentials
14 evaluation service. If approved by the Board, the applicant must also complete the required
15 examinations prior to licensure.

16 Provided for the Board’s review was the application, and all required supporting documents.

17 Following discussion, the Board was moving towards denial of Dr. Lacoste’s application due to his
18 comparability letter not having been provided from a current or former APA-accredited program
19 director. From this discussion, Dr. Lacoste understood the documentation needed to proceed. Dr.
20 Lacoste requested a 90-day waiver on his application to allow time to provide the correct
21 information for his application.

22 **REVIEW OF POST-DOCTORAL SUPERVISED EXPERIENCE**

23 10. Jennifer Lefebre Bifurcation/Examination with Waiver

24 Dr. Jennifer Lefebre was present but not represented by legal counsel.

25 Dr. Lefebre applied for licensure under the Bifurcation examination with waiver method. Dr.
26 Lefebre’s application was approved on December 9, 2019 pending completion of the laws and rules
27 examination and approval of her post-doctoral supervision. Dr. Lefebre successfully completed the
28 required examination and the application was thus before the Board for review of her post-doctoral
29 supervision sent from Connecticut. Dr. Lefebre was unable to locate her original supervisor to fill
30 out Florida’s post-doctoral supervision verification form.

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

32 **MOTION:** Following discussion, Dr. Rubin moved to approve the supervision experience
33 verification form from Connecticut to move forward for licensure. Dr. Drew seconded the motion,
34 which carried 4/0.

35 **PETITION FOR VARIANCE OR WAIVER AND REVIEW OF LICENSURE APPLICATION**

36 11. Mario Lehenbauer-Baum Bifurcation/Examination – Internationally Trained

37 Dr. Mario Lehenbauer-Baum applied under the Bifurcation/Examination-International application
38 method, which requires as follows: 1) proof that the government of the country in which the training
39 institution was located officially recognized same for training in the practice of professional

1 psychology; 2) a comparability letter from a current or former APA-accredited program director
2 stating applicant's program was equivalent to an APA-accredited psychology program; 3) proof of
3 doctoral-level psychology degree and internship equivalence by a Board-approved credentials
4 evaluation service. If approved by the Board, the applicant must also complete the required
5 examinations for licensure.

6 Dr. Lehenbauer-Baum filed a Petition for Variance or Waiver re: Rule 64B19-11.005, F.A.C.,
7 Supervised Experience Requirements, requesting experience completed in Austria be accepted by
8 the Board.

9 Provided for the Board's review was the petition, application, and all required supporting
10 documents. The Board was asked to review the Petition for Variance or Waiver to determine
11 whether to grant or deny. The Board was also asked to review and determine whether to approve
12 or deny the application for licensure.

13 **MOTION:** Following discussion, Dr. Rubin moved to approve the application under the
14 Bifurcation/Examination-Internationally Trained application method and grant the petition. Ms.
15 O'Brien seconded the motion, which carried 4/0.

16 **PETITION FOR VARIANCE OR WAIVER RE: SUPERVISED EXPERIENCE**

17 12. Marzia Giua Bifurcation/Examination – Internationally Trained

18 Dr. Giua applied under the Bifurcation Examination-International Education application method,
19 which requires as follows: 1) proof that the government of the country in which the training
20 institution was located officially recognized same for training in the practice of professional
21 psychology; 2) a comparability letter from an APA-accredited program director stating applicant's
22 program was equivalent to an APA-accredited psychology program; 3) proof of doctoral-level
23 psychology degree and internship equivalence by a Board-approved credentials evaluation service.
24 If approved by the Board, the applicant must also complete the required licensure examinations
25 prior to licensure.

26 The Board approved Dr. Giua's application under the Bifurcation/Examination-Internationally
27 trained method on January 24, 2020 pending passage of the required exams and post-doctoral
28 supervised experience verification. On March 6, 2020, Dr. Giua filed a petition for variance or
29 waiver regarding her supervised experience completed in Italy.

30 Provided for the Board's review was the petition, application, and all required supporting
31 documents.

32 **MOTION:** Following discussion, Dr. Rubin moved to grant the petition accepting the supervised
33 experience. Dr. Mackintosh seconded the motion, which carried 4/0.

34 **LICENSURE RATIFICATION LISTS**

35 13. List of Licensed Psychologists

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

38 14. List of Licensed Provisional Psychologists

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

1 15. List of Limited Licensed Psychologists

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

4 **CONTINUING EDUCATION PROVIDER RATIFICATION LIST**

5 16. List of Applicants

6 **MOTION:** Dr. Drew moved to approve the list of continuing education providers and medical errors
7 course applicants. Dr. Rubin seconded the motion, which carried 4/0.

8 **APPLICATION EXTENSION RATIFICATION LIST**

9 17. List of Applicants

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

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

14 18. List of Applicants

15 **MOTION:** Following discussion, Dr. Rubin moved to ratify the file closure list. Ms. O'Brien
16 seconded the motion, which carried 4/0. Mr. Dierlam noted the Board would be willing to consider
17 more time to complete requirements as a result of testing center closures due to COVID-19.

18 **RULES REVIEW & DEVELOPMENT**

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

21 Provided for the Board's consideration was revised rule text prepared by Mr. Dierlam to reflect
22 changes that would be needed pursuant to enrolled bill HB 713 (2020). As consideration of this
23 item predated action by the Governor, final approval of the bill is pending. However, as the Board
24 will not meet again until July 31, 2020, the revised rule was presented for consideration.

25 **Proposed Rule Text:**

26
27 **64B19-11.0035 Licensure by Examination: Proof Satisfactory to the Board for the Purpose of Determining**
28 **Eligibility for Examination.**

29 (1) U.S. and Canadian Education accredited by the American Psychological Association (APA):-

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

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

35 (c) Proof may be provided by:

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

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

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

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

1 (2) International Education not accredited by the APA:

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

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

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

11 *Rulemaking Authority 490.004(4), 490.005(1)(b) FS. Law Implemented 490.003(3), 490.005 FS. History--New 1-7-96, Formerly*
12 *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, 3-18-20.*

13 **MOTION:** Following discussion, Dr. Rubin moved to approve the proposed rule text. Dr.
14 Mackintosh seconded the motion, which carried 4/0.

15 **MOTION:** Dr. Rubin moved the proposed rule language would not have an adverse impact on
16 small business nor have an economic impact on government or any other entity in excess of
17 \$200,000 within one year of the rule being implemented. Dr. Drew seconded the motion, which
18 carried 4/0.

19 **MOTION:** Dr. Rubin moved there should not be a provision to sunset the proposed language. Dr.
20 Drew seconded the motion, which carried 4/0.

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

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

24 The revised licensure application incorporates changes required by HB 713.

25 As publication of the agenda predated action by the Governor, final approval of the bill is pending.
26 However, as the Board will not meet again until July 31, 2020, a month after the effective date on
27 July 1, 2020, a revised psychologist licensure application was presented for consideration.

28 **64B19-11.012 Application Forms.**

29 (1) All applicants for licensure pursuant to chapter 490, F.S., shall complete and submit form DH-MQA 1187, (revised
30 ~~11/18~~ 04/20), "State of Florida Application for Licensure As A Psychologist," which is incorporated herein by reference
31 and which may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-10234>, the Board office, or at
32 <http://floridapsychology.gov/applications/psychology-licensure-app.pdf>.

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

38 (3) An applicant who is a diplomate in good standing with the American Board of Professional Psychology, Inc., and
39 who wishes to apply for licensure by endorsement pursuant to section 490.006(1)(b), F.S., shall submit as part of his or
40 her application PY FORM 4.abpp (rev. 10/01), "ABPP Diplomate Verification Form," effective 6-25-02, which is
41 incorporated herein by reference and which may be obtained from

42 <http://www.flrules.org/Gateway/reference.asp?No=Ref-10234>, the Board office, or at
43 <https://floridapsychology.gov/applications/abpp-diploma-verification-form.pdf>.

44 *Rulemaking Authority 456.013, 456.025, 490.004(4), 490.005 FS. Law Implemented 456.013, 456.025, 456.0635, 490.005, 490.006,*
45 *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,*
46 *4-6-15, 12-3-15, 4-21-16, 9-27-16, 11-23-17, 2-18-19.*

1 **MOTION:** Following discussion, Dr. Rubin moved to approve the proposed rule text. Dr.
 2 Mackintosh seconded the motion, which carried 4/0.

3 **MOTION:** Dr. Rubin moved the proposed rule language would not have an adverse impact on
 4 small business nor have an economic impact on government or any other entity in excess of
 5 \$200,000 within one year of the rule being implemented. Dr. Mackintosh seconded the motion,
 6 which carried 4/0.

7 **MOTION:** Dr. Rubin moved the proposed rule should not be designated as a minor violation for first
 8 time offenses. Dr. Mackintosh seconded the motion, which carried 4/0.

9 **MOTION:** Dr. Rubin moved there should not be a provision to sunset the proposed language. Dr.
 10 Mackintosh seconded the motion, which carried 4/0.

11 21. Rule 64B19-17, F.A.C., Disciplinary Guidelines

12 Provided for the Board’s consideration was revised rule text prepared by Mr. Dierlam to add
 13 disciplinary penalty ranges regarding telehealth violations to the disciplinary guidelines. Mr. Dierlam
 14 requested a member of the Board volunteer or otherwise be delegated to work with him on
 15 finalizing a draft for the Board’s review. Ms. O’Brien volunteered to work with Mr. Dierlam.

16 **MOTION:** Dr. Rubin moved to delegate Ms. O’Brien for this project. Dr. Drew seconded the motion,
 17 which carried 4/0.

18 **REPORT OF ASSISTANT ATTORNEY GENERAL, CHRISTOPHER DIERLAM, ESQUIRE**

19 22. Rule Status Report

20 Mr. Dierlam presented the following rule status report:

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B19-11.0035	Licensure by Examination: Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination	10/25/19	08/28/19	09/05/19	11/08/19 11/13/19 - JAPC letter 11/20/19 – Atty Response 01/28/20 – JAPC letter 01/28/20 – Atty Response 01/28/20 - TOLLED	02/27/20	03/18/20
64B19-15.003	Reactivation of Inactive Licenses	01/27/2020	01/27/2020	01/27/2020	03/11/20 03/17/20 – JAPC letter 04/02/20 – Atty response 04/07/20 – JAPC letter		

21 23. Annual Regulatory Plan

22 Mr. Dierlam presented a draft annual regulatory plan for rules that might be considered for the
 23 2020-2021 fiscal year. Final review of the plan is tabled to the July 2020 meeting to ensure all have
 24 the opportunity to offer any additions.

1 **NEW BUSINESS**

2 24. 2020 Legislation

3 Mr. Hall presented information on HB 713, passed by the Legislature, but pending signature by the
4 Governor as of the date of the meeting. Sections 11 and 12 of the bill remove provisions that
5 require the Department of Health and the various Boards to suspend the licenses of health care
6 practitioners who default on Federal student loans. Sections 40, 41 and 42 are the Board's
7 legislative proposals intended to streamline and expedite the application process and allow
8 licensure for qualified applicants who would otherwise be denied.

9 25. Proposed 2021 PCP Meeting Dates

10 The Board accepted the following dates for the Board's 2021 Probable Cause Panel Meetings.

11 All meetings by conference call – 8:00 a.m. ET

- 12 • January 13
- 13 • March 24
- 14 • May 19
- 15 • July 14
- 16 • September 22
- 17 • November 17

18 **OLD BUSINESS**

19 26. January 24, 2020, General Business Meeting Minutes

20 Following discussion, Dr. Rubin moved to accept the minutes. Dr. Drew seconded the motion,
21 which carried 4/0.

22 **REPORTS, IF ANY**

23 27. Andrew S. Rubin, Ph.D.

- 24 ○ Other Board Members:

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

26 28. Executive Director

27 Report topics:

- 28 • Cash Balance Report
- 29 • Expenditures by Function Report

30 These reports were provided for informational purposes only.

31 **OTHER BUSINESS AND INFORMATION**

32 29. ASPPB Disciplinary Data Report

33 No action taken. Informational item.

34 30. Psychology Staff Recognition

1 Presented as informational items.

2 **ADDENDUM**

3 31. Rule 64B19-11.0075 Application Closure After 24 Months re: Extensions Due to COVID-19
4 Testing Center Closures

5 The Board moved to approve extension requests for an additional 12 months due to testing center
6 closures resulting from COVID-19.