

**The Florida
Board of Psychology**

**DEPARTMENT OF HEALTH
BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING
BY TELEPHONE CONFERENCE CALL
July 31, 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. Randi Mackintosh
Vice Chair & Interim Chair**

**DEPARTMENT OF HEALTH
BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING
BY TELEPHONE CONFERENCE CALL
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AGENDA

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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.

Call to order - General Business Meeting

GENERAL BUSINESS MEETING

Dr. Randi Mackintosh, Vice-Chair, called the general business meeting to order at approximately 8:02 a.m. Those present for all or part of the meeting, included the following:

MEMBERS PRESENT

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

STAFF PRESENT

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

ASSISTANT ATTORNEY GENERAL

Christopher Dierlam, Esq.

ASSISTANT GENERAL COUNSEL

Christina Shideler, Esq.

COURT REPORTER

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DISCIPLINARY PROCEEDINGS

VOLUNTARY RELINQUISHMENT

1. Charles Michael Gerardi, Psy.D., Case No. 2018-15890 (p/c/p Dr. Catherine Drew & Dr. Amy Swan)

Dr. Gerardi was not present nor represented by a legal representative. Dr. Catherine Drew was recused from discussion on this case due to her service on the Board's probable cause panel regarding this matter.

Dr. Gerardi was before the Board for violations of the following: Section 456.072(1)(c), Florida Statutes (2018) and Section 456.072(1) (11), Florida Statutes (2018). Licensee plead guilty to one count of obstruction of federal audit, in violation of 18 U.S.C.S. 1516, in United States District

Court, Middle District of Florida, case number 18-CR-289-T-17AEP. Obstruction of a federal audit is related to healthcare fraud.

MOTION: Following further discussion Ms. O'Brien moved to accept the voluntary relinquishment. Dr. Randi Mackintosh seconded the motion, which carried 3/0.

2. Lisa Michelle Isaac, Psy.D., Case No. 2019-39851 (p/c/p Dr. Catherine Drew & Dr. Amy Swan)

Dr. Isaac was not present nor represented by a legal representative. Dr. Catherine Drew was recused from discussion on this case due to her service on the Board's probable cause panel regarding this matter.

Dr. Gerardi was before the Board for violations of the following: Section 490.009(1)(b), Florida Statutes (2018), for having her psychology license in Colorado disciplined by the Colorado State Board of Psychologist Examiners.

MOTION: Following further discussion, Ms. O'Brien moved to accept the voluntary relinquishment. Dr. Randi Mackintosh seconded the motion, which carried 3/0.

HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

3. Danielle Joi Sanchack, Psy.D., Case No. 2018-29085 (p/c/p Dr. Catherine Drew & Dr. Amy Swan)

Dr. Sanchack was present with legal representative, James Meyer, Esquire. Dr. Catherine Drew was recused from discussion on this case due to her service on the Board's probable cause panel regarding this matter.

- Dr. Sanchack was before the Board for violations of the following: Section 490.009(1)(r), Florida Statutes (2017-2018), Section 490.009(1)(w), Florida Statutes (2018), through a violation of Rule 64B19-18.007(1), and Section 490.009(1)(w), Florida Statutes(2018), through violation of Rule 64B19-19.0025(2), Florida Administrative Code

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

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

MOTION: Dr. Mackintosh made a motion to adopt the findings of fact as set forth in the Administrative Complaint. The motion was seconded by Dr. Rubin, which carried with a 3/0 vote.

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

Ms. Shideler recommended the following penalties be imposed:

- 90-day Suspension of License; and
- \$2,500 fine payable within 1 year of the filing of the Final Order.

Ms. Shideler indicated the cost incurred by the Department in this case was \$1,417.52 and recommended payment of same within 1 year of the filing of the Final Order.

7. Laurie Fleckenstein-Lasner Endorsement of Other State License

Dr. Laurie Fleckenstein-Lasner was not present nor represented by legal counsel.

Dr. Laurie Fleckenstein Lasner applied for licensure under the Endorsement of Other State License method. Provided for the Board's review was the application, 2019 Nevada regulations as well as the regulations of Florida that were in effect at that same time. Dr. Fleckenstein-Lasner's official doctoral level transcript and verification of licensure for psychologist in various states was also provided to the Board.

Dr. Fleckenstein-Lasner completed her Doctor of Philosophy degree in Counseling Psychology at Fairleigh Dickenson University on 12/15/2006. This program was accredited by the APA at the time of Dr. Fleckenstein-Lasner's completion of the program. Dr. Fleckenstein-Lasner's verification of licensure in Georgia provided proof of at least 10 years of licensed psychology experience.

MOTION: Following discussion, Dr. Mackintosh moved to approve the application under Endorsement of 10 Years' Experience. Dr. Drew seconded the motion, which carried 4/0.

8. Susan Kahle Endorsement of 10 Years' Experience

Dr. Kahle's application was withdrawn from further consideration under her original application method of Endorsement of Other State License, as she elected to change to Endorsement of 10 Years of Licensed Psychology Experience.

9. Brenda Vidal Endorsement of 10 Years' Experience

Dr. Vidal's application was withdrawn from further consideration under her original application method of Endorsement of Other State License, as she elected to change to Endorsement of 10 Years of Licensed Psychology Experience.

10. Angela Webb Endorsement of Other State License

Dr. Webb fully withdrew her application for licensure prior to the meeting.

11. Alan Winder Endorsement of Other State License

Dr. Alan Winder was present but was not represented by legal counsel.

Dr. Alan Winder applied for licensure under the Endorsement of Other State License method. Provided for the Board's review was the application, 2020 New Jersey Regulations as well as the regulations of Florida that were in effect at that same time.

Dr. Winder did not meet requirements to change to any of the current methods of application for Florida psychologist licensure.

Following discussion, the Board was moving towards denial of Dr. Winder's application under Endorsement of Other State. Dr. Winder elected to withdraw his application to avoid a record of denial.

12. Jennifer Bailey Bifurcation/Examination with Waiver

Dr. Bailey's application was withdrawn from further consideration under her original application method of Endorsement of Other State License, as she elected to change to Bifurcation/Examination with Waiver.

13. Paul Kleinman Endorsement of 10 Years' Experience

Dr. Paul Kleinman was not present but was not represented by legal counsel.

Dr. Paul Kleinman applied for licensure under the Endorsement of 20-Years License method. Provided for the Board's review was the application, official doctoral level transcript and other supporting documentation. Due to the elimination of the 20-Year Endorsement method, Dr. Kleinman's application was considered under the 10-Year Endorsement method.

Dr. Kleinman completed his Doctor of Philosophy degree in Psychology at the Illinois Institute of Technology on 05/18/1980. This program was not accredited by the APA at the time of Dr. Kleinman completion of the program. Dr. Kleinman provided correspondence for the Board's consideration in this regard.

Following discussion, Dr. Mackintosh moved to deny the application under Endorsement of 10 Years' Experience, with an opportunity to withdraw the application within 14 days of the filing of the denial order. Ms. O'Brien seconded the motion, which carried 4/0.

REVIEW OF POST-DOCTORAL SUPERVISED EXPERIENCE

14. Kimberly Fitzgerald Bifurcation/Examination with Waiver

Dr. Kimberly Fitzgerald was present but was not represented by legal counsel.

Dr. Kimberly Fitzgerald applied for licensure under the Bifurcation/Examination with Waiver method. Dr. Fitzgerald's application was approved on December 9, 2019, pending passage of the Florida laws and rules examination and acceptable documentation of her post-doctoral supervised experience.

Dr. Fitzgerald completed her post-doctoral supervised experience under different supervisors in two different California facilities. The initial supervision consisted of 1,721.5 hours completed May 2016 – May 2017. This experience was documented on Florida's supervised experience verification form and signed by supervising psychologist, Dr. Tomer Anbar.

Dr. Fitzgerald's second post-doctoral supervised experience, consisting of 278.5-plus hours, was completed while employed by California Correctional Health Care Services (CCHCS) under multiple Senior Psychologist Supervisors. Dr. Fitzgerald provided documentation of her employment at CCHCS but had not been able to obtain official verification on Florida's form as of the date of the instant Board meeting.

MOTION: Following discussion, Dr. Mackintosh moved to approve the application contingent upon Dr. Fitzgerald's submission of official documentation of her second post-doctoral supervised experience within 30 days of the filing of the Board's order. Dr. Drew seconded the motion, which carried 4/0.

15. Carola Jobe Examination with Waiver

Dr. Carola Jobe was present but was not represented by legal counsel.

Dr. Carola Jobe applied for licensure under the Examination with Waiver method. Dr. Jobe documented satisfaction of the educational and national exam requirements for this method. However, was unable to locate her original post-doctoral experience supervisors to complete Florida's verification forms. In lieu of same, Dr. Jobe submitted a copy of her original verification forms submitted for licensure in the state of Virginia for the Board's approval.

MOTION: Following discussion, Ms. O'Brien moved to accept the hours of post-doctoral supervised experience documented on the forms presented by Dr. Jobe. Dr. Drew seconded the motion, which carried 4/0.

PETITION FOR DECLARATORY STATEMENT

16. Dr. Luis E. Orta re: Section 490.0147, F.S., Confidentiality & Privileged Communications, Section 490.009, F.S., Discipline, and Rule 64B19-18.004, F.A.C., Use of Test Instruments

Provided for the Board's review was a Petition filed on June 29, 2020 by Dr. Luis Orta. Dr. Orta is seeking the Board's opinion regarding conducting Psycho-Educational Assessments (IQ Tests) for the Gifted Program and other exceptionalities through Virtual Testing, considering the Board's regulations on confidentiality, privileged communications and use of test instruments.

On July 30, 2020, three (3) Motions for Leave to Intervene were filed by various persons and entities regarding the petition. Mr. Dierlam advised the Board that consideration of the Petition would need to be tabled to allow Dr. Orta the opportunity, if desired, to respond to the motions. The petition and motions will be presented to the Board during the October meeting for final action.

Break: 8:56 a.m.

Reconvened: 9:11 a.m.

LICENSURE RATIFICATION LISTS

17. List of Licensed Psychologists

MOTION: Dr. Mackintosh mentioned having knowledge of listed licensee, Dr. Blankenship, but that it would not create a bias in considering ratification of the list presented. Dr. Mackintosh moved to approve the list of licensed psychologists for licensure as noted. Dr. Rubin seconded the motion, which carried 4/0.

18. List of Licensed Provisional Psychologists

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

CONTINUING EDUCATION PROVIDER RATIFICATION LIST

19. List of Applicants

MOTION: Dr. Drew moved to approve the list of continuing education providers and medical errors course applicants, as orally amended to include recently approved courses. Ms. O'Brien seconded the motion, which carried 4/0.

APPLICATION EXTENSION RATIFICATION LIST

20 List of Applicants

Dr. Mackintosh 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.

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

21. List of Applicants

MOTION: Following discussion, Dr. Mackintosh moved to ratify the file closure list. Dr. Drew seconded the motion, which carried 4/0.

RULES REVIEW & DEVELOPMENT

22. Application Forms:

The Division of Medical Quality Assurance's Bureau of Health Care Practitioner Regulation, in conjunction with the Chief Assistant Attorney General, have analyzed state and federal law, reviewed case law and developed new health history questions to propose to all 22 regulatory boards/councils.

Provided for the Board's consideration was the psychologist, provisional psychologist and limited psychologist licensure application forms containing the updated questions, as well as revised rule text incorporating each form.

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

MOTION: Dr. Mackintosh moved to approve the proposed revisions to the psychologist licensure application form and the proposed rule text incorporating same. Ms. O'Brien seconded the motion, which carried 4/0.

MOTION: Dr. Mackintosh moved that the proposed rule language would not would not have an adverse impact on small business. Ms. O'Brien seconded the motion, which carried 4/0.

MOTION: Dr. Mackintosh moved the proposed rule language would not have an economic impact on government or any other entity in excess of \$200,000 within one year of the rule being implemented. Ms. O'Brien seconded the motion, which carried 4/0.

MOTION: Dr. Mackintosh moved to approve the proposed rule language should not be designated as a minor violation for first time offenses. Ms. O'Brien seconded the motion, which carried 4/0.

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

- Rule 64B19-11.010, F.A.C, Limited Licensure

MOTION: Dr. Mackintosh moved to approve the proposed revisions to the limited psychologist licensure application form and the proposed rule text incorporating same. Ms. O'Brien seconded the motion, which carried 4/0.

MOTION: Dr. Mackintosh moved the proposed rule language would not would not have an adverse impact on small business. Ms. O'Brien seconded the motion, which carried 4/0.

MOTION: Dr. Mackintosh moved the proposed rule language would not have an economic impact on government or any other entity in excess of \$200,000 within one year of the rule being implemented. Ms.O'Brien seconded the motion, which carried 4/0.

MOTION: Dr. Mackintosh moved to approve the proposed rule language should not be designated as a minor violation for first time offenses. Ms. O'Brien seconded the motion, which carried 4/0.

MOTION: Dr. Mackintosh moved to approve the proposed rule language would not require a sunset provision. Ms.O'Brien seconded the motion,which carried 4/0.

- Rule 64B19-11.011, F.A.C., Provisional License; Supervision of Provisional Licensees

MOTION: Dr. Mackintosh moved to approve the proposed revision to the provisional psychologist licensure application form and the proposed rule text incorporating same. Ms. O'Brien seconded the motion, which carried 4/0.

MOTION: Dr. Mackintosh moved the proposed rule language would not would not have an adverse impact on small business. Ms. O'Brien seconded the motion, which carried 4/0.

MOTION: Dr. Mackintosh moved the proposed rule language would not have an economic impact on government or any other entity in excess of \$200,000 within one year of the rule being implemented. Ms.O'Brien seconded the motion, which carried 4/0.

MOTION: Dr. Mackintosh moved to approve the proposed rule language should not be designated as a minor violation for first time offenses. Ms. O'Brien seconded the motion, which carried 4/0.

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

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

The Board was provided with revisions to the re-examination application forms for the national EPPP and state laws and rules examination. Revisions were made to incorporate changes pursuant to the passage of HB 715 (2020). The changes were regarding student loan hits on the U.S. Department of Health & Human Service's Office of the Inspector General's Exclusion list not serving as a sole basis for denial of a licensure application. The Board was also provided proposed rule text to incorporate the revised forms.

MOTION: Dr. Mackintosh moved to approve the proposed revisions to both forms and the proposed rule text incorporating same. Ms. O'Brien seconded the motion, which carried 4/0.

MOTION: Following discussion, Dr. Mackintosh moved the proposed rule language would not have an adverse impact on small business. Ms. O'Brien seconded the motion, which carried 4/0.

MOTION: Dr. Mackintosh moved the proposed rule language would not have an economic impact on government or any other entity in excess of \$200,000 within one year of the rule being implemented. Ms.O'Brien seconded the motion, which carried 4/0.

MOTION: Dr. Mackintosh moved to approve the proposed rule language should not be designated as a minor violation for first time offenses. Ms. O'Brien seconded the motion, which carried 4/0.

MOTION: Dr. Mackintosh moved to approve the proposed rule language would not require a sunset provision. Ms.O'Brien seconded the motion, which carried 4/0.

23. Rule 64B19-17.002, F.A.C., Disciplinary Guidelines

Provided for the Board's consideration was the following revised rule text prepared by Mr. Dierlam to add disciplinary penalty ranges regarding telehealth violations to the disciplinary guidelines.

**CHAPTER 64B19-17
DISCIPLINE**

64B19-17.002	Disciplinary Guidelines
64B19-17.0025	Payment of Fine
64B19-17.003	Advertising
64B19-17.0035	Minor Misconduct; Notices of Noncompliance
64B19-17.004	Citations
64B19-17.007	Mediation

64B19-17.002 Disciplinary Guidelines.

(1) When the Board finds that an applicant, a telehealth registrant, or a licensee has committed any of the acts set forth in Chapters 456 or 490, F.S., it ~~shall~~ may issue a final order imposing one or more of the penalties listed in section 456.072(2), or 456.47 F.S., as recommended in the following disciplinary guidelines. ~~The descriptions of violations are only a summary; the full language of each statutory provision cited must be consulted in order to determine the conduct involved. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of chapters 456 or 490, F.S. All penalties at the upper range of the sanctions set forth in the guidelines, e.g., suspension, revocation, etc., include lesser penalties, e.g., fine, continuing education, probation, or reprimand, which may be included in the final penalty at the board's discretion. Probation may be subject to conditions, including restriction from practice in certain settings, restricting the licensee to working only under designated conditions or in certain settings, requiring continuing or remedial education, or any other restriction found to be necessary for the protection of the public health, safety, and welfare. In addition to any other discipline imposed under these guidelines, the board shall assess costs relating to the investigation and prosecution of the case. Penalty ranges are shown as minimum and maximum guidelines as well as for first time single count violations and for multiple or repeated violations of the same statutory provision or the rules promulgated thereunder. The term license means any permit, registration, certificate, out-of-state telehealth provider registration, or license, including a provisional license, issued by the Department. The range of disciplinary action for registered out-of-state telehealth providers shall be, in ascending order of severity, reprimand, suspension, and revocation. For telehealth registrants, a suspension may be accompanied by a corrective action plan that includes rehabilitative provisions narrowly tailored to address the conduct which resulted in the underlying disciplinary violations. The Board may require a corrective action plan to be completed prior to reinstatement of the suspended registration or the corrective action plan may follow a suspension for a definite term.~~

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees and permittees for violation of the below mentioned statutes and rules. For the purposes of this rule, the descriptions of the violations are abbreviated, and the full statute or rule cited should be consulted to determine the prohibited conduct.

VIOLATION	PENALTY RANGE		TELEHEALTH PENALTY RANGE	
	FIRST OFFENSE	SUBSEQUENT OFFENSE(S)	FIRST OFFENSE	SUBSEQUENT OFFENSE
(a) Attempting to obtain, or renewing a license by bribery or fraudulent misrepresentation , or through an error of the board or department. (Sections 490.009(1)(a) and 456.072(1)(h), F.S.)	<u>MIN: Two (2) year probation and a \$1,000 fine, or in the</u>	<u>MIN: Revocation and a \$5,000 fine, or denial of licensure; MAX:</u>	<u>MIN: Two (2) year probation, or in the case of an applicant, denial of</u>	<u>MIN: Revocation or denial of registration; MAX: Revocation or</u>

VIOLATION	PENALTY RANGE		TELEHEALTH PENALTY RANGE	
<p>If fraud or through fraudulent misrepresentation.</p>	<p><u>case of an applicant denial of licensure; MAX: Revocation and a \$5,000 fine, or in the case of an applicant denial of licensure.</u></p> <p><u>MIN: Revocation, or in the case of an applicant denial of licensure; MAX: Revocation and a \$10,000 fine, or in the case of an applicant denial of licensure.</u></p>	<p><u>Revocation and \$10,000 fine, or denial of licensure.</u></p> <p><u>MIN: Revocation, or denial of licensure; MAX: Revocation and a \$10,000 fine, or denial of licensure.</u></p>	<p><u>registration; MAX: Revocation, or in the case of an applicant, denial of registration.</u></p> <p><u>MIN: Revocation, or in the case of an applicant denial of registration; MAX: Revocation, or in the case of an applicant, denial of registration.</u></p>	<p><u>denial of registration.</u></p> <p><u>MIN: Revocation or denial of registration; MAX: Revocation or denial of registration.</u></p>
<p>(b) License disciplined by another jurisdiction. (Sections 490.009(1)(b) and 456.072(1)(f), F.S.)</p>	<p><u>MIN: Same penalty as imposed in other jurisdiction or that would have been imposed had the violation occurred in Florida and a \$1,000 fine; MAX: Same penalty as imposed in other</u></p>	<p><u>MIN: Same penalty as imposed in other jurisdiction or that would have been imposed had the violation occurred in Florida and a \$5,000 fine. MAX: Revocation and \$10,000 fine.</u></p>	<p><u>MIN: Reprimand; MAX: Discipline as similar as possible to the discipline imposed in the other jurisdiction.</u></p>	<p><u>MIN: Discipline as similar as possible to the discipline imposed in the other jurisdiction; MAX: Revocation.</u></p>

VIOLATION	PENALTY RANGE		<u>TELEHEALTH PENALTY RANGE</u>	
	<u>jurisdiction or that would have been imposed had the violation occurred in Florida and a \$5,000 fine.</u>			
(c) Criminal conviction relating to psychology. (Sections 490.009(1)(c) and 456.072(1)(c), F.S.)	<u>MIN: Reprimand and \$2,500 fine; MAX: One (1) year suspension followed by one (1) year probation and a \$5,000 fine.</u>	<u>MIN: One (1) year suspension and a \$5,000 fine; MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension; MAX: Revocation.</u>
(d) False, deceptive or misleading advertising. (Sections 490.009(1)(d) and 456.072(1)(m), F.S.) If fraud or fraudulent misrepresentation.	<u>MIN: Reprimand and a \$1,000 fine; MAX: One (1) year suspension followed by one (1) year probation and a \$5,000 fine.</u> <u>MIN: \$5,000 fine and one (1) year probation; MAX: \$10,000 fine and one (1) year suspension followed by two (2) years probation.</u>	<u>MIN: One (1) year suspension and a \$5,000 fine; MAX: Revocation and a \$10,000 fine.</u> <u>MIN: Two (2) year suspension and a \$10,000 fine; MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan.</u> <u>MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension; MAX: Revocation.</u> <u>MIN: Two (2) year suspension; MAX: Revocation.</u>

VIOLATION	PENALTY RANGE		TELEHEALTH PENALTY RANGE	
(e) Advertising, practicing, or attempting to practice under another name. (Section 490.009(1)(e), F.S.)	<u>MIN: Reprimand and \$1,000 fine;</u> <u>MAX: One (1) year probation and a \$5,000 fine.</u>	<u>MIN: One (1) year probation and a \$5,000 fine;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Reprimand;</u> <u>MAX: Suspension and a corrective action plan.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
(f) Maintaining a wrongful professional association. (Section 490.009(1)(f), F.S.)	<u>MIN: Reprimand and \$1,000 fine;</u> <u>MAX: One (1) year probation and a \$5,000 fine.</u>	<u>MIN: One (1) year suspension and a \$5,000 fine;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Reprimand;</u> <u>MAX: Suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension;</u> <u>MAX: Revocation.</u>
(g) Knowingly aiding, assisting, procuring, or advising a non-licensed person. (Sections 490.009(1)(g) and 456.072(1)(j), F.S.)	<u>MIN: Reprimand and \$1,000 fine;</u> <u>MAX: One (1) year probation and a \$5,000 fine.</u>	<u>MIN: One (1) year suspension and a \$5,000 fine;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Reprimand;</u> <u>MAX: Suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension;</u> <u>MAX: Revocation.</u>
(h) Failing to perform any statutory or legal obligation. (Sections 490.009(1)(h) and 456.072(1)(k), F.S.)	<u>MIN: Reprimand and \$1,000 fine;</u> <u>MAX: One (1) year probation and a \$5,000 fine.</u>	<u>MIN: One (1) year suspension and a \$5,000 fine;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Reprimand;</u> <u>MAX: Suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension;</u> <u>MAX: Revocation.</u>
(i) Willingly making or filing a false report, etc. (Sections 409.009(1)(i) and 456.072(1)(l), F.S.)	<u>MIN: Reprimand and \$1,000 fine;</u> <u>MAX: One (1) year probation and a \$5,000 fine.</u>	<u>MIN: One (1) year suspension and a \$5,000 fine;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Reprimand;</u> <u>MAX: Suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension;</u> <u>MAX: Revocation.</u>
(j) Paying or receiving a kickback, etc. (Section 490.009(1)(j), F.S.)	<u>MIN: A refund of the fees paid by or on behalf of</u>	<u>MIN: A refund of the fees paid by or on behalf of the patient,</u>	<u>MIN: Reprimand;</u> <u>MAX: One (1) year suspension and</u>	<u>MIN: Two (2) year suspension and a corrective</u>

VIOLATION	PENALTY RANGE		TELEHEALTH PENALTY RANGE	
	<u>the patient and a \$1,000 fine; MAX: One (1) year suspension followed by one (1) year probation and a \$5,000 fine.</u>	<u>a two (2) year suspension followed by one (1) year probation and a \$5,000 fine; MAX: Revocation and a \$10,000 fine.</u>	<u>a corrective action plan including a refund of the fees paid by or on behalf of the patient.</u>	<u>action plan including a refund of the fees paid by or on behalf of the patient; MAX: Revocation.</u>
(k) Sexual misconduct or battery on a patient. (Section 490.009(1)(k), and 456.072(1)(v), F.S.)	<u>MIN: One (1) year suspension followed by one (1) year probation and a \$5,000 fine; MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Revocation; MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.</u>	<u>MIN: Revocation; MAX: Revocation.</u>
(l) Making misleading, deceptive or untrue representations. fraudulent representations, etc. (Sections 409.009(1)(l) and 456.072(1)(m), F.S.) If fraud or fraudulent misrepresentations.	<u>MIN: One (1) year probation and a \$1,000 fine; MAX: One (1) year suspension followed by one (1) year probation and a \$5,000 fine.</u> <u>MIN: One (1) year suspension and a \$5,000 fine; MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: One (1) year suspension followed by one (1) year probation and a \$5,000 fine; MAX: Revocation and a \$10,000 fine.</u> <u>MIN: Revocation; MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.</u> <u>MIN: One (1) year suspension; MAX: Revocation.</u>	<u>MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.</u> <u>MIN: Revocation; MAX: Revocation.</u>
(m) Soliciting through fraud , intimidation, undue influence, etc. (Section 490.009(1)(m), F.S.)	<u>MIN: Reprimand and a</u>	<u>MIN: One (1) year suspension</u>	<u>MIN: Reprimand; MAX: One (1)</u>	<u>MIN: One (1) year suspension;</u>

VIOLATION	PENALTY RANGE		TELEHEALTH PENALTY RANGE	
<p>If through fraud or fraudulent misrepresentations.</p>	<p><u>\$1,000 fine;</u> <u>MAX: One (1) year suspension followed by one (1) year probation and a \$5,000 fine.</u></p> <p><u>MIN: One (1) year probation and a \$5,000 fine;</u> <u>MAX: One (1) year suspension followed by one (1) year probation and a \$10,000 fine.</u></p>	<p><u>and a \$5,000 fine;</u> <u>MAX: Revocation and a \$10,000 fine.</u></p> <p><u>MIN: Revocation; MAX: Revocation and \$10,000 fine.</u></p>	<p><u>year suspension and a corrective action plan.</u></p> <p><u>MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.</u></p>	<p><u>MAX: Revocation.</u></p> <p><u>MIN: Revocation; MAX: Revocation.</u></p>
<p>(n) Failing to provide records, etc. (Section 490.009(1)(n), F.S.)</p>	<p><u>MIN: Reprimand and a \$1,000 fine;</u> <u>MAX: One (1) year suspension followed by one (1) year probation and a \$5,000 fine.</u></p>	<p><u>MIN: Reprimand, one (1) year probation, and a \$5,000 fine;</u> <u>MAX: Revocation and a \$10,000 fine.</u></p>	<p><u>MIN: Reprimand;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u></p>	<p><u>MIN: Reprimand and one (1) year suspension;</u> <u>MAX: Revocation.</u></p>
<p>(o) Failing to respond to Department within 30 days, etc. (Section 490.009(1)(o), F.S.)</p>	<p><u>MIN: Reprimand and a \$1,000 fine;</u> <u>MAX: Suspension until compliance and a \$5,000 fine.</u></p>	<p><u>MIN: One (1) year suspension and a \$5,000 fine;</u> <u>MAX: Revocation and a \$10,000 fine.</u></p>	<p><u>MIN: Reprimand;</u> <u>MAX: Suspension and a corrective action plan, to include at a minimum, compliance.</u></p>	<p><u>MIN: One (1) year suspension and a corrective action plan, to include at a minimum, compliance;</u> <u>MAX: Revocation.</u></p>
<p>(p) Incompetence (mental or physical impairment), etc. (Section 490.009(1)(p), and 456.072(1)(z), F.S.)</p>	<p><u>MIN: Suspension until licensee is</u></p>	<p><u>MIN: Suspension until licensee is able to</u></p>	<p><u>MIN: Suspension and a corrective</u></p>	<p><u>MIN: One (1) year suspension and a</u></p>

VIOLATION	PENALTY RANGE		<u>TELEHEALTH PENALTY RANGE</u>	
	<u>able to demonstrate ability to practice with reasonable skill and safety and a \$1,000 fine; MAX: Suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by one (1) year probation and a \$5,000 fine.</u>	<u>demonstrate ability to practice with reasonable skill and safety followed by one (1) year probation and a \$5,000 fine; MAX: Revocation and a \$10,000 fine.</u>	<u>action plan, to include at a minimum, demonstration of the ability to practice with reasonable skill and safety. MAX: One (1) year suspension and a corrective action plan, to include at a minimum, demonstration of the ability to practice with reasonable skill and safety.</u>	<u>corrective action plan, to include at a minimum, demonstration of the ability to practice with reasonable skill and safety. MAX: Revocation.</u>
<p>(q) Violating provisions of chapter 490 or 456, F.S., or any rules pursuant thereto. (Sections 490.009(1)(w), 456.072(1)(b) and 456.072(1)(dd), F.S.)</p>	<u>MIN: Reprimand and a \$1,000 fine; MAX: One (1) year suspension followed by one (1) year probation and a \$5,000 fine.</u>	<u>MIN: One (1) year suspension and a \$5,000 fine; MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension; MAX: Revocation.</u>
<p>(r) Experimentation without informed consent. (Section 490.009(1)(q), F.S.)</p>	<u>MIN: Reprimand and a \$1,000 fine; MAX: One (1) year suspension followed by one (1) year probation and a \$5,000 fine.</u>	<u>MIN: One (1) year suspension and a \$5,000 fine; MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension; MAX: Revocation.</u>
<p>(s) Negligence <u>Failing to meet the minimum standards of</u></p>	<u>MIN:</u>	<u>MIN: One (1)</u>	<u>MIN:</u>	<u>MIN: One (1)</u>

VIOLATION	PENALTY RANGE		TELEHEALTH PENALTY RANGE	
<u>performance.</u> (Section 490.009(1)(r), F.S.)	<u>Reprimand and a \$1,000 fine; MAX: One (1) year suspension followed by one (1) year probation and a \$5,000 fine.</u>	<u>year suspension and a \$5,000 fine; MAX: Revocation and a \$10,000 fine.</u>	<u>Reprimand; MAX: One (1) year suspension and a corrective action plan.</u>	<u>year suspension; MAX: Revocation.</u>
(t) Delegating professional responsibilities. (Sections 490.009(1)(s) and 456.072(1)(p), F.S.)	<u>MIN: Reprimand and a \$1,000 fine; MAX: One (1) year suspension followed by one (1) year probation and a \$5,000 fine.</u>	<u>MIN: One (1) year suspension and a \$5,000 fine; MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension; MAX: Revocation.</u>
(u) Violating any lawful order. (Sections 490.009(1)(t) and 456.072(1)(q), F.S.)	<u>MIN: Reprimand and a \$1,000 fine; MAX: Suspension until compliance followed by one (1) year probation and a \$5,000 fine.</u>	<u>MIN: One (1) year suspension and a \$5,000 fine; MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan, to include at a minimum, compliance.</u>	<u>MIN: One (1) year suspension; MAX: Revocation.</u>
(v) Failing to maintain confidence. (Section 490.009(1)(u), F.S.)	<u>MIN: Reprimand and a \$1,000 fine; MAX: One (1) year probation and a \$5,000 fine.</u>	<u>MIN: One (1) year suspension and a \$5,000 fine; MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Reprimand; MAX: Suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension; MAX: Revocation.</u>
(w) Identifying or damaging research clients. (Section 490.009(1)(v), F.S.)	<u>MIN: Reprimand and a \$1,000 fine; MAX: One (1) year</u>	<u>MIN: One (1) year suspension and a \$5,000 fine; MAX:</u>	<u>MIN: Reprimand; MAX: One (1) year suspension and a corrective</u>	<u>MIN: One (1) year suspension; MAX: Revocation.</u>

VIOLATION	PENALTY RANGE		<u>TELEHEALTH PENALTY RANGE</u>	
	<u>suspension followed by one (1) year probation and a \$5,000 fine.</u>	<u>Revocation and a \$10,000 fine.</u>	<u>action plan.</u>	
(x) Failure to comply with continuing education for domestic violence. (Section 456.072(1)(s), F.S.)	<u>MIN: Reprimand and a \$500 fine; MAX: Suspension until compliance and a \$1,000 fine.</u>	<u>MIN: Reprimand, suspension until compliance and a \$1,000 fine; MAX: Suspension until compliance followed by one (1) year suspension and a \$2,500 fine.</u>	<u>MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan, to include at a minimum, compliance.</u>	<u>MIN: Reprimand, one (1) year suspension and a corrective action plan, to include at a minimum, compliance. MAX: Revocation</u>
(y) Exercising influence on the patient or client for financial gain. (Section 456.072(1)(n), F.S.)	<u>MIN: One (1) year probation and a \$1,000 fine; MAX: One (1) year suspension followed by one (1) year probation and a \$5,000 fine.</u>	<u>MIN: One (1) year suspension and a \$5,000 fine; MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension; MAX: Revocation.</u>
(z) Improperly interfering with an investigation. (Section 456.072(1)(r), F.S.)	<u>MIN: One (1) year probation and a \$1,000 fine; MAX: One (1) year suspension followed by one (1) year probation and a \$5,000 fine.</u>	<u>MIN: One (1) year suspension and a \$5,000 fine; MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension; MAX: Revocation.</u>
(aa) Performing or attempting to perform wrong health care services. (Section 456.072(1)(bb), F.S.)	<u>MIN: Reprimand and a</u>	<u>MIN: One (1) year suspension</u>	<u>MIN: Reprimand; MAX: One (1)</u>	<u>MIN: One (1) year suspension;</u>

VIOLATION	PENALTY RANGE		TELEHEALTH PENALTY RANGE	
	<u>\$1,000 fine;</u> <u>MAX: One (1) year suspension followed by one (1) year probation and a \$5,000 fine.</u>	<u>and a \$5,000 fine;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>year suspension and a corrective action plan.</u>	<u>MAX: Revocation.</u>
(bb) Termination from impaired practitioner program. (Section 456.072(1)(hh), F.S.)	<u>MIN: Suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety and a \$1,000 fine;</u> <u>MAX: Suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by one (1) year probation and a \$5,000 fine.</u>	<u>MIN: Suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by one (1) year probation and a \$5,000 fine;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Suspension and a corrective action plan, to include at a minimum, demonstration of the ability to practice with reasonable skill and safety.</u> <u>MAX: One (1) year suspension and a corrective action plan, to include at a minimum, demonstration of the ability to practice with reasonable skill and safety.</u>	<u>MIN: One (1) year suspension and a corrective action plan, to include at a minimum, demonstration of the ability to practice with reasonable skill and safety.</u> <u>MAX: Revocation.</u>
(cc) Failure to identify through written notice, or orally to a patient the type of license under which the practitioner is practicing. Any advertisement for health care services naming the practitioner must identify the type of license the practitioner holds. (Section 456.072(1)(t), F.S.)	<u>MIN: Reprimand and a \$1,000 fine;</u> <u>MAX: One (1) year probation and a \$5,000 fine.</u>	<u>MIN: One (1) year probation and a \$5,000 fine;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Reprimand;</u> <u>MAX: Suspension and a corrective action plan.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
(dd) Failure to report another licensee in violation. (Section 456.072(1)(i), F.S.)	<u>MIN: Reprimand and a</u>	<u>MIN: One (1) year suspension</u>	<u>MIN: Reprimand;</u> <u>MAX:</u>	<u>MIN: One (1) year suspension</u>

VIOLATION	PENALTY RANGE		TELEHEALTH PENALTY RANGE	
	<u>\$1,000 fine;</u> <u>MAX: One (1) year probation and a \$5,000 fine.</u>	<u>and a \$5,000 fine;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>Suspension and a corrective action plan.</u>	<u>MAX: Revocation.</u>
(ee) Practicing beyond scope permitted. (Section 456.072(1)(o), F.S.)	<u>MIN: One (1) year suspension and a \$1,000 fine;</u> <u>MAX: Revocation and a \$5,000 fine.</u>	<u>MIN: One (1) year suspension followed by one (1) year probation and a \$5,000 fine;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: One (1) year suspension;</u> <u>MAX: Revocation.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
(ff) Failing to report to the Board within thirty (30) days after the licensee has been convicted of a crime in any jurisdiction. (Section 456.072(1)(x), F.S.)	<u>MIN Reprimand and a \$1,000 fine;</u> <u>MAX: One (1) year probation and a \$5,000 fine.</u>	<u>MIN: One (1) year suspension and a \$5,000 fine;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Reprimand;</u> <u>MAX: Suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension;</u> <u>MAX: Revocation.</u>
(gg) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 USC s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 USC ss. 1320a-7b, relating to the Medicaid program. (Section 456.072(1)(ii), F.S.)	<u>MIN: One (1) year probation and a \$5,000 fine;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Revocation;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>	<u>MIN: Revocation;</u> <u>MAX: Revocation.</u>
(hh) Failing to remit the sum owed to the state for overpayment from the Medicaid program pursuant to a final order, judgment, or settlement. (Section 456.072(1)(jj), F.S.)	<u>MIN: Reprimand, one (1) year probation and a \$1,000 fine;</u> <u>MAX: One (1) year suspension followed by one (1) year probation and a \$5,000 fine.</u>	<u>MIN: One (1) year suspension and a \$5,000 fine;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Reprimand, suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension;</u> <u>MAX: Revocation.</u>
(ii) Being terminated from the state Medicaid program,	<u>MIN: One</u>	<u>MIN:</u>	<u>MIN: One (1)</u>	<u>MIN:</u>

VIOLATION	PENALTY RANGE		<u>TELEHEALTH PENALTY RANGE</u>	
<p>or any other state Medicaid program, or the federal Medicare program. (Section 456.072(1)(kk), F.S.)</p>	<p><u>(1) year suspension and a \$1,000 fine; MAX: Revocation and a \$5,000 fine.</u></p>	<p><u>Revocation; MAX: Revocation and a \$10,000 fine.</u></p>	<p><u>year suspension; MAX: Revocation.</u></p>	<p><u>Revocation; MAX: Revocation.</u></p>
<p>(jj) Being convicted of, or entering into a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, which relates to health care fraud. (Section 456.072(1)(ll), F.S.)</p>	<p><u>MIN: Revocation; MAX: Revocation and a \$5,000 fine.</u></p>	<p><u>MIN: Revocation and a \$5,000 fine; MAX: Revocation and a \$10,000 fine.</u></p>	<p><u>MIN: Revocation; MAX: Revocation</u></p>	<p><u>MIN: Revocation; MAX: Revocation</u></p>
<p>(kk) Willfully failing to comply with section 627.64194 or 641.513, F.S., with such frequency as to indicate a general business practice. (Section 456.072(1)(oo), F.S.)</p>	<p><u>MIN: One (1) year suspension and a \$1,000 fine; MAX: One (1) year suspension followed by one (1) year probation and a \$5,000 fine.</u></p>	<p><u>MIN: Revocation; MAX: Revocation and a \$10,000 fine.</u></p>	<p><u>MIN: One (1) year suspension; MAX: One (1) year suspension and a corrective action plan.</u></p>	<p><u>MIN: Revocation; MAX: Revocation.</u></p>
<p><u>(ll) Failure to notify the applicable board, or the department if there is no board, of any adverse actions taken against his or her license.</u> (Section 456.47(4)(i)1., F.S.);</p>	<p><u>N/A</u></p>	<p><u>N/A</u></p>	<p><u>MIN: Reprimand; MAX: Suspension and a corrective action plan.</u></p>	<p><u>MIN: Suspension and a corrective action plan; MAX: Revocation.</u></p>
<p><u>(mm) Has restrictions placed on or disciplinary action taken against his or her license in any state or jurisdiction.</u> (Section 456.47(4)(i)2., F.S.)</p>	<p><u>N/A</u></p>	<p><u>N/A</u></p>	<p><u>MIN: Discipline as close as possible to the discipline imposed in the other jurisdiction; MAX: Revocation.</u></p>	<p><u>MIN: Discipline as close as possible to the discipline imposed in the other jurisdiction; MAX: Revocation.</u></p>
<p><u>(nn) Violates any of the requirements of Section 456.47, F.S.</u> (Section 456.47(4)(i)3., F.S.)</p>	<p><u>N/A</u></p>	<p><u>N/A</u></p>	<p><u>MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan.</u></p>	<p><u>MIN: Suspension and a corrective action plan; MAX: Revocation.</u></p>

(2) Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended above. The Board shall consider as aggravating or mitigating circumstances the following:

- (a) The danger to the public;
- (b) The length of time since the date of violation;
- (c) The number of complaints filed against the licensee;
- (d) The length of time the licensee has practiced without complaint or violations;
- (e) The actual damage, physical or otherwise, to the patient;
- (f) The deterrent effect of the penalty imposed;
- (g) The effect of the penalty upon the licensee's livelihood;
- (h) Any efforts the licensee has made toward rehabilitation;
- (i) The actual knowledge of the licensee pertaining to the violation;
- (j) Attempts by the licensee to correct or stop violations or refusal by the licensee to correct or stop violations;
- (k) Related violations found against the licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;
- (l) Any other mitigating or aggravating circumstances that are particular to that licensee or to the situation so long as the aggravating or mitigating circumstances are articulated in the Board's final order.

(3) The provisions of this rule shall not be construed to prohibit civil action or criminal prosecution as provided by law. Nor may the provisions of this rule be construed to limit the ability of the Board to enter into binding stipulations as per section 120.57(4), F.S.

Rulemaking Authority 456.079, 490.004(4) FS. Law Implemented 456.072, 456.079, 490.009 FS. History—New 11-24-86, Amended 7-18-88, 4-26-93, Formerly 21U-18.003, Amended 6-14-94, Formerly 61F13-18.003, Amended 1-9-96, Formerly 59AA-17.002, Amended 9-18-97, 9-26-01, 3-25-02, 4-3-05, 1-2-06, 12-31-06, 2-18-10, 6-21-17, 6-20-18.

MOTION: Following discussion, Dr. Mackintosh moved to accept the revised disciplinary guidelines. Dr. Drew seconded the motion, which carried 4/0.

MOTION: Dr. Mackintosh moved the proposed rule language would not would not have an adverse impact on small business. Ms. O'Brien seconded the motion, which carried 4/0.

MOTION: Dr. Mackintosh moved the proposed rule language would not have an economic impact on government or any other entity in excess of \$200,000 within one year of the rule being implemented. Ms. O'Brien seconded the motion, which carried 4/0.

MOTION: Dr. Mackintosh moved to approve the proposed rule language should not be designated as a minor violation for first time offenses. Ms. O'Brien seconded the motion, which carried 4/0.

MOTION: Dr. Mackintosh moved to approve the proposed rule language would not require a sunset provision. Ms. O'Brien seconded the motion, which carried 4/0.

24. Rules Review and Correspondence from the Joint Administrative Procedures Committee (JAPC)

- Rules 64B19-10.006 and 10.014, F.A.C., General Organization and Procedures; Delegation of Functions

Following review and discussion, Ms. O'Brien moved to adopt JAPC's recommendation. Dr. Mackintosh seconded the motion, which carried 4/0.

- Rules 64B19-16.001 and 16.003, F.A.C., Investigators, Probable Cause Panel, Reconsideration of Probable Cause, Sexual Misconduct

Following review and discussion, Dr. Drew moved to adopt JAPC's recommendation. Ms. O'Brien seconded the motion, which carried 4/0.

- Rules 64B19-18.002, 18.003, 18.004, 18.007, and 18.008, F.A.C., Scope of Practice, Consent, Forensic Evaluations to Address Matters Relating to Child Custody

Following review and discussion, Ms. O'Brien moved to open Rules 64B19-18.002 and .003, F.A.C., for rule development to remove "clock" hours from the rule text. Dr. Mackintosh seconded the motion, which carried 4/0.

The Board indicated it was fine with terminology currently listed in Rules 64B19-18.007, and .008. Mr. Dierlam will respond to JAPC accordingly. However, it was suggested the most recent effective date for the APA guidelines be used for reference in Rule 64B19-18.008(3), F.A.C.

Mr. Dierlam will provide proposed rule text for those sections requiring same for the Board's consideration during the October meeting.

- Rule 64B19-19.002, 19.0025, 19.003, and 19.005, F.A.C., Psychological Records and Confidentiality

Ms. O'Brien moved to approve JAPC's recommendations for Rule 64B19-19.002, F.A.C. Dr. Mackintosh seconded the motion, which carried 4/0.

Dr. Drew moved to approve JAPC's recommendations for Rule 64B19-19.0025, F.A.C. Dr. Mackintosh seconded the motion, which carried 4/0.

Ms. O'Brien moved to approve JAPC's recommendations for Rule 64B19-19.003, F.A.C. Dr. Mackintosh seconded the motion, which carried 4/0.

Dr. Mackintosh moved to approve JAPC's recommendations for Rule 64B19-19.005, F.A.C. Dr. Drew seconded the motion, which carried 4/0.

REPORT OF ASSISTANT ATTORNEY GENERAL, CHRISTOPHER DIERLAM, ESQUIRE

25. Rule Status Report:

Mr. Dierlam presented the following rule status report noting the progress of proposed rules approved by the Board.

BOARD OF PSYCHOLOGY RULES REPORT – JULY - 2020

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B19-15.003	Reactivation of Inactive Licenses	01/27/2020	02/14/20 05/05/20	02/24/2020	03/11/20 03/17/20 – JAPC letter 04/02/20 – Atty response 04/07/20 – JAPC letter 04/17/20 – Atty response 05/14/2020 – Notice of Change	06/13/2020	07/03/2020
64B19-11.012	Application Forms.	04/24/2020					
64B19-11.0035	Licensure by Examination: Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination.	04/24/2020					

26. 2020-2021 Annual Regulatory Plan

Mr. Dierlam presented a draft 2020-20 annual regulatory plan listing rules likely to be considered by the Board beginning October 1, 2020 and ending September 30, 2021. Mr. Dierlam will work with the Board Chair to finalize and submit by the established deadline.

NEW BUSINESS

27. 2021 Proposed Legislation re: Licensure Requirements

The Board has previously noted that graduation from an American Psychological Association (APA) accredited doctoral program is critical for first time licensees but can be eliminated when an applicant has demonstrated successful practice for 10 or more years in another state.

The Board's intention of removing the APA accreditation requirement from the application method of endorsement of 10 years licensed psychology experience was not achieved in the 2020 legislation (HB 713).

The Board's attorney, in consultation with staff drafted language for the Board's review. The language is intended to maintain the APA requirement for licensure by examination and for provisional psychologist licensure, while removing the APA requirement for those applying by endorsement of 10 years licensed psychology experience.

Following discussion, the Board approved the proposed language.

28. Discussion: English as a Second Language Accommodation for the EPPP

Following discussion, the Board determined not to pursue this particular accommodation for the EPPP.

29. Board Member Officer/Liaison Vacancies

With the resignation of Dr. Andrew Rubin from the Board, effective August 1, 2020, certain officer and liaison posts would become vacant. Following discussion, Dr. Andrew Rubin moved to approve members to fill these posts as indicated below. Dr. Randi Mackintosh seconded the motion, which carried 4/0.

Board Chair: Dr. Randi Mackintosh
Vice Chair: Dr. Catherine Drew
ASPPB Delegate: Dr. Randi Mackintosh
CE Liaison Back Up: Dr. Randi Mackintosh

OLD BUSINESS

30. April 24, 2020, General Business Meeting Minutes

MOTION: Following discussion, Dr. Mackintosh moved to accept the minutes. Dr. Rubin seconded the motion, which carried 4/0.

REPORTS, IF ANY

31. Randi Mackintosh, Psy.D.

○ Other Board Members:

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

32. Executive Director

Report topics:

- Cash Balance Report
- Expenditures by Function Report

These reports were provided for informational purposes only.

OTHER BUSINESS AND INFORMATION

33. ASPPB Disciplinary Data Report

No action taken. Informational item.

34. Psychology Staff Recognition

Presented as informational items.

ADDENDUM

REVIEW OF PSYCHOLOGIST LICENSURE APPLICATION

35. Katy Gaines Examination w/ Wavier

Dr. Katy Gaines was not present but was not represented by legal counsel.

Dr. Katy D. Gaines originally applied for licensure under the Examination with Waiver method. Dr. Gaines application was before the Board for review of her post-doctoral supervision forms sent from California.

Prior to the Board meeting, the applicant requested to change her application method to bifurcation/examination with waiver to be able to provide more documentation for her supervision verification.

MOTION: Following discussion, Dr. Mackintosh approved application under bifurcation examination with waiver. Dr. Drew seconded the motion, which carried 4/0.

RECONSIDERATION OF NOTICE OF INTENT TO DENY

36. Katherine McCoy Examination

Dr. Katherine McCoy was not present but was not represented by legal counsel.

On January 24, 2020, the denial of Dr. McCoy's application was ratified by the Board care of the listing of file closure applicants. It was later found that Dr. McCoy submitted an extension request prior to the January Board meeting, however, her extension request was not responded to in a timely manner.

Provided for the Board's review was Dr. McCoy's extension request, denial order, and previously reviewed file closure packet for the Board to determine whether the denial should be reconsidered, and her extension requested approved.

MOTION: Following discussion, Dr. Randi move to reconsider the deny and grant the applicant an additional 12-month extension due to hardship. Dr. Rubin seconded the motion, which carried 4/0

The meeting adjourned at approximately 10:15 a.m.