

**The Florida
Board of Psychology**

**DEPARTMENT OF HEALTH
BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING
BY TELEPHONE CONFERENCE CALL
October 30, 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, Chair
Dr. Catherine Drew, Vice-Chair**

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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.

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

2 **GENERAL BUSINESS MEETING**

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

5 **MEMBERS PRESENT**

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

STAFF PRESENT

Allen Hall, Executive Director
Anna King, Program Operations Administrator

9 **ASSISTANT ATTORNEY GENERAL**

10 Christopher Dierlam, Esq.

ASSISTANT GENERAL COUNSEL

Christina Shideler, Esq.

11 **COURT REPORTER**

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

18 **DISCIPLINARY PROCEEDINGS**

19 **MOTION FOR DETERMINATION OF WAIVER**

20 1. Marie K. Cheour Gordon, DOH Case No. 2019-21530 (p/c/p Dr. Catherine Drew & Dr. Amy
21 Swan)

22 Dr. Gordon was not present nor represented by legal counsel. Dr. Catherine Drew was recused from
23 discussion on this case due to her service on the Board's probable cause panel.

24 Dr. Gordon was before the Board for violation of Section 456.072(1)(kk), Florida Statutes (2018), as a
25 result of being terminated from the Florida Medicaid program by the Agency for Health Care
26 Administration (AHCA). Ms. Christina Shideler, Prosecuting Attorney, presented the case to the Board.

27 **MOTION:** Ms. O'Brien moved as follows:

- 28
 - to accept the investigative report into evidence for the purpose of imposing a penalty;

- 1 • to find the Respondent was properly served and waived the right to a formal hearing; and
2 • to adopt the findings of fact and conclusions of law as set forth in the Administrative Complaint,
3 finding this constitutes a violation of the Practice Act.

4 Dr. Mackintosh seconded the motion, which carried 2/0.

5 Ms. Shideler recommended the following penalties:

- 6 • Revocation; and
7 • \$5,000 fine payable within one (1) year of the filing of the final order.

8 **MOTION:** Dr. Mackintosh moved to accept the recommended penalties. Ms. O'Brien seconded the
9 motion, which carried 2/0.

10 Ms. Shideler requested costs be assessed in the amount of \$2,285.62 payable within one (1) year of
11 the filing of the final order.

12 **MOTION:** Ms. O'Brien moved to assess costs in this case as stated. Dr. Mackintosh seconded the
13 motion, which carried 2/0.

14 **PROSECUTOR'S REPORT**

15 2. Christina Shideler, Esquire

16 Ms. Shideler presented the following status of current/open psychology cases.
17

Legal Case Status	Report 10.12.20
Total cases open/active in Prosecution Services:	19
Cases in holding status:	0
Cases in Emergency Action Unit:	0
Cases under legal review:	4
Cases where a recommendation has been made for future Probable Cause Panel meetings:	2
Total cases where probable cause has been found:	11
Cases pending before DOAH:	1
Cases agendaed for current or future Board meeting:	1
Cases pending before Appeals Court:	0
Cases a year or older from legal review:	12

18 **MOTION:** Ms. O'Brien moved to continue prosecuting cases older than 1 year. Dr. Mackintosh
19 seconded the motion, which carried 3/0.

1 **ADMINISTRATIVE PROCEEDINGS**

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

3 3. Kimberlyann Marsden Bifurcation Examination w/Waiver

4 Dr. Marsden was present and not represented by legal counsel.

5 Dr. Marsden was before the Board for review of post-doctoral experience verification forms submitted
6 from another state as the original supervisor was unable to complete Florida's verification forms.

7 Following discussion, Ms. O'Brien moved to approve the post-doctoral supervised experience. Dr.
8 Mackintosh seconded the motion, which carried 3/0.

9 **REVIEW OF MATERIAL CHANGE TO APPLICATION PURSUANT TO SECTION 456.013(1)(a), F.S.**

10 4. Virginia H. Lindahl Examination with Waiver

11 Dr. Lindahl was present and not represented by legal counsel.

12 Dr. Lindahl met all requirements for licensure on September 22, 2020. However, prior to issuance of the
13 license, informed the Board office of a material change in her application related to her Virginia
14 psychologist license. Dr. Lindahl's statement and documentation regarding this change was presented
15 to the Board for consideration and determination prior to issuance of the license.

16 Following discussion, Dr. Mackintosh moved to approve issuance of the license. Ms. O'Brien seconded
17 the motion, which carried 3/0.

18 *At this point in the meeting, the agenda was taken out of order for consideration of Tab 25.*

19 **ADDENDUM**

20 **REVIEW OF POST-DOCTORAL SUPERVISED EXPERIENCED**

21 25. Riwa Kassar Bifurcation Exam w/Waiver

22 Dr. Kassar was present and not represented by legal counsel.

23 Dr. Kassar was approved for licensure under the Bifurcation/Examination application method in April
24 2020 pending completion of 2000 hours of post-doctoral supervised experience and passage of the
25 EPPP and Florida laws and rules examinations.

26 Dr. Kassar submitted a post-doctoral supervised experience verification form for 1,120 hours of
27 supervision consisting only of clinical psychology research. She is in the process of completing the
28 balance of 900 hours of direct client contact required under another licensed psychologist. The Board
29 was asked to determine whether clinical research hours are acceptable for the post-doctoral experience
30 requirement.

31 Following discussion, Dr. Drew moved to have Dr. Kassar submit details of the research completed and
32 explain how the requirements of Rule 64B19-11.005, F.A.C., Supervised Experience Requirements,
33 were met. Ms. O'Brien seconded the motion, which carried 3/0.

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

1 **PETITION FOR DECLARATORY STATEMENT**

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

4 Dr. Orta is seeking the Board's opinion regarding conducting psycho-educational assessments (IQ
5 tests) for the gifted program and other exceptionalities, through virtual testing, while employed by the
6 Miami-Dade County Public School system. This opinion is sought in consideration of the Board's
7 regulations on confidentiality, privileged communications and use of test instruments.

8 The Board was previously presented with this petition during the July 31, 2020 business meeting. Mr.
9 Dierlam advised the Board that consideration of the Petition would need to be tabled to allow Dr. Orta
10 the opportunity to reply to three (3) Motions for Leave to Intervene filed by various persons and entities
11 regarding his petition on July 30, 2020. The petition and motions were to be presented to the Board
12 during the October meeting for final action.

13 During the October meeting, the Board took the following action on the motions for leave to intervene.

14 **MOTION:** Dr. Mackintosh moved to grant the motion to intervene filed on behalf of Educational Based
15 Services (EBS) Healthcare by Clark Hill PLC. Dr. Drew seconded the motion, which carried 3/0.

16 **MOTION:** Dr. Mackintosh moved to grant the motion to intervene filed by Miami-Dade County Public
17 Schools. Dr. Drew seconded the motion, which carried 3/0.

18 **MOTION:** Dr. Mackintosh moved to grant the motion to intervene filed on behalf of Presence Learning,
19 Inc., by Chapman Law Firm. Dr. Drew seconded the motion, which carried 3/0.

20 **MOTION:** After extensive discussion, Ms. O'Brien moved to open Rule 64B19-18.004, F.A.C., Use of
21 Test Instruments, as it was determined this issue would impact many licensees in similar scenarios and
22 would thus be best addressed through rule development. Dr. Drew seconded the motion, which carried
23 3/0.

24 **MOTION:** Given the Board's determination to address this matter through rule development, Ms.
25 O'Brien moved to deny the Petition for Declaratory Statement. Dr. Drew seconded the motion, which
26 carried 3/0.

27 Dr. Drew was delegated to work with Mr. Dierlam on the development of rule language.

28 *At 9:08 a.m., the Chair called for a 10 minute break. The meeting resumed at 9:18 a.m.*

29 **LICENSURE RATIFICATION LISTS**

30 6. Licensed Psychologists

31 Dr. Mackintosh moved to ratify the list of licensed psychologists. Ms. O'Brien seconded the motion,
32 which carried 3/0.

33 7. Licensed Provisional Psychologists

34 Dr. Mackintosh moved to ratify the list of licensed provisional psychologists. Ms. O'Brien seconded the
35 motion, which carried 3/0.

1 **CONTINUING EDUCATION PROVIDER RATIFICATION LIST**

2 8. List of Applicants

3 Dr. Drew moved to ratify the list of continuing education providers. Ms. O' Brien seconded the motion,
4 which carried 3/0.

5 **APPLICATION EXTENSION RATIFICATION LIST**

6 9. List of Applicants

7 Dr. Mackintosh moved to ratify the application extension list. Ms. O'Brien seconded the motion, which
8 carried 3/0.

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

10 10. List of Applicants

11 Dr. Mackintosh moved to ratify the list of file closure applicants, amended to remove Dr. Leeann
12 Lehman, who completed all requirements for licensure on 10/27/2020. Ms. O'Brien seconded the
13 motion, which carried 3/0.

14 **RULES REVIEW & DEVELOPMENT**

15 11. Rule 64B19-13.003, F.A.C., Continuing Psychological Education Credit

16 Rule 64B19-13.003, F.A.C., Continuing Psychological Education Credit, was discussed in light of
17 licensees' ability to attend live or in person continuing education (CE) due to the COVID-19 public
18 health emergency.

19 The Board does not limit the number of CE hours that may be obtained by home study. This has been
20 helpful during the current public health emergency. However, home study CE is only allowed from APA
21 providers which does limit availability.

22 The following topics were presented to the Board for consideration.

- 23 • Does the Board wish to expand availability of home study by allowing licensees to obtain CE
24 from authorized providers that are not APA approved?
25 • Does the Board wish to clarify the term "home study". Currently, home study is not defined.
26 • Does home study include electronic interactive events that are date and time specific and
27 allow interaction with a presenter or host?
28 • Does the Board wish to allow and provide additional definitions of other online CE delivery
29 methods?

30 Following extensive discussion, the Board determined no amendments to the current rule were needed.

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

32 During the July 2020 Board meeting, the Board approved changes to the disciplinary guidelines
33 addressing telehealth. During the instant meeting, Mr. Dierlam provided minor revisions to the
34 previously approved draft, as well as an added section to address SB 1084 (2020) re: Emotional
35 Support Animals, as provided below.

**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	FLORIDA LICENSEE PENALTY RANGE		OUT-OF-STATE TELEHEALTH PROVIDER PENALTY RANGE	
	FIRST OFFENSE	SUBSEQUENT OFFENSE(S)	FIRST OFFENSE	SUBSEQUENT OFFENSE
(a) Attempting to obtain, obtaining , 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.) If fraud or through fraudulent misrepresentation.	<u>MIN: Two (2) year probation and a \$1,000 fine, or in the 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> <u>MIN: Revocation and a \$10,000 fine,</u>	<u>MIN: Revocation and a \$5,000 fine, or denial of licensure; MAX: Revocation and \$10,000 fine, or denial of licensure.</u> <u>MIN: Revocation and a \$10,000 fine, or</u>	<u>MIN: Two (2) year probation, or in the case of an applicant, denial of registration; MAX: Revocation, or in the case of an applicant, denial of registration.</u> <u>MIN: Revocation, or in the case of an</u>	<u>MIN: Revocation or denial of registration; MAX: Revocation or denial of registration.</u> <u>MIN: Revocation or</u> <u>tration;</u>

VIOLATION	FLORIDA LICENSEE PENALTY RANGE		OUT-OF-STATE TELEHEALTH PROVIDER PENALTY RANGE	
	FIRST OFFENSE	SUBSEQUENT OFFENSE(S)	FIRST OFFENSE	SUBSEQUENT OFFENSE
	<u>or in the case of an applicant denial of licensure; MAX: Revocation and a \$10,000 fine, or in the case of and applicant denial of licensure.</u>	<u>denial of licensure; MAX: Revocation and a \$10,000 fine, or denial of licensure.</u>	<u>applicant denial of registration; MAX: Revocation, or in the case of an applicant, denial of registration.</u>	<u>MAX: Revocation or denial of registration.</u>
(b) License disciplined by another jurisdiction. (Sections 490.009(1)(b) and 456.072(1)(f), F.S.)	<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 jurisdiction or that would have been imposed had the violation occurred in Florida and a \$5,000 fine.</u>	<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>	<u>MIN: Reprimand; MAX: Discipline as similar as possible to the discipline imposed in the other jurisdiction.</u>	<u>MIN: Discipline as similar as possible to the discipline imposed in the other jurisdiction; MAX: Revocation.</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.)	<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>
If fraud or fraudulent misrepresentation.	<u>MIN: \$10,000 fine and one (1) year probation; MAX: \$10,000 fine and one (1) year suspension followed by two (2) years probation.</u>	<u>MIN: Two (2) year suspension and a \$10,000 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: Two (2) year suspension; MAX: Revocation.</u>

VIOLATION	FLORIDA LICENSEE PENALTY RANGE		OUT-OF-STATE TELEHEALTH PROVIDER PENALTY RANGE	
	FIRST OFFENSE	SUBSEQUENT OFFENSE(S)	FIRST OFFENSE	SUBSEQUENT OFFENSE
(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 the patient 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: A refund of the fees paid by or on behalf of the patient, a two (2) 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: Reprimand;</u> <u>MAX: One (1) year suspension and a corrective action plan including a refund of the fees paid by or on behalf of the patient.</u>	<u>MIN: Two (2) year suspension and a corrective action plan including a refund of the fees paid by or on behalf of the patient;</u> <u>MAX: Revocation.</u>

VIOLATION	FLORIDA LICENSEE PENALTY RANGE		OUT-OF-STATE TELEHEALTH PROVIDER PENALTY RANGE	
	FIRST OFFENSE	SUBSEQUENT OFFENSE(S)	FIRST OFFENSE	SUBSEQUENT OFFENSE
(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;</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: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>	<u>MIN: Revocation;</u> <u>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;</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 \$10,000 fine;</u> <u>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;</u> <u>MAX: Revocation and a \$10,000 fine.</u> <u>MIN: Revocation and a \$10,000 fine;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: 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>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u> <u>MIN: Revocation;</u> <u>MAX: Revocation.</u>
(m) Soliciting through fraud , intimidation, undue influence, etc. (Section 490.009(1)(m), F.S.) If through fraud or <u>fraudulent misrepresentations.</u>	<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> <u>MIN: One (1) year probation and a \$10,000 fine;</u> <u>MAX: One (1) year suspension followed by one (1) year probation and a \$10,000 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: Revocation and a \$10,000 fine;</u> <u>MAX: Revocation and \$10,000 fine.</u>	<u>MIN: Reprimand;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u> <u>MIN: 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> <u>MIN: Revocation;</u> <u>MAX: Revocation.</u>
(n) Failing to provide records, etc. (Section 490.009(1)(n), F.S.)	<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>	<u>MIN: Reprimand, 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: One (1) year suspension and a corrective action plan.</u>	<u>MIN: Reprimand and one (1) year suspension;</u> <u>MAX: Revocation.</u>

VIOLATION	FLORIDA LICENSEE PENALTY RANGE		OUT-OF-STATE TELEHEALTH PROVIDER PENALTY RANGE	
	FIRST OFFENSE	SUBSEQUENT OFFENSE(S)	FIRST OFFENSE	SUBSEQUENT OFFENSE
(o) Failing to respond to Department within 30 days, etc. (Section 490.009(1)(o), F.S.)	<u>MIN: Reprimand and a \$1,000 fine;</u> <u>MAX: Suspension until compliance 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, to include at a minimum, compliance.</u>	<u>MIN: One (1) year suspension and a corrective action plan, to include at a minimum compliance;</u> <u>MAX: Revocation.</u>
(p) Incompetence (mental or physical impairment), etc. (Section 490.009(1)(p), and 456.072(1)(z), 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>
(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.)	<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>	<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: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension;</u> <u>MAX: Revocation.</u>
(r) Experimentation without informed consent. (Section 490.009(1)(q), F.S.)	<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>	<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: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension;</u> <u>MAX: Revocation.</u>

VIOLATION	FLORIDA LICENSEE PENALTY RANGE		OUT-OF-STATE TELEHEALTH PROVIDER PENALTY RANGE	
	FIRST OFFENSE	SUBSEQUENT OFFENSE(S)	FIRST OFFENSE	SUBSEQUENT OFFENSE
(s) Negligence <u>Failing to meet the minimum standards of performance.</u> (Section 490.009(1)(r), F.S.)	<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>	<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: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension;</u> <u>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;</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;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension;</u> <u>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;</u> <u>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;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Reprimand;</u> <u>MAX: One (1) year suspension and a corrective action plan, to include at a minimum, compliance.</u>	<u>MIN: One (1) year suspension;</u> <u>MAX: Revocation.</u>
(v) Failing to maintain confidence. (Section 490.009(1)(u), 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>
(w) Identifying or damaging research clients. (Section 490.009(1)(v), F.S.)	<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>	<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: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension;</u> <u>MAX: Revocation.</u>

VIOLATION	FLORIDA LICENSEE PENALTY RANGE		OUT-OF-STATE TELEHEALTH PROVIDER PENALTY RANGE	
	FIRST OFFENSE	SUBSEQUENT OFFENSE(S)	FIRST OFFENSE	SUBSEQUENT OFFENSE
(x) Failure to comply with continuing education for domestic violence. (Section 456.072(1)(s), F.S.)	<u>MIN: Reprimand and a \$500 fine;</u> <u>MAX: Suspension until compliance and a \$1,000 fine.</u>	<u>MIN: Reprimand, suspension until compliance and a \$1,000 fine;</u> <u>MAX: Suspension until compliance followed by one (1) year suspension and a \$2,500 fine.</u>	<u>MIN: Reprimand;</u> <u>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.</u> <u>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;</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: 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>
(z) Improperly interfering with an investigation. (Section 456.072(1)(r), F.S.)	<u>MIN: 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: 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>
(aa) Performing or attempting to perform wrong health care services. (Section 456.072(1)(bb), F.S.)	<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>	<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: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension;</u> <u>MAX: Revocation.</u>

VIOLATION	FLORIDA LICENSEE PENALTY RANGE		OUT-OF-STATE TELEHEALTH PROVIDER PENALTY RANGE	
	FIRST OFFENSE	SUBSEQUENT OFFENSE(S)	FIRST OFFENSE	SUBSEQUENT OFFENSE
(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 \$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>
(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>

VIOLATION	FLORIDA LICENSEE PENALTY RANGE		OUT-OF-STATE TELEHEALTH PROVIDER PENALTY RANGE	
	FIRST OFFENSE	SUBSEQUENT OFFENSE(S)	FIRST OFFENSE	SUBSEQUENT OFFENSE
(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, or any other state Medicaid program, or the federal Medicare program. (Section 456.072(1)(kk), 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: Revocation;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: One (1) year suspension;</u> <u>MAX: Revocation.</u>	<u>MIN: Revocation;</u> <u>MAX: Revocation.</u>
(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.)	<u>MIN: Revocation;</u> <u>MAX: Revocation and a \$5,000 fine.</u>	<u>MIN: Revocation and a \$5,000 fine;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: Revocation;</u> <u>MAX: Revocation</u>	<u>MIN: Revocation;</u> <u>MAX: Revocation</u>

VIOLATION	FLORIDA LICENSEE PENALTY RANGE		OUT-OF-STATE TELEHEALTH PROVIDER PENALTY RANGE	
	FIRST OFFENSE	SUBSEQUENT OFFENSE(S)	FIRST OFFENSE	SUBSEQUENT OFFENSE
(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.)	<u>MIN: One (1) year suspension 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: Revocation;</u> <u>MAX: Revocation and a \$10,000 fine.</u>	<u>MIN: One (1) year suspension;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: Revocation;</u> <u>MAX: Revocation.</u>
<u>(ll) Providing information supporting a persons need for an emotional support animal without knowledge or need.</u> (Section 456.072(pp), 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>
<u>(mm) 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.);	<u>N/A</u>	<u>N/A</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>
<u>(nn) 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.)	<u>N/A</u>	<u>N/A</u>	<u>MIN: Discipline as close as possible to the discipline imposed in the other jurisdiction;</u> <u>MAX: Revocation.</u>	<u>MIN: Discipline as close as possible to the discipline imposed in the other jurisdiction;</u> <u>MAX: Revocation.</u>
<u>(oo) Violates any of the requirements of Section 456.47, F.S.</u> (Section 456.47(4)(i)3., F.S.)	<u>N/A</u>	<u>N/A</u>	<u>MIN: Reprimand;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>

- 1 (2) Based upon consideration of aggravating and mitigating factors present in an individual case, the Board
2 may deviate from the penalties recommended above. The Board shall consider as aggravating or mitigating
3 circumstances the following:
4 (a) The danger to the public;
5 (b) The length of time since the date of violation;
6 (c) The number of complaints filed against the licensee;
7 (d) The length of time the licensee has practiced without complaint or violations;
8 (e) The actual damage, physical or otherwise, to the patient;
9 (f) The deterrent effect of the penalty imposed;
10 (g) The effect of the penalty upon the licensee's livelihood;
11 (h) Any efforts the licensee has made toward rehabilitation;
12 (i) The actual knowledge of the licensee pertaining to the violation;

- 1 (j) Attempts by the licensee to correct or stop violations or refusal by the licensee to correct or stop violations;
2 (k) Related violations found against the licensee in another state including findings of guilt or innocence, penalties
3 imposed and penalties served;
4 (l) Any other mitigating or aggravating circumstances that are particular to that licensee or to the situation
5 so long as the aggravating or mitigating circumstances are articulated in the Board's final order.
6 (3) The provisions of this rule shall not be construed to prohibit civil action or criminal prosecution as provided by
7 law. Nor may the provisions of this rule be construed to limit the ability of the Board to enter into binding stipulations as
8 per section 120.57(4), F.S.

9 *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-*
10 *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-*
11 *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.*

12 **MOTION:** Dr. Mackintosh moved to accept the proposed rule language. Ms. O'Brien seconded the
13 motion, which carried 3/0.

14 **MOTION:** Ms. O'Brien moved the proposed rule language would not have an adverse impact on small
15 business, not have an economic impact on government or any other entity in excess of \$200,000 within
16 one year of the rule being implemented and that it should not be designated as a minor violation for first
17 time offenses. Ms. O'Brien seconded the motion, which carried 3/0.

18 **MOTION:** Ms. O'Brien moved to approve the proposed rule language would not require a sunset
19 provision. Dr. Drew seconded the motion, which carried 3/0.

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

22 During the July 2020 Board meeting, the Board reviewed correspondence from the Joint Administrative
23 Procedures Committee (JAPC) regarding portions of Chapter 64B19-18, F.A.C., Scope Of Practice,
24 Consent, Forensic Evaluations to Address Matters Relating to Child Custody. During that meeting, the
25 Board requested the following:

- 26 • to open Rules 64B19-18.002 and .003, F.A.C., for rule development to remove "clock" hours
27 from the rule text; and
28 • to use the most recent effective date for the APA guidelines be used for reference in Rule
29 64B19-18.008(3), F.A.C.

30 Mr. Dierlam presented the following proposed rule text for the Board's consideration:

31 **64B19-18.002 Use of the Title Sex Therapist.**

32 Prior to holding oneself out as a sex therapist, a psychologist must have received training in the provision of psychological health
33 services and shall have completed a minimum of 150 ~~clock~~ hours of education which meets the requirements of Rule 64B19-
34 13.003, F.A.C., in the specific area of sex therapy and in the interaction between sex therapy and the general provision of
35 psychological health services.

36 *Rulemaking Authority 490.004(4), 490.0143 FS. Law Implemented 490.003(4), 490.0143 FS. History—New 7-11-89, Formerly*
37 *21U-20.002, 61F13-20.002, 59AA-18.002, Amended 9-18-97.*

38 **64B19-18.003 Qualifications to Practice Hypnosis.**

39 The practice of hypnosis as defined in Chapter 485, F.S., is permitted by a licensed psychologist who qualifies as designated
40 by this rule. Basic hypnosis is defined as the use of hypnotic approaches for the purpose of stress management, self-hypnosis,
41 guided imagery, or relaxation and shall be practiced only by those licensees who have successfully completed a total of at least
42 10 ~~clock~~ hours of education which meets the requirements for approval set forth in Rule 64B19-13.003, F.A.C., in basic hypnosis.

43 *Rulemaking Authority 490.004(4), 490.0141 FS. Law Implemented 490.003(4), 490.0141 FS. History—New 6-1-89, Formerly*
44 *21U-20.003, 61F13-20.003, 59AA-18.003, Amended 11-23-97.*

1 **64B19-18.008 Board Approval of Specialty Certifying Bodies.**

2 To obtain Board approval as a certifying body, eligible to grant formal recognition declaring a licensed psychologist to be a
3 “certified psychology specialist,” board-certified psychology specialist,” or a “psychology diplomate,” pursuant to Section
4 490.0149, F.S., an applicant shall file a petition demonstrating that it:

5 (1) Is an independent body, national in scope, that incorporates standards of the profession, collaborates closely with
6 organizations related to specialization in psychology, and only certifies doctoral-level, licensed psychologists as having
7 advanced qualifications in a particular psychological specialty through demonstrations of competence in the specialty being
8 recognized;

9 (2) Has clearly described purposes, bylaws, policies, and procedures, that include an internal review and budgetary
10 practices, to ensure effective utilization of resources with an administrative staff, housed in dedicated office space that is
11 appropriate for the certifying body’s program and sufficient for responding to consumer or regulatory inquiries;

12 (3) Has established standards for specialized practice of psychology and adopts the American Psychological Association
13 (APA) “Ethical Principles of Psychologists and Code of Conduct,” effective June 1, 2003, with amendments effective June 1,
14 2010 and January 1, 2017, to guide the practice of its members. The code is incorporated by reference and available for
15 inspection at the Board office as well as at: www.apa.org/ethics/code2002.html; and,

16 (4) Has implemented and documented a comprehensive assessment procedure, designed to measure the competencies
17 required to provide services characteristic of the specialty area, that describes security and grading standards, and consists of
18 an oral examination and peer-review of practice samples and may include a written examination.

19 *Rulemaking Authority 490.0149, 490.004(4) FS. Law Implemented 490.0149 FS. History–New 11-1-07.*

20 **MOTION:** Following discussion, Ms. O’Brien moved to approve the proposed rule language. Dr. Drew
21 seconded the motion, which carried 3/0.

22 **MOTION:** Ms. O’Brien moved the proposed rule language would not have an adverse impact on small
23 business, an economic impact on government or any other entity in excess of \$200,000 within one year
24 of the rule being implemented. Ms.O’Brien seconded the motion, which carried 3/0.

25 **MOTION:** Ms. O’Brien moved to approve the proposed rule language should not be designated as a
26 minor violation for first time offenses. Dr. Drew seconded the motion, which carried 3/0.

27 **MOTION:** Dr. Mackintosh moved to approve the proposed rule language would not require a sunset
28 provision. Ms.O’Brien seconded the motion,which carried 3/0.

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

30 14. Mr. Dierlam presented the following rule status report on the status of rule amendments
31 previously approved by the Board.
32

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B19-11.001	Examination.	07/31/2020	09/18/2020 (RD/RN)	09/28/2020			
64B19-11.010	Limited Licensure.	07/31/2020	09/18/2020 (RD/RN)	09/28/2020			
64B19-11.011	Provisional License; Supervision of Provisional Licensees.	07/31/2020	09/18/2020 (RD/RN)	09/28/2020			
64B19-11.012	Application Forms.	07/31/2020	09/18/2020 (RD/RN)	09/28/2020			

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.	07/31/2020	10/01/2020 (RD/RN)	10/08/2020			
64B19-15.003	Reactivation of Inactive Licenses	01/27/2020	02/14/2020 (RD/RN) 05/05/2020 (NOC)	02/24/2020	03/11/2020 JAPC LTR 03/17/2020 ATTY RESPONSE 04/02/2020 JAPC LTR 04/07/2020 ATTY RESPONSE 4/17/2020 Notice of Change 05/14/2020	06/13/2020	07/03/2020

1 15. 2020-2021 Annual Regulatory Plan – Final Revision

2 Informational item

3 **NEW BUSINESS**

4 16. Correspondence re: Rule 64B19-18.004, F.A.C., Use of Test Instruments

5 Mr. Dierlam noted that this item was not a Petition to Initiate Rulemaking and did not require the
6 Board's response. The Board was given the opportunity to discuss, however, Mr. Dierlam noted this
7 rule has been opened for development and no action was needed. The Board did not take any actions
8 or provide any comments on the correspondence.

9 17. Financial Reports

10 Mr. Hall presented the annual financial reports for the Board's information.

11 18. Doe vs. Kentucky Bar Association

12 Informational Item

13 **OLD BUSINESS**

14 19. July 31, 2020, General Business Meeting Minutes

15 Dr. Mackintosh moved to approve the minutes. Ms. O'Brien seconded the motion, which carried 3/0.

16 **REPORTS, IF ANY**

17 20. Randi Mackintosh, PsyD.

1 ○ Other Board Members:

2 No reports were provided.

3 21. Executive Director

4 Report topics:

5 ○ Cash Balance Report

6 ○ Expenditures by Function Report

7 Item provided for the Board's information.

8 **OTHER BUSINESS AND INFORMATION**

9 22. Antitrust

10 Informational Item

11 23. ASPPB Disciplinary Data Report

12 Informational Item

13 24. Psychology Staff Recognition

14 Informational Item