

The Florida
Board of Psychology

DEPARTMENT OF HEALTH
BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING
BY TELEPHONE CONFERENCE CALL
April 23, 2021
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, Psy.D., Chair
Ms. Mary (Denny) O'Brien, 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 Board's website.

1 Call to order - General Business Meeting

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

5 MEMBERS PRESENT

6 Dr. Randi Mackintosh, Psy.D., Chair
7 Ms. Mary (Denny) O'Brien, J.D.
8 Dr. Madiley Broz, Psy.D.
9 Dr. Dawn Silver, Ph.D.
10 Dr. Seema Weinstein, Ph.D.

STAFF PRESENT

Allen Hall, Executive Director
Anna King, Program Operations Administrator
Kyaira Brown, Regulatory Specialist II
Macey Milligan, Regulatory Specialist II

11 ASSISTANT ATTORNEY GENERAL

12 Christopher Dierlam, Esq.

ASSISTANT GENERAL COUNSEL

Christina Shideler, Esq.

13 OTHERS PRESENT

14 Dr. Michael Herkov, Ph.D., PRN Representative

15 PROSECUTOR'S REPORT

16 1. Christina Shideler, Esquire

17 Ms. Shideler presented the following Prosecution Services Unit report.

<u>Legal Case Status</u>	<u>Report</u> 10.12.20	<u>Report</u> 12.17.20	<u>Report</u> 3.8.21
Total cases open/active in Prosecution Services:	19	19	22
Cases in holding status:	0	0	0
Cases in Emergency Action Unit:	0	0	0
Cases under legal review:	4	3	6

<u>Legal Case Status</u>	<u>Report</u> 10.12.20	<u>Report</u> 12.17.20	<u>Report</u> 3.8.21
Cases where a recommendation has been made for future Probable Cause Panel meetings:	2	3	5
Total cases where probable cause has been found:	11	10	10
Cases pending before DOAH:	1	0	0
Cases agendaed for current or future Board meeting:	1	0	0
Cases pending before Appeals Court:	1	2	0
Cases a year or older from legal review:	0	0	0

1 **MOTION:** Ms. O'Brien moved to continue prosecuting cases older than 1 year. Dr. Mackintosh
2 seconded the motion, which carried 5/0.

3 **ADMINISTRATIVE PROCEEDINGS**

4 **REVIEW OF PSYCHOLOGIST LICENSURE APPLICATIONS**

5 2. Danielle DeSantis Examination with Waiver

6 Dr. DeSantis was present and not represented by legal counsel.

7 Dr. DeSantis applied for licensure under Examination with Waiver of the National Exam (EPPP).
8 Dr. DeSantis was before the Board for review of the three (3) post-doctoral supervised
9 experienced forms submitted as follows: 1) original Rhode Island form signed by Dr. Paul Block
10 on 2/12/2012; 2) Florida form signed by Dr. Block on 02/03/2021; and 3) Florida form signed by
11 Dr. Marcy Atkins on 2/27/2021.

12 The Board was asked to review discrepancies in the replies to the Florida supervisory
13 experience forms submitted by Drs. Block and Atkins for the same supervisory period, at the
14 same location. Additionally, the Board was asked to consider Dr. Block's responses and the
15 applicant's subsequent replies. Based on the documentation provided, the Board was asked to
16 determine whether the applicant met the supervised experience requirements for licensure.

17 Provided for the Board's review was Dr. DeSantis' application and all required supporting
18 documentation. If approved, the applicant would be required to complete the Florida
19 laws and rules examination for licensure.

20 **MOTION:** Following discussion, Dr. Silver moved to approve Dr. DeSantis' application for
21 licensure. Ms. O'Brien seconded the motion, which carried 5/0.

22 3. Therese Sulentich Endorsement of 10 Years Licensed Psychologist
23 Experience

24 Dr. Sulentich was not present and not represented by legal counsel.

25 Dr. Sulentich applied under the 10-Year Endorsement application method on 01/19/2021. Under
26 that method, she submitted all required documents, except for the required APA Verification. Dr.

1 Sulentich's application was before the Board to consider whether she meets the Board's
2 requirements in Section 490.003(3)(b), F.S.

3 According to Dr. Sulentich's official transcript, she graduated with a Doctor of Psychology
4 degree in 1988. However, her official transcript does not state the major she holds for that
5 degree. Therefore, since the closing of Argosy University, under which the Illinois School of
6 Professional Psychology was housed in 1988, the applicant was unable to obtain or provide an
7 official letter from the university clearly identifying her major. She provided other documentation
8 for the Board's consideration in this regard.

9 Provided for the Board's review was the application and all supporting documents.

10 **MOTION:** Following discussion, Dr. Silver moved to approve Dr. Sulentich's application for
11 licensure. Ms. O'Brien seconded the motion, which carried 5/0.

12 *At this point in the meeting, the Chair re-ordered the agenda to consider Tab 20.*

13 **ADDENDUM**

14 **REVIEW OF PSYCHOLOGIST LICENSURE APPLICATIONS**

15 20. Bobby Newman Endorsement of 10 Years Licensed Psychologist
Experience.

16 Dr. Newman was not present and not represented by legal counsel.

17 Dr. Newman applied under the 10-Year Endorsement application method on 01/21/2021. Under
18 that method, he submitted all required documents, except for APA Verification. Dr. Newman's
19 application was before the Board to consider whether he met the Board's requirements in
20 Section 490.003(3)(b), F.S.

21 According to Dr. Newman's official transcript, he graduated with a Doctor of Philosophy degree
22 in 1996. His official transcript does state the major he holds for that degree. However, the Board
23 staff was unable to verify the APA-accreditation status through the APA's verification website.
24 In contacting the APA directly, the Board office was informed the only accredited program at
25 The Graduate Center (CUNY) in 1996 was a Ph.D. in Clinical Psychology. Dr. Newman
26 indicated he had been unsuccessful when reaching out to other entities to obtain the needed
27 clarification.

28 Provided for the Board's review was the application and all supporting documents.

29 **MOTION:** Following discussion, Dr. Mackintosh moved to deny Dr. Newman's application for
30 licensure. Dr. Silver seconded the motion, which carried 5/0

31 *The regular order of the agenda was resumed at this point in the meeting.*

1 **LICENSURE RATIFICATION LISTS**

2 4. Licensed Psychologists

3 **MOTION:** Dr. Mackintosh moved to ratify the list of licensed psychologists. Dr. Silver seconded
4 the motion, which carried 5/0.

5 5. Licensed Provisional Psychologists

6 **MOTION:** Dr. Mackintosh moved to ratify the list of provisional licensed psychologists. Dr. Silver
7 seconded the motion, which carried 5/0.

8 6. Licensed Limited Psychologists

9 There were no licensed limited psychologists for ratification at this meeting.

10 **CONTINUING EDUCATION PROVIDER RATIFICATION LIST**

11 7. List of Applicants

12 **MOTION:** Dr. Silver moved to ratify the list of continuing education provider applicants. Dr.
13 Mackintosh seconded the motion, which carried 5/0.

14 **APPLICATION EXTENSION RATIFICATION LIST**

15 8. List of Applicants

16 **MOTION:** Following discussion, Dr. Mackintosh moved to ratify the list of applicants granted
17 extensions. Ms. O'Brien seconded the motion, which carried 5/0.

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

19 9. List of Applicants

20 **MOTION:** Dr. Mackintosh moved to ratify the list of applicants presented for file closure. Ms.
21 O'Brien seconded the motion, which carried 5/0.

22 **RULES REVIEW & DEVELOPMENT**

23 10. Rule 64B19-18.004, F.A.C., Use of Test Instruments

24 During the October 2020 meeting, the Board considered a Petition for Declaratory Statement
25 regarding whether a Florida licensed psychologist could legally provide psycho-educational
26 assessments through virtual testing for a gifted program and other exceptionalities. The Board
27 denied the Petition, as the subject of same will likely impact other licensees and therefore be
28 best addressed through rule development.

29 During the October 2020 meeting, the Board also considered additional correspondence on this
30 rule from an individual requesting the Board consider amending the rule to require test results
31 be included in reports for court-ordered psychological evaluations.

1 Previous Board member, Dr. Catherine Drew, was delegated to work with Mr. Dierlam on
2 addressing each of these matters and presenting recommendations to the Board. However, Dr.
3 Drew's term ended shortly thereafter, and the Board agreed to have Dr. Dawn Silver continue
4 the work with Mr. Dierlam.

5 For the April meeting, Mr. Dierlam requested full board discussion on these issues. Provided for
6 the Board's review were related minutes excerpts and material from previous meetings.

7 Dr. Carolyn Stimel, Executive Director of the Florida Psychological Association, provided
8 feedback to the Board during the discussion. Dr. Stimel agreed to provide additional information
9 for consideration as Mr. Dierlam and Dr. Silver continue to work on proposed rule amendments
10 for the Board's review at a future meeting.

11 *At 9:01 a.m., the Chair called for a 10-minute break. The meeting resumed at 9:11 a.m.*

12 11. Rule 64B19-18.008, F.A.C., Board Approval of Specialty Certifying Bodies

13 During the January 2021 meeting, the Board discussed a JAPC letter received for Rule 64B19-
14 18.008, F.A.C., Board Approval of Specialty Certifying Bodies. The letter indicates the rule
15 should establish the standards of approval of certifying bodies instead of approving the
16 certifying bodies on an ad hoc basis through petition.

17 Following discussion at the January meeting, Mr. Dierlam requested a delegate to work with him
18 on the response to this request. Dr. Silver volunteered to work with Mr. Dierlam on the
19 response.

20 For the April meeting, Mr. Dierlam requested there be full board discussion in follow-up to the
21 JAPC letter.

22 During the discussion, Mr. Hall and Ms. King provided background on the development and
23 implementation of this rule. Dr. Stimel also addressed the Board.

24 After hearing the Board's discussion, Mr. Dierlam indicated he believed he had enough
25 information to do additional research. Mr. Dierlam will continue to work with Dr. Silver to
26 determine whether there are any substantial amendments they might propose to the Board to
27 address JAPC's concerns.

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

29 12. Rule Status Report

30 Mr. Dierlam presented the status of the following rules to the Board.

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	10/13/2020	03/08/2021	03/28/2021

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B19-11.010	Limited Licensure.	07/31/2020	09/18/2020(RD/RN)	09/28/2020	10/13/2020 JAPC LTR 10/19/2020 JAPC RESPONSE 11/06/2020 NOTICE OF PUBLIC HEARING (NOPH) 01/08/2021	03/08/2021	03/28/2021
64B19-11.011	Provisional License; Supervision of Provisional Licensees.	07/31/2020	09/18/2020(RD/RN)	09/28/2020	10/13/2020 JAPC LTR 10/19/2020 JAPC RESPONSE 11/06/2020 NOTICE OF PUBLIC HEARING (NOPH) 01/08/2021	03/08/2021	03/28/2021
64B19-11.012	Application Forms.	07/31/2020	09/18/2020(RD/RN)	09/28/2020	10/13/2020 JAPC LTR 10/19/2020 JAPC RESPONSE 11/06/2020 NOTICE OF PUBLIC HEARING (NOPH) 01/08/2021	03/08/2021	03/28/2021
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	10/28/2020	11/30/2020	12/20/2020
64B19-17.002	Disciplinary Guidelines.	10/30/2020	12/17/2020(RD/RN)	12/29/2020	01/13/2021 JAPC LTR 01/20/2021 JAPC RESPONSE 02/08/2021		
64B19-18.002	Use of the Title Sex Therapist.	10/30/2020	12/11/2020(RD/RN)	12/18/2020	01/13/2021 JAPC LTR 01/22/2021 JAPC RESPONSE 02/08/2021		

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B19-18.003	Qualifications to Practice Hypnosis.	10/30/2020	12/11/2020(RD/RN)	12/18/2020	01/13/2021		
64B19-18.004	Use of Test Instruments			12/31/2020			
64B19-18.008	Board Approval of Specialty Certifying Bodies.	10/30/2020	12/11/2020(RD/RN)	12/18/2020	01/13/2021 JAPC LTR 01/22/2021 JAPC RESPONSE 02/08/2021		

1 **Final Rule Text - Recently Effective Rules**

2 **64B19-11.001(4)(a), F.A.C., Examination.**

3 (4)(a) A candidate for licensure by examination who fails to pass one part of the examination shall only
4 be required to retake and pass that part of the examination which was failed. The application for re-
5 examination of the Florida laws and rules examination shall be made on the Re-Examination Application
6 for Psychology Laws and Rules Exam form DH-MQA 1221 (revised 07/20), available from
7 <http://www.flrules.org/Gateway/reference.asp?No=Ref-12798> or at the Board office or at
8 <http://floridaspsychology.gov/applications/re-examination-app-laws-and-rules.pdf>, and hereby adopted and
9 incorporated by reference. The application for re-examination of the EPPP shall be made on the Re-
10 Examination Application for Psychology National Exam form DH-MQA 1222 (revised 07/20), available from
11 <http://www.flrules.org/Gateway/reference.asp?No=Ref-12803>, or at the Board office or at
12 <http://floridaspsychology.gov/applications/re-examination-app-eppp.pdf>, and hereby adopted and
13 incorporated by reference. Upon notice from the Department's Testing Services Unit of an applicant's
14 unsuccessful scores(s), the Board Office will send the appropriate re-examination form(s) to the affected
15 applicant.

16 *Rulemaking Authority 456.013(1), 456.017(1)(b), (c), 490.004(4) FS. Law Implemented 456.017(1)(b), (c), (6), 456.0635(2), 490.005*
17 *FS. History--New 4-4-82, Amended 7-11-84, Formerly 21U-11.03, Amended 2-19-86, 12-30-86, 3-10-87, 11-21-88, 3-5-90, 1-16-92,*
18 *Formerly 21U-11.003, Amended 6-14-94, Formerly 61F13-11.003, Amended 1-7-96, 6-26-97, Formerly 59AA-11.001, Amended 2-*
19 *21-99, 5-1-00, 1-10-01, 8-5-01, 4-26-04, 5-10-05, 2-24-10, 6-7-12, 12-25-12, 10-28-13, 11-4-13, 6-10-14, 12-3-15, 10-8-19, 3-28-21.*

20 **64B19-11.010(1)(c), F.A.C., Limited Licensure.**

21 (1) Pursuant to Section 456.015, F.S., the Board shall grant a limited license to any applicants who
22 meet the requirements of Section 456.015, F.S., and:

23 (c) Complete and submit to the Board form DH-MQA 1188, (Revised 07/20), "Application for
24 Psychologist Limited Licensure," which is hereby incorporated by reference, copies of which may be
25 obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-12799>, the Board office or at
26 <http://www.doh.state.fl.us/mqa/psychology>.

27 *Rulemaking Authority 456.015(1), (4), 490.004(4) FS. Law Implemented 456.013, 456.015, 456.0635 FS. History--New 6-14-94,*
28 *Formerly 61F13-11.012, Amended 6-26-97, Formerly 59AA-11.010, Amended 3-24-02, 5-24-09, 5-2-10, 9-3-12, 12-25-12, 10-16-14,*
29 *9-27-16, 2-18-19, 3-28-21.*

1 **64B19-11.011(1), F.A.C., Provisional License; Supervision of Provisional Licensees.**

2 All applicants applying for provisional licensure shall:

3 (1) Complete and submit to the Board form DH-MQA 1189, (Revised 07/20), "Application for Provisional
4 Psychology Licensure," which is hereby incorporated by reference, copies of which may be obtained from
5 <http://www.flrules.org/Gateway/reference.asp?No=Ref-12800>, the Board office or at
6 <http://www.doh.state.fl.us/mqa/psychology>.

7 *Rulemaking Authority 456.013, 456.025, 490.004(4), 490.0051 FS. Law Implemented 456.013, 456.025, 456.0635, 490.003(6),*
8 *490.0051, 490.009 FS. History--New 1-27-98, Amended 3-24-02, 9-8-03, 5-24-09, 3-1-10, 6-18-12, 12-25-12, 10-28-13, 6-10-14, 9-*
9 *27-16, 2-18-19, 3-28-21.*

10 **64B19-11.012(1), F.A.C., Application Forms.**

11 (1) All applicants for licensure pursuant to Chapter 490, F.S., shall complete and submit form DH-MQA
12 1187, (revised 07/20), "Application for Licensure as a Psychologist," which is incorporated herein by
13 reference and which may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-12802>,
14 the Board office, or at <http://floridaspsychology.gov/applications/psychology-licensure-app.pdf>.

15 *Rulemaking Authority 456.013, 456.025, 490.004(4), 490.005 FS. Law Implemented 456.013, 456.025, 456.0635, 490.005, 490.006,*
16 *490.007(1) FS. History--New 6-25-02, Amended 5-24-09, 3-1-10, 5-23-10, 11-10-11, 6-18-12, 12-25-12, 10-28-13, 5-1-14, 11-2-14,*
17 *4-6-15, 12-3-15, 4-21-16, 9-27-16, 11-23-17, 2-18-19, 3-28-21.*

18 **64B19-11.0035 Licensure by Examination: Proof Satisfactory to the Board for the Purpose of**
19 **Determining Eligibility for Examination.**

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

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

25 (b) Program: Applicant's degree must have been obtained from a program accredited by the APA.

26 (c) Proof may be provided by:

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

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

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

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

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

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

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

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

43 *Rulemaking Authority 490.004(4), 490.005(1)(b) FS. Law Implemented 490.003(3), 490.005 FS. History--New 1-7-96, Formerly 59AA-*
44 *11.0035, Amended 12-4-97, 9-20-98, 11-24-98, 1-25-00, 10-12-11, 11-26-17, 3-15-18, 3-18-20, 12-20-20.*

1 **OLD BUSINESS**

2 13. January 29, 2021, General Business Meeting Minutes

3 **MOTION:** Dr. Mackintosh moved to approve the January 29, 2021, General Business Meeting
4 Minutes. Dr. Silver seconded the motion, which carried 5/0.

5 **REPORTS, IF ANY**

6 14. Randi Mackintosh, Psy.D.

7 o Other Board Members:

8 Dr. Silver, who serves as the Board’s Continuing Education Liaison, requested the Board
9 consider amending Rule 64B19-13.004(3), F.A.C ., Board Approval of Continuing Psychological
10 Education Providers. Dr. Silver would like to have the Board discuss criteria for addressing
11 medical errors involving telehealth. Dr. Silver will work with Mr. Dierlam to bring back proposed
12 rule amendments for the Board’s consideration.

13 15. Executive Director

14 Report topics:

- 15 o Cash Balance Report
- 16 o Expenditures by Function Report

17 Mr. Hall presented the quarterly cash balance and expenditures by function reports. Mr. Hall
18 also provided a brief update on the status of legislation that might impact the Board.

19 Lastly, Mr. Hall discussed resuming face-to-face meetings of the Board for the July 23rd meeting
20 in Panama City. Following discussion, the Board agreed to move forward with meeting face-to-
21 face with the proper safety protocols in place. Mr. Hall will ensure Board members receive
22 information regarding making travel accommodations and procedures for travel reimbursement.

23 **OTHER BUSINESS AND INFORMATION**

24 16. ASPPB Disciplinary Data Report

25 Informational item

26 17. ASPPB Public Notice: Modifications of Accreditation Processes

27

28 Informational item

29 18. ASPPB Letter re: H.R. 7105: Johnny Isakson and David P. Roe, M.D. Veterans
30 Health Care and Benefits Improvement Act of 2020

31 Informational item

- 1 19. Psychology Staff Recognition
- 2 Informational item
- 3 **ADJOURNMENT**
- 4 The meeting adjourned at approximately 9:53 a.m.