

**The Florida
Board of Psychology**

**DEPARTMENT OF HEALTH
BOARD OF PSYCHOLOGY
GENERAL BUSINESS MEETING
BY TELEPHONE CONFERENCE CALL
JULY 22, 2022**

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
Ms. Mary (Denny) O'Brien, Vice-Chair**

**DEPARTMENT OF HEALTH BOARD OF PSYCHOLOGY
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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 **8:00 a.m. EST**

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

3 Dr. Randi Mackintosh, Chair, called the general business meeting to order at approximately 8:03
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 Mary (Denny) O'Brien, J.D.
8 Madiley Broz, Psy.D.
9 Seema Weinstein, Ph.D.

STAFF PRESENT

Allen Hall, Executive Director
Anna King, Program Operations Administrator
Terrica Jones, RSII
Keyna Page, RSII
Deborah Boutwell, RSII

10
11 **MEMBER ABSENT**

12 Dawn Silver, Ph.D. - Excused

13 **ASSISTANT ATTORNEY GENERAL**

14 Christopher Dierlam, Esq.

ASSISTANT GENERAL COUNSEL

Collie Nolen, Esq.

15 **COURT REPORTER**

16 _____
17 _____
18 _____
19 _____

OTHERS PRESENT

Dr. Michael Herkov, Representative for
Professionals Resource Network (PRN)

20 **DISCIPLINARY PROCEEDINGS**

21 **PROSECUTOR'S REPORT**

22 1. Collie Nolen, Esquire

23 Ms. Nolen presented the following prosecutor's report.

<u>Case Status</u>	<u>Report Date 1/22/22</u>	<u>Report Date 3/8/22</u>	<u>Report Date 6/22/22</u>

Total cases open/active in Prosecution Services:	21	22	17
Cases in Emergency Action Unit:	1	0	0
Cases under legal review:	3	3	7
Cases awaiting supplemental investigation/expert opinion:	3	0	1
Cases with PCP recommendation:	3	8	1
Cases where probable cause has been found:	2	1	2
Cases where DOAH has been requested:	8	7	6
Cases pending before DOAH:	0	0	0
Cases on Board meeting agendas:	2	3	0
Cases on appeal:	0	0	0
Cases older than one year:*	7	8	7

MOTION: Following discussion, Ms. O'Brien moved to continue prosecuting cases older than 1 year. Dr. Mackintosh seconded the motion, which carried 4/0.

1 **ADMINISTRATIVE PROCEEDINGS**

2 **REVIEW OF PSYCHOLOGIST LICENSURE APPLICATIONS**

3 2. Carmen Arlene Gonzalez Ortiz Endorsement of 10 Years Licensed Experience

4 Dr. Gonzalez Ortiz was present and not represented by legal counsel. Ms. Saori Yamashita with
5 LINK Translation services was present to assist the applicant.

6 Dr. Gonzalez Ortiz has applied for licensure under Endorsement of 10 Years Licensed
7 Psychologist Experience. Dr. Gonzalez Ortiz's application was before the Board due to issues
8 regarding license verification discrepancies on her application.

9 Provided for the Board's review was the application, supporting documents, and additional
10 information for consideration.

11 Following discussion, Dr. Gonzalez-Ortiz withdrew her current endorsement application and
12 changed to the Examination Method. Dr. Gonzalez-Ortiz waived the 90 days of Board action.

13 3. Elizabeth Beti Dimovski Jackson Endorsement

14 Dr. Dimovski Jackson was not present and not represented by legal counsel.

15 Dr. Dimovski Jackson applied for licensure under Endorsement of 10 Years Licensed
16 Psychologist Experience. Dr. Dimovski Jackson's application was before the Board due to her
17 'Yes' answer to the Criminal and Disciplinary questions on the application.

1 Provided for the Board's review was the application, supporting documents, the applicant's
2 explanation, and additional information provided in order to be approved to proceed with Florida
3 licensure.

4 **MOTION:** Following discussion, Ms. O'Brien moved to approve the application for psychologist
5 licensure. Dr. Mackintosh seconded the motion, which carried 4/0.

6 **AT THIS POINT IN THE MEETING THE BOARD CHAIR MOVED TO TAB 22**

7 22. Marisa Murray International –Examination w/ Waiver

8 Dr. Murray was not present and not represented by legal counsel.

9 Dr. Murray has applied for licensure under the Examination with Waiver method. If approved by
10 the Board, the applicant must also complete the required Florida laws and rules examination for
11 licensure.

12 Provided for the Board's review was the application, supporting documents, and additional
13 information they have provided in order to be approved to proceed with Florida licensure.

14 **MOTION:** Following discussion, Dr. Mackintosh moved to approve the application for psychologist
15 licensure. Dr. Weinstein seconded the motion, which carried 4/0.

16 **AT THIS POINT IN THE MEETING THE BOARD CHAIR MOVED BACK TO TAB 4**

17 **LICENSURE RATIFICATION LISTS**

18 4. Licensed Psychologists

19 **MOTION:** Dr. Mackintosh moved to accept the ratification list as noted. Ms. O'Brien seconded the
20 motion, which carried 4/0.

21

5. Licensed Provisional Psychologists

22 **MOTION:** Dr. Mackintosh moved to accept the ratification list as noted. Ms. O'Brien seconded the
23 motion, which carried 4/0.

24 6. Limited License Psychologist

25 There were no limited licensees to ratify during this meeting.

26 **CONTINUING EDUCATION PROVIDER RATIFICATION LIST**

27 7. List of Applicants

28 **MOTION:** Dr. Mackintosh moved to accept the ratification list as noted. Ms. O'Brien seconded the
29 motion, which carried 4/0.

30 **APPLICATION EXTENSION RATIFICATION LIST**

31 8. List of Applicants

32 **MOTION:** Ms. O'Brien moved to accept the ratification list as noted. Dr. Weinstein seconded the
33 motion, which carried 4/0.

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

2 9. List of Applicants

3 **MOTION:** Dr. Mackintosh moved to accept the File Closure applicants as noted. Ms. O'Brien
4 seconded the motion, which carried 4/0.

PETITION FOR DECLARATORY STATEMENT

5 10. Dr. Michael Spellman re: Rule 64B19-18.004, F.A.C., Use of Test Instruments

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

7 Dr. Spellman is currently licensed in Florida and is requesting the Board's guidance towards
8 authorizing licensees to provide psychological and neuropsychological testing services to patients
9 or prospective patients without the need to meet with the patient. The petition references Rules
10 64B19-18.004, F.A.C.

11 Provided for the Board's review was Dr. Spellman's Petition for Declaratory Statement.

12 Following discussion, Dr. Spellman requested to withdraw his Petition for Declaratory Statement.

PETITION FOR VARIANCE/WAIVER

13 11. Dr. Natalia Aristizabal re: Rule 64B19-12.0085, F.A.C., Delinquency Fees

14 Dr. Aristizabal was not present and not represented by legal counsel.

15 Dr. Aristizabal is currently licensed in Florida and is requesting the Board's guidance towards the
16 potential to reduce the delinquency fee for their license renewal due to financial hardship. The
17 petition references Rules 64B19-12.0085, F.A.C., along with §456.036(7), F.S.

18 Provided for the Board's review was Dr. Aristizabal's Petition for Variance/Waiver.

19 **MOTION:** Following discussion, Dr. Mackintosh moved to deny the Petition for Variance/Waiver.
20 Dr. Weinstein seconded the motion, which carried 4/0.

21 12. Dr. Martin Smith re: Rule 64B19-12.0085, F.A.C., Delinquency Fees

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

23 Dr. Smith is currently licensed in Florida and is requesting the Board's guidance towards the
24 potential to refund all/partial of the delinquency fee for their license renewal due to financial and
25 health hardship. The petition references Rules 64B19-12.0085, F.A.C., along with §456.036(7),
26 F.S.

27 Provided for the Board's review was Dr. Smith's Petition for Variance/Waiver.

28 **MOTION:** Following discussion, Dr. Mackintosh moved to deny the Petition for Variance/Waiver.
29 Dr. Weinstein seconded the motion, which carried 4/0.

30 **RULES REVIEW & DEVELOPMENT**

1 13. Rule 64B19-18.004, F.A.C., Use of Test Instruments

2 During the April 29, 2022, General Business Meeting the Board approved the addition of the
3 following sunset provision:

4 **64B19-18.004 Use of Test Instruments.**

5 (1) Through (7) No Change.

6 (8) No later than 90 days prior to April 30, 2027, the Board shall review and amend, modify, or sunset
7 this rule if it determines this rule creates barriers to entry for private business competition, is duplicative,
8 outdated, obsolete, overly burdensome, or imposes excessive costs. Failure by the Board to act in
9 accordance with this provision will result in the expiration of this rule on April 30, 2027.

10 *Rulemaking Authority 490.004(4) FS. Law Implemented 490.003(4), 490.009(1)(r), (s), (v), (w) FS. History—New 6-14-94, Formerly*
11 *61F13-20.004, Amended 5-19-97, Formerly 54AA-18.004, Amended 3-25-02, 11-18-07,_____.*

12 During the instant meeting, Mr. Dierlam proposed the following revised text for the sunset
13 provision, pursuant to a June 27, 2022 JAPC letter: *“This rule shall be reviewed, and if necessary,*
14 *repealed, modified, or renewed through the rulemaking process five years from the effective*
15 *date.”*

16 **MOTION:** Dr. Mackintosh moved to approve the revised sunset provision proposed by Board
17 Counsel. Dr. Weinstein seconded the motion, which carried 4/0.

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

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

23 **AT THIS POINT IN THE MEETING THE BOARD CHAIR MOVED TO TAB 16**

24 **OLD BUSINESS**

25 16. April 29, 2022, General Business Meeting Minutes

MOTION: Following discussion, Dr. Mackintosh moved to approve the minutes as noted. Ms.
O’Brien seconded the motion, which carried 4/0.

26 **REPORTS, IF ANY**

27 17. Randi Mackintosh, PsyD.

- 28 • Other Board Members:

29 Informational Item

30 18. Executive Director

31 Report topics:

- 32 • Cash Balance Report
33 • Expenditures by Function Report

34 Informational Item

1 AT THIS POINT IN THE MEETING THE BOARD CHAIR MOVED BACK TO TAB 14

2 REPORT OF ASSISTANT ATTORNEY GENERAL, CHRISTOPHER DIERLAM, ESQUIRE

3 14. Rule Status Report

4 Mr. Dierlam presented the status of the following rules.

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B19-11.012	Application Forms.	04/29/2022					
64B19-12.006	Reactivation Fee and Charge of Status Fee.	10/29/2021	11/24/2021(RD/RN)	12/02/2021	12/20/2021	01/19/2021	02/08/2022
64B19-12.0085	Delinquency Fee.	10/29/2021	11/24/2021(RD/RN)	12/07/2021	12/22/2021	01/21/2022	02/10/2022
64B19-17.002	Disciplinary Guidelines.	10/29/2021	11/24/2021(RD/RN)	12/02/2021	12/20/2021	01/19/2022	02/08/2022
64B19-18.004	Use of Test Instruments.	01/28/2022 04/29/2022	03/02/2022(RD/RN)	03/10/2022	03/25/2022 03/28/2022 Rec'd JAPC Correspondence letter 04/19/2022 JAPC Response letter		

5 OTHER: ANNUAL REGULATORY PLAN

6 Following discussion, Ms. O'Brien moved to delegate Dr. Mackintosh to work with Board Counsel
7 on creating the annual regulatory plan. Dr. Weinstein the motion, which carried 4/0.

8 NEW BUSINESS

9 15. Discussion re: Rule 64B19-13.003(1)(g), F.A.C., Continuing Psychological Education
10 Credit

11 **64B19-13.003(1)(g), Florida Administrative Code, Continuing Psychological Education**
12 **Credit.**

13 (1) Continuing psychological education credit will be granted for:

14 (g) Each hour of attendance at a Board of Psychology meeting or Board of Psychology committee
15 meeting. Only one credit will be granted for each hour of full attendance and only ten (10) credits
16 will be allowed each biennium regardless of how many hours are attended during the biennium.
17 Attendance at a Board or committee meeting shall also satisfy, hour by hour, the requirement of
18 professional ethics and legal issues credit set out in subsection (3), of this rule;

19 **Section 456.013(6), F.S., Department; general licensing provisions, provides in part as**
20 **follows:**

21 456.013 Department; general licensing provisions.— (6) ... Notwithstanding any other provision of
22 law, the board, or the department when there is no board, may approve by rule alternative
23 methods of obtaining continuing education credits in risk management. The alternative methods
24 may include attending a board meeting at which another licensee is disciplined, serving as a
25 volunteer expert witness for the department in a disciplinary case, *or serving as a member of a*
26 *probable cause panel following the expiration of a board member's term.* Other boards within the
27 Division of Medical Quality Assurance, or the department if there is no board, may adopt rules
28 granting continuing education hours in risk management for attending a board meeting at which

1 another licensee is disciplined, for serving as a volunteer expert witness for the department in a
2 disciplinary case, or for *serving as a member of a probable cause panel following the expiration of*
3 *a board member's term.*

4 Following discussion, the Board recommended to grant up to 10 hours. Board Counsel will
5 prepare draft rule text to present at next board meeting.

6 **AT THIS POINT IN THE MEETING THE BOARD CHAIR MOVED TO TAB 19**

7 **OTHER BUSINESS AND INFORMATION**

8 19. Spotlight on ULA Newsletter

9 Informational Item

10 20. ASPPB Disciplinary Data Report

11 Informational Item

12 21. Psychology Staff Recognition

13 **ADJOURNMENT**

14 There being no further business the meeting adjourned at 9:16 a.m.