

**DEPARTMENT OF HEALTH  
DIVISION OF MEDICAL QUALITY ASSURANCE  
BOARD OF PSYCHOLOGY**

**MINUTES  
GENERAL BUSINESS MEETING  
APRIL 4, 2008**

**The Marriott Tampa Airport  
Tampa International Airport  
Tampa, FL 33607  
(813) 879-5151**

**To accommodate individuals wishing to address the board, the board Chair may adjust the sequence of the agenda items. The minutes reflect the actual sequence of events rather than the original agenda order.**

**CREDENTIALS COMMITTEE MEETING**

**MEMBERS PRESENT**

Katurah Jenkins-Hall, Ph.D., Chair  
Herbert Goldstein, Ph.D.  
Amy Swan, Psy.D.

**STAFF PRESENT**

Allen Hall, Executive Director  
Anna L. Hart King, Regulatory Specialist II

**ASSISTANT ATTORNEY GENERAL**

Mary Ellen Clark

**COURT REPORTER**

Argus Bay Park Reporting  
Patricia K. Gough  
(813) 490-0003

**Dr. Katurah Jenkins-Hall, Chair, called the Credentials Committee meeting to order at approximately 9:00 a.m.**

**(The applicants were not present or represented at the committee meeting unless otherwise noted.)**

**Tab 1           Brown, Jessica (Bifurcation/Examination)**

Dr. Brown was not present.

Following discussion, Dr. Amy Swan moved to approve the application for licensure. Dr. Herbert Goldstein seconded the motion, which carried 3/0.

**Tab 2           Howard, Eric (Endorsement of 20 Years Experience)**

Dr. Howard was present and sworn in by the court reporter.

Following discussion, Dr. Howard waived the 90-day requirement for Board action on his application and agreed to request an addendum to his APA comparability letter comparing his coursework to the requirements of Rule 64B19-11.0035, F.A.C. Dr. Herbert Goldstein moved to table further consideration of the application until the addendum is submitted for review by the Committee. Dr. Amy Swan seconded the motion, which carried 3/0.

**Tab 3 Karp, Julie Ann (Examination)**

Dr. Karp was not present.

Following discussion, Dr. Amy Swan moved to approve the application for licensure. Dr. Herbert Goldstein seconded the motion, which carried 3/0.

**Tab 4 Levy, Sheldon (Endorsement of 20 Years Experience)**

Dr. Levy was present and sworn in by the court reporter. Dr. James Meyer was present as legal counsel for the applicant.

Following discussion, Dr. Amy Swan moved to approve the application for licensure. Dr. Herbert Goldstein seconded the motion, which carried 3/0.

**Tab 5 Morgan, Elizabeth (Examination)**

Dr. Morgan was not present.

Following discussion, Dr. Herbert Goldstein moved to approve the application for licensure. Dr. Amy Swan seconded the motion, which carried 3/0.

**Tab 6 Romero, Christian (Endorsement of 2005 Massachusetts License)**

Dr. Romero was present and sworn in by the court reporter.

Following discussion, Dr. Amy Swan moved to approve the application for licensure. Dr. Herbert Goldstein seconded the motion, which carried 3/0.

**Tab 7 Shoukry, Victor (Examination)**

Dr. Shoukry was not present.

Following discussion, Dr. Herbert Goldstein moved to deny the application for licensure pursuant to s.490.003(3)(b), F.S., which requires that applicants must complete their doctoral-level psychological education from an educational institution, and psychology program within that institution, that is accredited by an agency recognized and approved by the United States Department of Education.

Dr. Amy Swan seconded the motion, which carried 3/0.

The Credentials Committee adjourned at approximately 9:19 a.m.

**SPECIALTIES COMMITTEE MEETING**

**MEMBERS PRESENT**

Richard Hoffman, Ph.D.  
Herbert Goldstein, Ph.D.

**STAFF PRESENT**

Allen Hall, Executive Director  
Anna L. Hart King, Regulatory Specialist II

**ASSISTANT ATTORNEY GENERAL**

Mary Ellen Clark

**COURT REPORTER**

Argus Bay Park Reporting  
Patricia K. Gough  
(813) 490-0003

**Dr. Richard Hoffman called the Specialties Committee meeting to order at approximately 9:20 a.m.**

**(The petitioners were not present or represented at the committee meeting unless otherwise noted.)**

**Tab 1 American Board of Assessment Psychology**

Dr. Irving B. Weiner, an officer of the American Board of Assessment Psychology (ABAP), was present and sworn in by the court reporter.

Following discussion, Dr. Weiner agreed to update ABAP’s application for diplomate status to clarify the requirement for active psychologist licensure and its bylaws to clarify the requirement for an oral examination.

Dr. Herbert Goldstein moved to approve the ABAP as a Board-approved certifying body, eligible to grant formal recognition of its certification to Florida-licensed psychologists. Dr. Richard Hoffman seconded the motion, which carried 3/0.

**Tab 2 American Board of Psychological Specialties**

The American Board of Psychological Specialties (ABPS) did not have a representative present to address the Committee.

Following discussion, Dr. Herbert Goldstein moved to approve the ABPS as a Board-approved certifying body, eligible to grant formal recognition of its certification to Florida-licensed psychologists. Dr. Richard Hoffman seconded the motion, which carried 3/0.

The Specialties Committee adjourned at approximately 9:45 a.m.

**CONTINUING EDUCATION COMMITTEE MEETING**

**MEMBERS PRESENT**

Ms. Ana Martin-Lavielle, Chair  
Richard Hoffman, Ph.D.

**STAFF PRESENT**

Allen Hall, Executive Director  
Anna L. Hart King, Regulatory Specialist II

**MEMBERS ABSENT**

Ms. Cheryl Levine

**ASSISTANT ATTORNEY GENERAL**

Mary Ellen Clark

**COURT REPORTER**

Argus Bay Park Reporting  
Patricia K. Gough  
(813) 490-0003

**Ms. Ana Martin-Lavielle, Chair, called the Continuing Education Committee meeting to order at approximately 9:48 a.m.**

**(The applicants were not present or represented at the committee meeting unless otherwise noted.)**

**Tab 1 South Florida Society for Trauma Based Disorders (Medical Errors)**

During the January 2008 meeting, the Continuing Education Committee requested additional detail regarding the applicant's program course description. The application was tabled for further consideration at the March 7, 2008 Credentials Committee conference call, pending receipt of the requested information.

Due to the lack of a quorum of Committee members at the March 2008 meeting, consideration of the applicant's newly submitted information was postponed to the April 2008 meeting.

During the April 2008 meeting, Dr. Richard Hoffman moved to approve the application to become a medical errors course provider retroactively to March 7, 2008. Ms. Ana Martin-Lavielle seconded the motion, which carried 2/0.

**Tab 2 Adapt Behavioral Services (Continuing Education)**

Following discussion, Dr. Richard Hoffman moved to approve the application to become a continuing education provider. Ms. Ana Martin-Lavielle seconded the motion, which carried 2/0.

**Tab 3 American College of Addictionology & Compulsive Disorders (Continuing Education)**

Following discussion, the Committee requested that the provider submit additional information elaborating on each module of its continuing education program and clarifying the presentation schedule. Further consideration of the application was tabled to the June 2008 Board Quorum conference call.

**Tab 4 Vista Continuing Education (Medical Errors)**

Following discussion, Dr. Richard Hoffman moved to approve the application to become a medical errors course provider. Ms. Ana Martin-Lavielle seconded the motion, which carried 2/0.

**Tab 5 Mental Health Strategies, Inc. (Medical Errors)**

Following discussion, Dr. Richard Hoffman moved to deny the application to become a medical errors course provider pursuant to Rule 64B19-13.004(1)(a), F.A.C., which requires that continuing psychological education courses must enhance psychological skills and knowledge. Ms. Ana Martin-Lavielle seconded the motion, which carried 2/0.

**Tab 6 Carlos Albizu University (Medical Errors)**

Following discussion, Ms. Ana Martin-Lavielle moved to approve the application to become a medical errors course provider. Dr. Richard Hoffman seconded the motion, which carried 2/0.

**Tab 7 CE-Classes.com (Medical Errors)**

Following discussion, Dr. Richard Hoffman moved to approve the application to become a medical errors course provider retroactively to September 2006. Ms. Ana Martin-Lavielle seconded the motion, which carried 2/0.

The Continuing Education Committee adjourned at 10:04 a.m.

## **GENERAL BUSINESS MEETING**

**Dr. Richard Hoffman, Chair, called the General Business meeting to order at approximately 10:17 a.m. Those present for all or part of the meeting, included the following:**

### **MEMBERS PRESENT**

Richard Hoffman, Ph.D., Chair  
Amy Swan, Psy.D., Vice-Chair  
Herbert Goldstein, Ph.D.  
Katurah Jenkins-Hall, Ph.D.  
Rafael Rivas-Vazquez, Psy.D.  
Ms. Ana Martin-Lavielle

### **STAFF PRESENT**

Allen Hall, Executive Director  
Anna L. Hart King, Regulatory Specialist II

### **MEMBERS ABSENT**

Ms. Cheryl Levine

### **ASSISTANT GENERAL COUNSEL**

Cynthia Jakeman

### **ASSISTANT ATTORNEY GENERAL**

Mary Ellen Clark

### **COURT REPORTER**

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Patricia K. Gough  
(813) 490-0003

## **DISCIPLINARY PROCEEDINGS**

### **MOTION FOR BOARD'S FINAL ORDER BY STIPULATION**

**Tab 1            Alexander Gimon, Case No. 2006-26457 (p/c/p Rafael Rivas-Vazquez & Carol Webster)**

Dr. Gimon was present and sworn in by the court reporter.

Dr. Rafael Rivas-Vazquez was recused due to participation on the probable cause panel.

Dr. Gimon was charged with violating s. 490.009(1)(r), F.S. (2006), for failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.

Following discussion, Dr. Herbert Goldstein moved to reject the proposed stipulation. Ms. Ana Martin-Lavielle seconded the motion, which carried 5/0.

The Board proposed the following counterstipulation:

- Reprimand of license;
- Payment of a fine in the amount of \$5,000 within 18 months of the filing of the final order;
- Payment of actual costs in the amount \$3,147.51 within 6 months of the filing of the final order;
- Completion of twelve (12) hours of face-to-face continuing education in the areas of Ethics and Laws & Rules within 12 months of the filing of the final order;

- Within 3 months of completing the required continuing education, submission of an essay, with a minimum of 1000 words, providing the licensee's insight on the allegations raised in this case, and addressing the issue of ethics regarding dual relationships. The Board Chair is delegated to review and approve the essay.

Dr. Katurah Jenkins-Hall moved to approve the terms of the counterstipulation as stated. Dr. Herbert Goldstein seconded the motion, which carried 5/0. Dr. Gimon will have 30 days, from the issuance of the order incorporating these terms, to accept or reject the terms of counterstipulation.

**Tab 2            Johann N. Prewett, Case No. 2005-01524 (p/c/p Rafael Rivas-Vazquez & Juliet Lewis)**

Dr. Rafael Rivas-Vazquez was recused due to participation on the probable cause panel. Dr. Prewett was not present.

Dr. Prewett was charged with violating s.490.009(1)(r), F.S. (2003), for failing to meet minimum standards of performance by failing to timely transmit documentation impacting the employment status of a patient; s.490.009(1)(w), F.S. (2004), for failing to timely release copies of patient records and conditioning the release of same on payment of a fee; s.490.009(1)(w), F.S. (2004), by violating Rule 64B19-19.0025, F.A.C., in failing to meet the minimum requirements for records; and s. 490.009(1)(r), F.S. (2004), for failing to perform an adequate diagnostic assessment of the patient.

Ms. Ana Martin-Lavielle moved to adopt the allegations of fact in the Administrative Complaint as the findings of fact of the Board. Dr. Herbert Goldstein seconded the motion, which carried 5/0.

Ms. Ana Martin-Lavielle moved to find Dr. Prewett in violation of the Florida Statutes as charged in the Administrative Complaint. Dr. Herbert Goldstein seconded the motion, which carried 5/0.

Dr. Herbert Goldstein moved to accept the following penalties in this case:

- Probation, without supervision, until such time as Dr. Prewett makes an appearance before the Board;
- Payment of fine in the amount of \$4,000 within 12 months of the filing of the final order;
- Issuance of a Letter of Concern to be prepared by the Board Chair;
- Completion of fifteen (15) hours of face-to-face continuing education in the areas of Record Keeping, Laws & Rules and Diagnostic Assessments; and
- Reimbursement of the client's fees within 30 days of the filing of the final order.

Ms. Ana Martin-Lavielle seconded the motion, which carried 5/0.

Dr. Amy Swan moved to accept the Department's Motion to Assess Costs, in the amount of \$4,218.95, to be paid within 12 months of the issuance of the final order. Dr. Katurah Jenkins-Hall seconded the motion, which carried 5/0.

**Tab 3            Carlos M. Alvarez, Case No. 2006-00734 (p/c/p Rafael Rivas-Vazquez & Carol Webster)**

Dr. Rafael Rivas-Vazquez was recused due to participation on the probable cause panel. Dr. Alvarez was not present.

Dr. Alvarez was charged with violating s.490.009(1)(c), F.S., for being convicted or found guilty of a crime relating to his ability to practice psychology. Dr. Alvarez was also charged with violating s.

490.009(1)(w), F.S. (2006), through a violation of s.456.072(1)(x), F.S. (2006), by failing to report a plea to the Board of Psychology within the timeframes required by law.

Dr. Alvarez signed a Voluntary Relinquishment of License on February 29, 2008.

Dr. Herbert Goldstein moved to approve the voluntary relinquishment of Dr. Alvarez' license. Dr. Amy Swan seconded the motion, which carried 5/0.

**Tab 4 Robert Pensa, Case No. 2008-00668 (p/c/p waived)**

The Board considered a Voluntary Relinquishment of License signed by Dr. Pensa on March 5, 2008. An involved party was present, sworn in by the court reporter and briefly addressed the Board. Dr. Pensa was not present.

Dr. Rafael Rivas-Vazquez moved to approve the voluntary relinquishment of Dr. Pensa's license. Dr. Amy Swan seconded the motion. Dr. Rafael Rivas-Vazquez, Dr. Amy Swan and Ms. Ana Martin-Lavielle voted in favor of the motion. Dr. Herbert Goldstein, Dr. Katurah Jenkins-Hall and Dr. Richard Hoffman opposed the motion.

Following further discussion, Ms. Jakeman withdrew the Department's Motion for Final Order by Voluntary Relinquishment and will revise the voluntary relinquishment to address the concerns of the Board.

**Tab 5 Cynthia Jakeman, Prosecuting Attorney**

Ms. Jakeman presented the prosecutor's report outlining the current status of the thirty-five open disciplinary cases, as of March 19, 2008.

Under legal review	11
Scheduled for probable cause review	9
Probable cause found	15

16 of the above cases were stated to be more than one year old.

**ADMINISTRATIVE PROCEEDINGS**

**PERSONAL APPEARANCE PURSUANT TO §456.013(3)(c), F.S.**

**Tab 6 David Tessler**

During the March 7, 2008 Credentials Committee meeting, it was requested that Dr. Tessler make a personal appearance before the Board to discuss matters related to personal history. Dr. Tessler was present and sworn in by the court reporter.

Following discussion, Dr. Katurah Jenkins-Hall moved to approve Dr. Tessler's application for licensure. Dr. Herbert Goldstein seconded the motion, which carried 6/0.

**MOTION FOR RECONSIDERATION OF LICENSURE APPLICATION**

**Tab 7 Eric Reznik**

Dr. Reznik was present and sworn in by the court reporter.

During the October 2007 Board meeting, Dr. Reznik's previously approved application for licensure was reconsidered and denied. A Notice of Intent to Deny was filed on November 19, 2007.

A Petition for Hearing Involving Disputed Issues of Material Fact was filed by Dr. Reznik on December 12, 2007. The matter was referred to the Division of Administrative Hearings (DOAH) on January 30, 2008. The DOAH case was placed in abeyance. On March 20, 2008, Dr. Reznik filed a Motion for Reconsideration by the Board.

Following discussion, Dr. Katurah Jenkins-Hall moved to reconsider Dr. Reznik's application for licensure and to require his passage of both the national EPPP exam and the Florida laws and rules exam prior to the July 25, 2008 Board meeting. Dr. Reznik would not be permitted to work under supervision during this period of time.

Dr. Herbert Goldstein seconded the motion. Dr. Katurah Jenkins-Hall, Dr. Herbert Goldstein and Dr. Richard Hoffman voted in favor of the motion. Dr. Rafael Rivas-Vazquez, Ms. Ana Martin-Lavielle and Dr. Amy Swan opposed.

Following further discussion, Dr. Katurah Jenkins-Hall moved to reconsider the application for licensure and require that Dr. Reznik comply with the following terms:

- Passage of both the national EPPP exam and the Florida laws and rules exam prior to the July 25, 2008 meeting;
- Refrain from practicing in any manner, including under supervision, during this period;
- Upon passage of both exams, appearance at the July 2008 meeting, with the proposed supervisor, at which time the Board will determine details of the supervision it will require if Dr. Reznik is licensed.

Dr. Rafael Rivas-Vazquez seconded the motion, which carried 6/0. Dr. Reznik agreed to all terms as stated. Ms. Clark will prepare an order, granting the reconsideration, which specifies the agreed upon terms. Ms. Clark will also request that the related DOAH case be dismissed.

Board staff was directed to bring the matter back before the Board at the July 2008 meeting whether the applicant is successful in passage of the exams or not.

*Note: All discussion and voting from this point forward reflect the absence of Dr. Katurah Jenkins-Hall, who was excused from the meeting.*

## **PETITIONS FOR DECLARATORY STATEMENT**

### **Tab 8            Jeffrey Lane, Ph.D., Re: Rule 64B19-18.002, F.A.C.**

Dr. Lane filed a petition for declaratory statement regarding whether his credentials would satisfy the requirements of Rule 64B19-18.002, F.A.C., Use of the Title Sex Therapist.

Following discussion, Ms. Ana Martin-Lavielle moved to decline response to the petition, as the Board has set forth the qualifications for designation as a sex therapist in rule, as required by s. 490.0143, F.S., and it is therefore left to licensees to determine for themselves whether they have met these requirements. Dr. Rafael Rivas-Vazquez seconded the motion, which carried 5/0.

**Tab 9 Michael Gournaris, Ph.D., Re: Rules 64B19-13.003(1)(i), F.A.C. and 64B19-13.003(2)(g), F.A.C.**

Dr. Gournaris filed a petition for declaratory statement regarding the applicability of Rules 64B19-13.003(1)(i) and 64B19-13.003(2)(g), F.A.C., to home study courses taken for continuing psychological education credit.

Following discussion, Dr. Rafael Rivas-Vazquez moved that the 3 courses did not meet the requirements of Rule 64B19-13.003(2)(g), F.A.C. Rule 64B19-13.003(2)(g), F.A.C, requires that home study courses must be taken from providers approved by the American Psychological Association or one of its affiliates. Consequently, consideration of whether the courses met the requirements of Rule 64B19-13.003(1)(i), F.A.C., was therefore moot.

Dr. Herbert Goldstein seconded the motion, which carried 5/0.

**Tab 10 Robert Woody, Ph.D., Re: §490.012(6), F.S., §490.009(1)(j) and §456.054, F.S.**

Dr. Woody filed a petition for declaratory statement regarding §490.012(6), F.S., §490.009(1)(j) and §456.054, F.S., to obtain clarity on acceptable payment arrangements for services provided by a licensed or unlicensed associate classified as either an employee or independent contractor.

Prior to the meeting Dr. Woody withdrew his petition and submitted a self-authored paper titled, "The Financial Conundrum for Psychological Practice", which was reviewed under Tab 27 of the current agenda.

**Tab 27 The Financial Conundrum for Psychological Practice**

Dr. Woody's paper addresses the ethical and legal issues related to financial arrangements between senior psychologists and associate psychologists working in their practice. The paper takes into consideration the role that classification of the associate, whether employee or independent contractor, plays in determining the type of payment arrangements that are appropriate.

Following discussion, the Board agreed to direct licensees with questions regarding this issue to the Internal Revenue Service, which provides clear definitions and regulations with regard to the designation of individuals as employees or independent contractors.

**APPLICANTS FROM APA ACCREDITED PROGRAMS FOR EXAMINATION AND LICENSURE AS NOTED**

**Tab 11 List of applicants**

Dr. Rafael Rivas-Vazquez moved to approve the list of applicants, with addendum, for examination and licensure as noted. Dr. Amy Swan seconded the motion, which carried 5/0.

**RULES REVIEW AND/OR DEVELOPMENT**

**Tab 12 Delegation of Professional Responsibilities or Activities by Licensed Psychologists to Paraprofessionals**

During the October 2007 meeting, Dr. Rafael Rivas-Vazquez reported on the status of development of proposed language that would further delineate which activities might be delegated to paraprofessionals. Further discussion was tabled to the January 2008 meeting.

During the January 2008 meeting, the Board agreed to table discussion to the April 2008 meeting due to Dr. Rivas-Vazquez' absence.

During the April 2008 meeting, Dr. Rivas-Vazquez agreed to present draft language, based on the Board's discussion of the matter, for consideration at the July 25, 2008 General Business meeting.

**Tab 14            Richard Hoffman, Ph.D.**

Dr. Hoffman requested discussion on adding the Association of Postdoctoral and Internship Centers (APPIC) to rule section 64B19-11.0035(5)(j)1., F.A.C., as an entity approved for providing formal internships.

During discussion, it was clarified that the internship requirement in Rule 64B19-11.0035(5)(j)1., F.A.C., is specific to s. 490.005(1)(b)4., F.S., applicants only. The requirement does not apply to the majority of applicants who complete their education through programs accredited by the American Psychological Association (APA). It is presumed that any pre-doctoral internship, approved as part of the graduation requirements for an APA-accredited program, is acceptable.

Following discussion, the Board directed staff to develop language for the psychology website clarifying that graduates of programs accredited by the APA are not required to pursue internships accredited by the APA. Dr. Hoffman will review the language developed prior to publication on the website.

Dr. Hoffman also requested discussion on the requirements of Rule 64B19-19.005, F.A.C., Releasing Psychological Records. After lengthy discussion, the Board was unable to come to a consensus regarding questions raised and determined to take up the matter, as needed, in the future.

**RULE STATUS REPORT**

**Tab 13            Mary Ellen Clark, Assistant Attorney General**

•            **Rule 64B19-12.0075, F.A.C., Biennial Limited License Renewal Fee**

During the January 2008 meeting, the Board agreed to create a new rule section, 64B19-12.0075, F.A.C., to establish a renewal fee for limited license psychologists. The rule was noticed for development on March 7, 2008. The proposed language is as follows below.

**64B19-12.0075 Biennial Limited License Renewal Fee.**

The fee for renewal of a limited license is \$25.00.

Specific Authority 456.036(3) FS. Law implemented 456.036(3) FS. History – New. .

Dr. Herbert Goldstein moved to accept and notice the proposed language. Ms. Ana Martin-Lavielle seconded the motion, which carried 5/0.

•            **Rule 64B19-12.0085, F.A.C., Delinquency Fee**

During the January 2008 meeting, the Board agreed to amend Rule 64B19-12.0085, F.A.C., to establish a specific renewal delinquency fee for limited license psychologists. The rule was noticed for development on March 7, 2008. The proposed language is as follows below.

## **64B19-12.0085 Delinquency Fee.**

If licensure an active or inactive license is in not renewed on time, the licensee shall pay a delinquency fee of \$400.00. If a limited license is not renewed on time, the licensee shall pay a delinquency fee of \$25.00.

*Specific Authority 456.036(7) FS. Law Implemented 456.036(7) FS. History-New 1-7-96, Formerly 59AA-12.0085, Amended 8-8-01,\_\_\_\_\_.*

Ms. Ana Martin-Lavielle moved to accept and notice the proposed language. Dr. Herbert Goldstein seconded the motion, which carried 5/0.

- **Rule 64B19-13.003(1)(c), F.A.C., Continuing Psychological Education Credit**

During the October 2007 meeting, Dr. Ana Rivas-Vazquez requested that the Board revise Rule 64B19-13.003(1)(c), F.A.C., to include completion of an APA-accredited program “residency” as a category in which continuing education credit may be received. During the January 2008 meeting, the Board approved the language provided below. The rule was noticed for development on March 7, 2008.

### **64B19-13.003 Continuing Psychological Education Credit.**

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

(a) - (b) No change.

(c) Completion of a colloquium, a presentation, a workshop or a symposium offered for continuing education credit by a doctoral psychology program or an internship or residency which is part of a psychology program that is accredited by the American Psychological Association;

(d) – (j) No change.

(2) – (6) No change.

*Specific Authority 456.013(7), 490.004(4), 490.0085(4) FS. Law Implemented 456.013(7), 490.007(2), 490.0085(1), (3) FS. History–New 1-28-93, 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended 1-10-01, 8-5-01, 5-21-02, 6-3-04, 1-2-06, 12-31-06, \_\_\_\_\_.*

- **Rule 64B19-13.003(5), F.A.C., Continuing Psychological Education Credit**

During the October 2007 meeting, the Board agreed to repeal Rule 64B19-13.003(5), F.A.C., which required additional continuing education hours for “qualified practitioners” as defined in Rule 64B19-18.001, F.A.C. The rule was noticed for development on December 7, 2007, adopted on February 4, 2008 and became effective February 24, 2008. The final text of the rule is as follows below.

### **64B19-13.003 Continuing Psychological Education Credit.**

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

(a) Completion of graduate level courses approved for credit by sponsors approved by the American Psychological Association;

(b) Completion of graduate level courses in psychology provided by a university or professional school which is regionally accredited, except that no more than ten (10) hours of continuing psychological education credit may be obtained for each semester hour;

(c) Completion of a colloquium, a presentation, a workshop or a symposium offered for continuing education credit by a doctoral psychology program or an internship which is part of a psychology program that is accredited by the American Psychological Association;

(d) Full attendance at workshops/seminars offered by providers approved by the American Psychological Association or any of its affiliates, or providers approved by the Board. A list of Board approved providers is available from the Board office upon request;

(e) Simple attendance at a state, regional or national psychology convention or conference. Only four (4) credits will be allowed each biennium regardless of how many state, regional or national conventions or conferences are attended during that biennium;

(f) Attainment of diplomate status in a specialty area from the American Board of Professional Psychology, for which thirty-seven (37) continuing psychological education credits, not including the two-hour continuing education course on domestic violence required by Section 456.031(1), F.S., and the two-hour continuing education course on the prevention of medical errors required by Section 456.013(7), F.S., will be allowed only during the biennium during which the diplomate is first awarded;

(g) Presenting or moderating for the first time only a continuing psychological education program sponsored by a provider approved by the Board, except that credit will be limited to the number of credits allowed by the program;

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

(i) Continuing education courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health, provided that such courses enhance the psychological skills and/or psychological knowledge of the licensee.

(j) The provision of volunteer expert witness opinions for cases being reviewed pursuant to laws and standards relevant to the practice of psychology. Two hours of credit shall be awarded for each case reviewed up to a maximum of ten hours per biennium. In this regard, volunteer expert witnesses are expected to perform a review of the psychological, medical, legal, and/or ethical literature, as appropriate to the case being reviewed.

(2) No continuing psychological education credit may be earned for:

(a) Regular work activities as a psychologist;

(b) Membership, office in, or participation on boards or committees of professional organizations;

(c) Independent, unstructured or self-structured learning;

(d) Personal psychotherapy or personal growth experience;

(e) Authoring or editing books or articles;

(f) Obtaining or providing supervision or consultation from or under a psychologist or other professional who is not a Board approved continuing psychological education provider;

(g) Home study except from providers approved by the American Psychological Association or any of its affiliates.

(3) As a condition of biennial licensure renewal, each licensee must complete forty (40) hours of continuing psychological education.

(a) Three (3) of the forty (40) hours must be on professional ethics and Florida Statutes and rules affecting the practice of psychology.

(b) Two (2) of the forty (40) hours must relate to prevention of medical errors. In addition to the study of root-cause analysis, error reduction and prevention, and patient safety, the course content shall also be designed to discuss potential errors within a psychological setting, such as inadequate assessment of suicide risk, failure to comply with mandatory abuse reporting laws, and failure to detect medical conditions presenting as a psychological disorder. If the course is offered by a facility licensed pursuant to Chapter 395, F.S., for its employees, the Board will approve up to one (1) hour of the two (2) hour course to be specifically related to error reduction and prevention methods used in that facility.

(c) Passage of the laws and rules examination of the Board constitutes forty (40) hours of continuing education credit, including credit for professional ethics and Florida Statutes and rules affecting the practice of psychology. Passage of the laws and rules examination, however, does not satisfy the requirement for the two (2) credit hours of continuing education on domestic violence required every third biennial licensure renewal period, nor the requirement for two (2) hours relating

to prevention of medical errors.

(4) The licensee shall maintain, and make available upon request, documentation to substantiate continuing psychological education credit required by the Board. The licensee shall retain such documentation for two (2) years following the renewal period during which the continuing psychological education credit was required.

(5) Every third biennial licensure renewal, two (2) of the forty (40) hours of continuing psychological education must be on domestic violence as defined in Section 741.28, F.S.

*Specific Authority 456.013(7), 490.004(4), 490.0085(4) FS. Law Implemented 456.013(7), 490.007(2), 490.0085(1), (3) FS. History—New 1-28-93, Amended 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended 1-10-01, 8-5-01, 5-21-02, 6-3-04, 1-2-06, 12-31-06, 2-24-08.*

## **Tab 21 Correspondence from the Joint Administrative Procedures Committee (JAPC) re: Rule 64B19-11.005, F.A.C., Incomplete Applications**

The Joint Administrative Procedures Committee (JAPC) reviewed Board Rule 64B19-11.005, F.A.C., Incomplete Applications, and requested justification or revision of the language to comply with the underlying statute, §456.013(1), F.S.

Board Counsel responded to JAPC's concerns and provided the following revised language for the Board's review.

### **64B19-11.006 Incomplete Applications.**

(1) The Board will not review incomplete applications, and applications that remain incomplete for one year following a timely filed notice of deficiency shall expire and be automatically closed by the department.

(2) Applicants whose files are closed and who wish further consideration must submit new applications. Likewise, applicants who delay timely responses to notices of deficiencies may be required to update their applications with the department prior to the Board's consideration.

*Specific Authority 120.60(1), 490.004(4) FS. Law Implemented 456.013(1), 490.005(1) FS. History—New 6-23-91, Formerly 21U-11.008, 61F13-11.008, 59AA-11.006, Amended \_\_\_\_\_.*

Dr. Rafael Rivas-Vazquez moved to accept the proposed language and notice same for rule development. Dr. Herbert Goldstein seconded the motion, which carried 5/0.

## **Tab 28 Coaching Clients to Take Psychological & Neuropsychological Tests: A Clash of Ethical Obligations**

During the January 2008 meeting, the Board reviewed Rule 64B19-18.007, F.A.C., in light of the practice of consumer-hiring of licensed psychologists to coach them in preparation for custody evaluations by other licensed psychologists.

At that meeting, Dr. Richard Hoffman agreed to prepare written information for the Board's website, and the Florida Psychological Association, indicating the Board's opinion that it is unethical to engage in such a practice.

During the April 2008 meeting, Dr. Hoffman provided the Board with an article from Volume 35 (2004) of the APA's publication "Professional Psychology: Research and Practice", titled "Coaching Clients to Take Psychological & Neuropsychological Tests: A Clash of Ethical Obligations".

Following discussion, the Board directed staff to publish the agreed upon excerpt from this article, to the psychology website, to clarify the Board's position on this practice.

## **REPORTS, IF ANY**

### **Tab 15 Executive Director**

- Cash Balance Report

Informational item.

- Expenditures by Function

Informational item.

### **Tab 16 Credentials Committee Report**

Dr. Katurah Jenkins-Hall reported to the full Board the Credentials Committee's recommendations. The Committee recommended approval of tabs 1, 3, 4, 5 and 6, denial of tab 7 and that tab 2 be tabled until such time as the applicant provides the additional information requested by the Committee.

Dr. Amy Swan moved to ratify the recommendations of the committee. Dr. Herbert Goldstein seconded the motion, which carried 5/0.

### **Tab 18 Specialties Committee Report**

Dr. Richard Hoffman reported to the full Board the Specialties Committee's recommendations. The Committee recommended approval of tabs 1 and 2.

Dr. Herbert Goldstein moved to ratify the recommendations and actions of the committee. Ms. Ana Martin-Lavielle seconded the motion, which carried 5/0.

Dr. Rafael Rivas-Vazquez moved to have future petitions for specialty board approval considered by the full Board and to dissolve the Specialties Committee. Dr. Herbert Goldstein seconded the motion, which carried 5/0.

### **Tab 17 Continuing Education Committee Report**

Ms. Ana Martin-Lavielle reported to the full Board the Continuing Education Committee's recommendations. The Committee recommended approval of tabs 1, 2, 4, 6 and 7, denial of tab 5 and that tab 3 be tabled for further consideration at the June 2008 Board Quorum conference call.

Dr. Rafael Rivas-Vazquez moved to ratify the recommendations and actions of the committee. Dr. Amy Swan seconded the motion, which carried 5/0.

## **NEW BUSINESS**

### **Tab 19 Approval of Executive Director**

Mr. Allen Hall has been appointed the new Executive Director of the Medical Therapies/Psychology Unit of the Department of Health's Division of Medical Quality Assurance (MQA). The Board expressed its pleasure to accept Mr. Hall's appointment to this position.

**Tab 20            2008 Legislative Update: SB 1478/HB 803 Psychology Licensure**

During the September 2007 Board Quorum conference call, the Board approved proposed language to amend Section 490.005(1)(e), F.S., limiting the timeframe under which board-approved applicants might practice under supervision.

During the January 2008 meeting, Dr. Harry Reiff, Florida Psychological Association (FPA) liaison to the Board, reported that the Board's proposal would be sponsored by Senator Gwen Margolis and Representative Ronald Brisé.

During the April 2008 meeting, the Board reviewed the language and status of SB 1478, "Psychology Licensure", and similar bill HB 803, "Licensure of Psychologists". Ms. Connie Galietti, Executive Director of the Florida Psychological Association, informed the Board that the current Senate bill language, as found in CS/SB 1478, is as amended to reflect the recommendation of Senate health committee staff. She also informed that Senator Margolis and Representative Brisé are working together to have the bills moved to the floor for consideration this Legislative Session.

**Tab 22            Correspondence from National Register for Health Service Providers in Psychology re: Licensure Mobility Program**

The Board discussed the National Register for Health Care Service Providers in Psychology's request to meet in October 2008 to discuss its license mobility program.

Following discussion, the Board agreed to have the organization present at the October 2008 meeting.

**Tab 23            Correspondence from the Canadian Psychological Association (CPA) re: Licensure Eligibility for Graduates of CPA-Accredited Doctoral Programs**

The Board reviewed information provided by the Canadian Psychological Association (CPA) requesting that graduates of its accredited programs be eligible for psychologist licensure in Florida.

Following discussion, the Board suggested that the CPA consult with the FPA for assistance with pursuing the legislative changes that would be required to accommodate graduates from such programs.

**Tab 24            Correspondence from the Florida Psychological Association (FPA) re: Clarification of Domestic Violence Continuing Education Requirement**

The Board reviewed correspondence from the Florida Psychological Association (FPA) requesting clarification on the domestic violence requirement.

Following discussion, Dr. Amy Swan moved to notice Rule 64B19-13.003(6), F.A.C., for rule development to specify that licensees will be allowed to take the domestic violence course in any of the three biennium's prior to the requirement deadline. Dr. Herbert Goldstein seconded the motion, which carried 5/0. Ms. Clark will draft language for the board's review at the July 2008 meeting.

## **OLD BUSINESS**

### **Tab 25 January 25, 2008 General Business Meeting Minutes**

Following discussion, Dr. Amy Swan moved to accept the minutes with correction to page 13, Tab 17, Specialties Committee report. Dr. Herbert Goldstein seconded the motion, which carried 5/0.

### **Tab 26 March 21, 2008 Board Quorum Call Minutes**

Dr. Rafael Rivas-Vazquez moved to accept the minutes with correction to the Vice-Chair as listed. Dr. Amy Swan seconded the motion, which carried 5/0.

## **OTHER BUSINESS AND INFORMATION**

### **Tab 29 Disciplinary Compliance Report**

Inquiry was made as to the allocation of disciplinary fines collected by the MQA Compliance Management Unit. Mr. Hall will research the matter and report on same at the July 2008 meeting.

### **Tab 30 Computer-Based Testing Vendor - Prometric**

Informational Item.

### **Tab 31 ASPPB Interjurisdictional Practice Certificate – Revised Plan**

Informational Item.

### **Tab 32 ASPPB Meeting Minutes for October & December 2007**

Informational Item.

### **Tab 33 PRN Monthly Report for December 2007**

Informational item.

### **Tab 34 Psychology Staff Recognition**

Informational item.

### **Tab 35 Approval of CE Course: Mercedes Rosenberg, Case No. 2004-37972**

During the October 2008 meeting, the Board accepted a stipulation in Dr. Rosenberg's case, requiring that she complete six (6) hours of continuing education credits in the area of Forensic Evaluations within one (1) year of the filing of the final order. Online courses would be permitted.

Dr. Rosenberg submitted course information to MQA Compliance Management, for which the unit requested the Board's approval. Following discussion, Dr. Amy Swan moved to approve the course proposed by Dr. Rosenberg. Dr. Herbert Goldstein seconded the motion, which carried 5/0.

### **Additional Business: June 2008 Board Quorum Call**

Board staff requested rescheduling of the June 20, 2008 Board Quorum conference call to an earlier date in the month to permit for timely consideration of a Petition for Declaratory Statement

filed with the Department. Following discussion, the Board agreed to reschedule the meeting to June 13, 2008.

The meeting adjourned at 4:35 p.m.