

**DEPARTMENT OF HEALTH  
BOARD OF PSYCHOLOGY  
GENERAL BUSINESS MEETING  
APRIL 22, 2011  
MINUTES  
(Draft)**

**EMBASSY SUITES  
9300 BAYMEADOWS RD.  
JACKSONVILLE, FL 32256  
(904) 731-3555**

**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**

Harry J. Reiff, Psy.D., Chair  
Stephen I. Bloomfield, Ed.D.  
Rafael Rivas-Vazquez, Psy.D.

**STAFF PRESENT**

Allen Hall, Executive Director  
Anna L. Hart King, Program Operations Administrator  
Lisa N. Dillon, Regulatory Specialist II

**ASSISTANT ATTORNEY GENERAL**

Donna McNulty, Esq.

**COURT REPORTER**

Loretta D. McDonald  
Statewide Court Reporting Service  
606 Black Stone Building  
Jacksonville, FL 32202  
(904) 353-7706

**Dr. Harry Reiff, Chair, called the Credentials Committee meeting to order at approximately 8:03 a.m.**

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

**Tab 1. General Discussion: Reviewing Endorsement of Other State License Applications**

The committee members discussed the methods by which they determine if an applicant for licensure demonstrates that she or he is endorsing an active license in another state for which the requirements for licensure were substantially equivalent to, or more stringent than the requirements for licensure set forth in chapter 490 F.S. at the time said license was secured.

490.006 Licensure by endorsement.—

(1)The department shall license a person as a psychologist or school psychologist who, upon applying to the department and remitting the appropriate fee,

demonstrates to the department or, in the case of psychologists, to the board that the applicant:

(a) Holds a valid license or certificate in another state to practice psychology or school psychology, as applicable, provided that, when the applicant secured such license or certificate, the requirements were substantially equivalent to or more stringent than those set forth in this chapter at that time; and, if no Florida law existed at that time, then the requirements in the other state must have been substantially equivalent to or more stringent than those set forth in this chapter at the present time;  
[....]

Following discussion the committee members agreed that the emphasis should be on the substantial equivalence of the portions of the laws related to the educational requirements, supervised experience requirements, and examination requirements.

**Tab 2. Bowen, Susan (Endorsement of Other State License)**

Following discussion, Dr. Rafael Rivas-Vazquez moved to deny the application on the basis that the supervision requirement in the laws and rules of Georgia were substantially dissimilar from the laws and rules of Florida during that time; and allow Dr. Bowen the opportunity or withdraw her application within 14 days of the filing of the final order. Dr. Stephen Bloomfield seconded the motion, which carried 3/0.

**Tab 3. Cochrane, Kenneth (Endorsement of 20 Years Experience)**

Following discussion, Dr. Rafael Rivas-Vazquez moved to require a personal appearance by Dr. Cochrane pursuant to section 456.013(3)(c), F.S. to further explain the previous unlicensed activity in the State of New York. Dr. Stephen Bloomfield

**Tab 4. Newman, Eileen (Endorsement of Other State License)**

Following discussion, Dr. Rafael Rivas-Vazquez moved to deny the application on the basis that the supervision requirement in the laws and rules of Maryland were substantially dissimilar from the laws and rules of Florida during that time; and allow Dr. Newman the opportunity or withdraw her application within 14 days of the filing of the final order. Dr. Stephen Bloomfield seconded the motion, which carried 3/0.

**Tab 5. Harriott, Evelyn (Endorsement of Other State License)**

Following discussion, Dr. Stephen Bloomfield moved to deny the application on the basis that the Educational requirement in the laws and rules of Maryland were substantially dissimilar from the laws and rules of Florida during that time; and allow Dr. Newman the opportunity or withdraw her application within 14 days of the filing of the final order. Dr. Rafael Rivas-Vazquez seconded the motion, which carried 3/0.

*Immediately Following Credentials Committee:*

**CONTINUING EDUCATION COMMITTEE MEETING**

**MEMBERS PRESENT**

Luis E. Orta, Ph.D, Chair  
Dean Aufderheide, Ph.D.  
Stephen I. Bloomfield, Ed.D.

**STAFF PRESENT**

Allen Hall, Executive Director  
Anna L. Hart King, Program Operations Administrator  
Lisa N. Dillon, Regulatory Specialist II

**ASSISTANT ATTORNEY GENERAL**

Donna McNulty, Esq.

**COURT REPORTER**

Loretta D. McDonald  
Statewide Court Reporting Service  
606 Black Stone Building  
Jacksonville, FL 32202  
(904) 353-7706

**Dr. Luis Orta, Chair, called the Continuing Education meeting to order at approximately 9: 41 a.m.**

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

**Review of Application for Continuing Education Provider Status****Tab 1. ARC Broward Learning Institute**

"What Color is Dead? How to Talk to Children about Death and Grief"  
Course No.: 20-306541

Following discussion, Dr. Stephen Bloomfield moved to approve the applicant as a continuing education provider. Dr. Dean Aufderheide seconded the motion, which carried 3/0.

**Tab 2. Crisis Center of Tampa Bay Inc.**

"Motivational Interviewing"  
Course No.: 20-306678

Following discussion, Dr. Dean Aufderheide moved to approve the applicant as a continuing education provider. Dr. Stephen Bloomfield seconded the motion, which carried 3/0.

**Review of Application for Continuing Education Provider Status & Medical Errors Course Approval****Tab 3. Miami Dade County Department of Human Services**

"Medical Errors"  
Course No.: 20-303532

Following discussion, Dr. Stephen Bloomfield moved to approve the Medical Errors continuing education course. Dr. Dean Aufderheide seconded the motion, which carried 3/0.

**Tab 4. CE4Less.com**

"Preventing Medical Errors: Ethics and Best Practices for Mental Health Professionals - revised 2011"

Course No.: 20-298348

Following discussion, Dr. Dean Aufderheide moved to approve the Medical Errors continuing education course. Dr. Stephen Bloomfield seconded the motion, which carried 3/0.

**Tab 5. Netsmart University**  
"Suicide, Risk & Assessment"  
Course No.: 20-289379

Following discussion, Dr. Dean Aufderheide moved to approve the Medical Errors continuing education course. Dr. Stephen Bloomfield seconded the motion, which carried 3/0.

**Tab 6. Florida Civil Commitment Center**  
"Preventing Medical Errors"  
Course No.: 20-299396

Following discussion, Dr. Stephen Bloomfield moved to approve the Medical Errors continuing education course. Dr. Dean Aufderheide seconded the motion, which carried 3/0.

## **GENERAL BUSINESS MEETING**

**Rafael Rivas-Vazquez, Chair, called the General Business meeting to order at approximately 10:05 a.m. Those present for all or part of the meeting, included the following:**

### **MEMBERS PRESENT**

Rafael Rivas-Vazquez, Psy.D., Chair  
Harry J. Reiff, Psy.D., Vice-Chair  
Dean Aufderheide, Ph.D.  
Stephen I. Bloomfield, Ed.D.  
Luis E. Orta, Ph.D

### **STAFF PRESENT**

Allen Hall, Executive Director  
Anna L. Hart King, Program Operations Administrator  
Lisa N. Dillon, Regulatory Specialist II

### **ASSISTANT GENERAL COUNSEL**

Laura Lopez

### **ASSISTANT ATTORNEY GENERAL**

Donna McNulty

### **COURT REPORTER**

Loretta D. McDonald  
Statewide Court Reporting Service  
606 Black Stone Building  
Jacksonville, FL 32202  
(904) 353-7706

## **DISCIPLINARY PROCEEDINGS**

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

**Tab 1A. Michael A. Baer, Case No. 2008 -27142 (p/c/p Herbert Goldstein, Luis Orta)**

Dr. Baer was present and accompanied by his attorney, Edward Bayó, Esq. They were both sworn in by the court reporter. Dr. Luis Orta recused himself from the proceedings due to participation on the probable cause panel.

Dr. Baer was charged with violating Section 490.009(1)(c), F.S. (2008) for pleading no contest to, and being convicted of the crime of simple battery; violating Section 490.009(1)(r), F.S. (2008), for failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance; and violating section 490.0148 F.S. and 490.009(1)(w), F. S. (2008) by failing to maintain sufficient documentation regarding the treatment of the patient.

Following discussion the Board rejected the proposed settlement agreement and allowed Dr. Baer to retire his license to practice psychology, with the caveat that he would not reactivate the license, and if so, the tolled sanctions and conditions imposed will become effective.

### **MOTION FOR FINAL ORDER BY VOLUNTARY RELINQUISHMENT OF LICENSE**

#### **Tab 1B. Alan R. Fiester, Case No. 2010-19258**

Dr. Fiester was not present and was not represented by counsel.

Dr. Fiester retired from the practice and closed his office following a disciplinary proceeding in regard to DOH Case No. 2008-04313. Dr. Fiester moved to voluntarily relinquish his license and agreed to never reapply for psychology licensure in the state of Florida in order to avoid compliance with the supervision and continuing education requirements pursuant to the Final Order in DOH Case No. 2008-04313.

Following discussion, Dr. Luis Orta moved to allow Dr. Fiester to relinquish his license to practice psychology. Dr. Dean Aufderheide seconded the motion, which carried 5/0.

### **PROSECUTOR'S REPORT**

#### **Tab 2. Laura Lopez**

Ms. Lopez presented the prosecutor's report outlining the current status of the thirty-eight (38) open disciplinary cases, as of April 12, 2011.

Under legal review	20
Scheduled for probable cause review	4
Probable cause found	14

25 of the above cases are more than one year old. Dr. Luis Orta moved to continue prosecuting the cases that are more than one year old. Dr. Dean Aufderheide seconded the motion, which carried 5/0.

### **POST- DISCIPLINARY PROCEEDINGS**

#### **Tab 3. Norman Goldwasser**

(withdrawn 4/18/2011)

**Tab 34. Post-Disciplinary Proceeding: Gerard Richard Valente** (Heard out of order following Tab 3)

Dr. Valente was present and accompanied by his supervisor Dr. Hoza, and his attorney Brian Coughlin, Esq.

Dr. Valente and his supervisor were required to appear before the Board at the first meeting following the commencement of the period of probation, pursuant to the final order in DOH case No. 2009-07817. Dr. Valente and his supervisor also submitted a quarterly report for the Board's consideration. Dr. Valente also requested authorization to complete the record keeping continuing education requirement thorough an online or home study course instead of in a live, in person presentation.

Following discussion, Dr. Harry Reiff moved to allow Dr. Valente to complete the record keeping continuing education requirement thorough an online or home study course instead of in a live, in person presentation. Dr. Stephen Bloomfield seconded the motion, which carried 5/0.

**Tab 4. Johann Prewett**

Dr. Prewett was present and accompanied by Michael Herkov, Ph.D., of Professionals Resource Network, Inc. (PRN). Both were sworn in by the court reporter.

During the March 2011 Quorum call Dr. Prewett's license to practice psychology was reinstated. However because of an oversight, Dr. Prewett was not placed on probation as required by the underlying final order in DOH case number 2009-01620.

Following discussion, Dr. Harry Reiff moved to reconsider the reinstatement. Dr. Dean Aufderheide seconded the motion, which carried 5/0.

Following additional discussion Dr. Dean Aufderheide moved to approve probation consisting of:

- Probation for 6 months with the following terms and conditions of probation:
  - Indirect supervision, with review of 25% of patient records on a quarterly basis;
  - The supervisor should be located within 20 miles of Dr, Prewett;s workplace; however, the supervisor is not required to be on the same premises
  - Appearance by Dr. Prewett and his supervisor before the Board at the first meeting following the commencement of the period of probation, and an appearance at the last meeting of the Board prior to the termination of probation;
  - Dr. Prewett and his supervisor are required to submit quarterly reports in affidavit form during the period of probation;
  - Dr. Prewett is also required to petition the Board to conclude probation

Dr. Stephen Bloomfield seconded the motion, which carried 5/0.

**ADMINISTRATIVE PROCEEDINGS**

**APPLICANT REQUESTS FOR EXTENSION PURSUANT TO §490.005(3)(b), F.S.**

**Tab 5. Katia Araujo**

Dr. Araujo was not present and was not represented by counsel. Dr. Araujo was previously granted a three month extension and petitioned for an additional extension for the remainder of the allotted in the rule.

Following discussion, Dr. Harry Reiff moved to grant an additional 9 month extension from the scheduled file closure date. Dr. Luis Orta seconded the motion, which carried 5/0.

**Tab 6. Ann Loonstra**

Dr Loonstra was not present and was not represented by counsel. Dr. Loonstra was previously granted a six month extension and petitioned for an additional extension for the remainder of the 12 months allotted in the rule.

Following discussion, Dr. Stephen Bloomfield moved to grant an additional 9 month extension from the scheduled file closure date. Dr. Luis Orta seconded the motion, which carried 5/0.

**APPLICANT RECONSIDERATION AND REQUESTS FOR EXTENSION PURSUANT TO §490.005(3)(b), F.S.**

**Tab 7. Scott B. Bauer**

Dr. Bauer was present and was not represented by counsel. He was sworn in by the court reporter.

On March 14, 2011 a Notice of Intent to Deny was filed in regard to the closure of Dr. Bauer's application for licensure by examination for failure to meet the statutory requirements for licensure within 24 months pursuant to 490.005(1)(d), F.S., and 490.005(3)(a), F.S., with a provision to allow the Dr. Bauer to file a written request for withdraw of the application within 30 days of the filing of the Notice of Intent to Deny. Dr. Bauer chose not to withdraw his application and citing underlying hardships, requested a reconsideration of the Notice of Intent to Deny, and an extension of time to complete the requirements for licensure.

Following discussion, Dr. Stephen Bloomfield moved to reconsider the Notice of Intent to Deny. Dr. Luis Orta seconded the motion, which carried 5/0.

Following additional discussion, Dr. Stephen Bloomfield moved to grant a 12 month extension from the scheduled file closure date. Dr. Luis Orta seconded the motion, which carried 5/0.

**Tab 8. Maria Brooks**

Dr. Brooks was not present and was not represented by counsel.

Dr. Brooks was included on the list of individuals for file closure ratified by the Board during the January 2011 meeting. Subsequently Dr. Brooks informed staff that she had previously submitted a timely request for an extension of the time required to complete the licensure requirements. In light of the transition in staff composition, Dr. Brooks was given an opportunity to present her request to the Board, and Board Counsel refrained from filing a Notice of Intent to Deny, in consideration of the possibility of the Board reconsidering the file closure.

Following discussion, Dr. Stephen Bloomfield move to reconsider the Notice of Intent to Deny. Dr. Luis Orta seconded the motion, which carried 5/0.

Dr. Stephen Bloomfield then moved grant a 12 month extension form the scheduled file closure date. Dr. Luis Orta seconded the motion, which carried 5/0.

**Tab 9. Monique Jiménez**

Dr. Jiménez was not present and was not represented by counsel

Dr. Jiménez was included on the list of individuals for file closure ratified by the Board during the January 2011 meeting. Subsequently, staff came to the realization that she had previously submitted a timely request for an extension of the time required to complete the licensure requirements. Board Counsel refrained from filing a Notice of Intent to Deny, in consideration of the possibility of the Board reconsidering the file closure.

Following discussion Dr. Dean Aufderheide moved to reconsider the Notice of Intent to Deny. Dr. Luis Orta seconded the motion, which carried 5/0.

Dr. Stephen Bloomfield then moved grant a 12 month extension form the scheduled file closure date. Dr. Luis Orta seconded the motion, which carried 5/0.

**Tab 10. Kenneth F. Johnson Jr.**

Dr. Johnson was not present and was not represented by counsel.

On March 14, 2011 a Notice of Intent to Deny was filed in regard to the closure of Dr. Johnson's application for licensure by examination for failure to meet the statutory requirements for licensure within 24 months pursuant to 490.005(1)(d), F.S., and 490.005(3)(a), F.S., with a provision to allow the Dr. Johnson to file a written request for withdraw of the application within 30 days of the filing of the Notice of Intent to Deny. Dr. Johnson chose not to withdraw his application and citing underlying hardships, requested a reconsideration of the Notice of Intent to Deny, and an extension of time to complete the requirements for licensure.

Following discussion, Dr. Stephen Bloomfield moved to reconsider the Notice of Intent to Deny. Dr. Luis Orta seconded the motion, which carried 5/0.

Dr. Dean Aufderheide then moved grant a 12 month extension form the scheduled file closure date. Dr. Luis Orta seconded the motion, which carried 5/0.

**Tab 11. P. Daniel Knabb**

Dr. Knabb was present and was not represented by counsel. Dr. Dr. Dean Aufderheide in formed the Board that he provides supervisory oversight to the mental health delivery system for which Dr. Knabb works, however he was able to vote on the issue in an impartial manner.

Dr. Knabb was included on the list of individuals for file closure ratified by the Board during the January 2011 meeting. Subsequently, staff came to the realization that he had previously submitted a timely request for an extension of the time required to complete the licensure

requirements. Board Counsel refrained from filing a Notice of Intent to Deny, in consideration of the possibility of the Board reconsidering the file closure.

Following discussion Dr. Stephen Bloomfield moved to reconsider the Notice of Intent to Deny. Dr. Luis Orta seconded the motion, which carried 5/0.

Dr. Dean Aufderheide then move grant a 12 month extension form the scheduled file closure date. Dr. Stephen Bloomfield seconded the motion, which carried 5/0.

## **PETITIONS FOR WAIVER OR VARIANCE**

### **Tab 12. Daryl Di Dio re: 64B19-13.003 F.A.C., Continuing Education**

Dr. DiDio was not present and was not represented by counsel.

Dr. Di Dio petitions for a variance from the continuing education rule in order to receive 6 hours of continuing education credit for a seminar which he attended in February 2011. The seminar on substance abuse was mandated for Dr. DiDio's New York State psychology license. Dr. DiDio provided the Board with the course overview for consideration

Rule 64B19-13.003 provides in part:

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

[...]

(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;

[....]

Following discussion, Dr. Stephen Bloomfield moved to deny the petition because the course did not meet Florida's continuing education requirement. Dr. Harry Reiff seconded the motion, which carried 4/0. Dr. Luis Orta opposed.

## **PETITIONS FOR DECLARATORY STATEMENT**

### **Tab 13. Douglas Marans re: 64B19-13.003 F.A.C., Continuing Education**

Dr. Marans was not present and was not represented by counsel.

Dr. Marans petitioned for a declaratory statement in regard to the amount of continuing education credit he can receive for a 3 semester graduate level course taken at Florida Atlantic University. He is uncertain as to whether a course in Applied Behavioral Analysis would be considered as a psychology course.

Rule 64B19-13.003(1)(b) provides :

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

[...]

(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;

[...]

Following discussion, Dr. Harry Reiff moved that Applied Behavioral Analysis met the continuing education requirement. Dr. Luis Orta seconded the motion, which carried 5/0.

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

### **Tab 14. List of Applicants**

Dr. Luis Orta moved to accept the list of applicants. Dr. Stephen Bloomfield seconded the motion, which carried 5/0.

## **PROPOSED LEGISLATION**

### **Tab 15. Delegation of Professional Responsibilities or Activities by Licensed Psychologists to Paraprofessionals**

During the March 2011 subcommittee meeting the committee approved the following draft language:

#### **490.xxx**

- (1) Definition. – As used in this section, “psychological assistant” means an individual not otherwise licensed or certified by the state of Florida, possessing a bachelor or masters degree in psychology, education or a health related field, who receives training and supervision in various duties related to the practice of psychology by a psychologist licensed pursuant to Chapter 490, F.S. A psychological assistant assists with patient care, administrative, and managerial functions, and shall adhere to the same ethical, legal, and practice standards as does a psychologist.
- (2) A psychologist licensed pursuant to Chapter 490, F.S., shall ~~directly~~ supervise and be responsible for all delegated acts performed by a psychological assistant under her or his ~~direct~~ supervision.
- (3) As used in this section ~~direct~~ supervision requires that the supervising psychologist shall sufficiently monitor and be reasonably available whenever a psychological assistant is performing any delegated duty listed in section (6).
- (4) The supervising psychologist shall be available for emergency consultation and direction of a psychological assistant, and for patient intervention and management.
- (5) A psychologist ~~licensed pursuant to Chapter 490, F.S., shall~~ not delegate diagnostic interviewing, diagnostic or psycholegal determinations or treatment (or psychotherapeutic)

interventions to a psychological assistant, unless that psychological assistant is also a psychology practicum student, psychology intern, or psychology resident.

- (6) Before delegating duties to a psychological assistant, other than administrative and managerial functions, the supervising psychologist must first complete a diagnostic interview, or shall first review existing diagnostic records, of the service recipient in order to determine the appropriateness of such delegation.
- (7) Delegated duties include:
  - (a) gathering history and behavioral data, as long as such data does not involve clinical judgments or clinical inferences
  - (b) administering and scoring those psychometric assessments selected by a psychologist
  - (c) implementing cognitive skill training as designed or prescribed by a psychologist
  - (d) implementing behavioral programs as designed or prescribed by a psychologist  
implementing biofeedback programs or relaxation training as designed or prescribed by a psychologist.
- (8) A psychological assistant shall not hold herself or himself out to the public as a psychologist, or as independently providing psychological services.
- (9) The Board shall establish by rule as it deems necessary a training and supervision verification process for a psychological assistant, and shall establish by rule as it deems necessary additional tasks clarifying, or adding to, the delegated duties listed in section (6).
- (10) This section shall become effective on January 1, 20XX.

The board discussed the whether to edit the language to include individuals “licensed in a mental health profession.”

## **RULES REVIEW AND/OR DEVELOPMENT**

### **Tab 16. 64B19-11.0035 Licensure by Examination: Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination**

In light of the deadlines for submission in 490.005(1)(b)3 F.S. and 490.005(1)(b)4 F.S. which specify the dates that degree augmentation and comparability would end, (July 1, 1999 and August 31, 2001 respectively) and in reply to the revised interpretation of the Board in July of 2010, the rule language is in need of updating.

All of section (3) is being recommended for removal as APA comparability for United States and Canadian graduates was scheduled to end in 2001.

All of section (5) is being recommended for removal as that section was not intended to apply to foreign graduates even though such graduates may still demonstrate APA comparability.

Dr. Harry Reiff moved to accept the proposed rule language as amended. Dr. Luis Orta seconded the motion, which carried 5/0.

Dr. Stephen Bloomfield moved that there will or will be no adverse impact on small business, nor direct or indirect increase in regulatory costs in excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of the rule. Dr. Luis Orta seconded the motion, which carried 5/0.

Dr. Harry Reiff moved to submit the proposal to Office of Fiscal Accountability and Regulatory Reform, and direct Board Counsel to proceed with rule making whenever it is appropriate. Dr. Luis Orta seconded the motion, which carried 5/0.

**Tab 17. 64B19-18.007, F.A.C., Requirements for Forensic Psychological Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation Disputes**

Previously, the Board discussed the fact that the “APA Guidelines for Child Custody Evaluations in Divorce Proceedings” currently reference in the rule have been superseded. It was agreed upon that the former version (1994) which is referenced in the rule is more informative, and direct.

During the April 2010 meeting, the Board decided to continue referring to the 1994 version of the APA Guidelines for Child Custody Evaluations in Divorce Proceedings. The rule was amended so that it no longer references the APA website, which now directs the user to the new version of the APA guidelines.

A copy of the 1994 version of the guidelines, as well as a copy of the Specialty Guidelines for Forensic Psychologists, was made available on the Board’s website. Additionally, the website address was incorporated into the rule: [http://doh.state.fl.us/mqa/psychology/psy\\_statutes.html](http://doh.state.fl.us/mqa/psychology/psy_statutes.html)

During the October 2010 quorum call, the Board was addressed by Dr. Carolyn Stimel, Florida Psychological Association (FPA) and Connie Galietti, J.D., FPA Executive Director, who raised concerns about outdated language in the rule and possible conflicts, or confusion in regard to Chapter 61 of the Florida Statutes.

Following discussion, the Board decided to withdraw the rule from the development process, and continue to work on draft rule language.

During the January 2011 meeting the Board agreed to table the issue to gather information about laws in other states in regard to the role of psychologists in issues of child custody.

Chapter 61 of the Florida Statutes now refers to “parenting plans” instead of “custody” which is the term used in 64B19-18.007, F.A.C. Dr. Steven Bloomfield and Board Counsel will work on draft language to bring back to the Board.

**RULE STATUS REPORT**

**Tab 18. Donna McNulty, Assistant Attorney General**

<b>RULE</b>	<b>LANGUAGE</b>	<b>STATUS</b>
<b>64B19-11.005</b> Supervised Experience Requirements		<b>Current:</b> <b>12-23-10</b> – Rule Development
<b>64B19-11.012</b>		<b>Current:</b>

Application Forms		<b>12-23-10 – Rule Development</b>
<b>64B19-13.003</b> Continuing Psychological Education Credit	<p>(1) – (2) No change.  (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. <u>Of those three hours, at least one hour shall be on professional ethics, and at least one hour shall be on Florida laws and rules relevant to the practice of psychology and shall include Chapters 456, and 490, F.S., and Rule Chapter 64B19, F.A.C.</u>  (b) – (c) No change.  (4) – (5) No change.</p> <p><del>Rulemaking Specific Authority 456.013(7), 490.004(4), 490.0085(4) FS.</del>  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, 5-26-08, 1-7-09, _____.</p>	<b>EFFECTIVE:  11-8-10</b>  <b>Background:  8-6-10 – Rule Development  9-3-10 – Rule Notice</b>
<b>64B19-15.003</b> Reactivation of Inactive Licenses	<p>(1) A licensee may reactivate his or her own inactive license and thereby place the license on active status by:  (a) Making application on form <u>DH-MQA 1239</u> <del>DOH/MQA/PY-REACT APP/REV. 12/01</del>, “Application for Reactivation of Inactive Psychologist Licensure,” (revised 07/10), <del>effective 3-25-02</del>, which is hereby <u>adopted and incorporated by reference, and can be obtained from the Board of Psychology’s website at <a href="http://www.doh.state.fl.us/mqa/psychology/index.html">http://www.doh.state.fl.us/mqa/psychology/index.html</a>; copies of which may be obtained from the Board office;</u>  (b) through (e) No change.  (2) No change.</p> <p><del>Rulemaking Specific Authority 456.036, 490.004(5) FS.</del>  Law Implemented 456.036 FS.  History–New 1-19-84, Formerly 21U-13.015, 21U-13.0015, 21U-19.003, 61F13-19.003, Amended 1-7-96, Formerly 59AA-15.003, Amended 8-5-01, 3-25-02, 12-27-05, _____.</p>	<b>EFFECTIVE:  11-8-10</b>  <b>Background:  8-6-10 – Rule Development  9-3-10 - Rule Notice</b>
<b>64B19-18.007</b> Requirements for Forensic Psychological Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation Disputes		<b>Current:  10-22-10 – Rule Development</b>

**REPORTS, IF ANY**

**Tab 19. Rafael Rivas-Vazquez, Ph.D.**

Other Board Members:

Dr. Harry Reiff re: Continuing Professional Development

---

**Tab 20. Executive Director**

Report topics

- Cash Balance Reports
- Expenditures by Function

Informational item

**Tab 21. Credentials Committee Report**

Dr. Harry Reiff reported to the full Board the recommendations of Credentials Committee

Tab 1: Discussion - The committee members agreed that the emphasis should be on the substantial equivalence of the portions of the laws related to the educational requirements, supervised experience requirements, and examination requirements.

The committee recommended denial of the applicants in tab 2, tab 4, and tab 5. The applicant in tab 3 is required to make a personal appearance before the committee.

Dr. Luis Orta moved to ratify the recommendations of the Credentials Committee. Dr. Dean Aufderheide seconded the motion, which carried 5/0.

Dr. Harry Reiff also mentioned the APA change to the recommended sequence of training, and the possible need for the Board to discuss the potential of future applicant who may rely on a portion of the practicum experience to count toward the required post-doctoral experience. Dr. Reiff would like to discuss the issue further on a future agenda.

**Tab 22. Continuing Education Committee Report**

Dr. Luis Orta reported to the full Board the recommendations of the Continuing Education Committee. The committee recommended approval of the applicant in tab 1; approval of the applicant in tab 2; approval of the course in tab 3; approval of the course in tab 4; approval of the course in tab 5; and approval of the course in tab 6.

Dr. Harry Reiff moved to ratify the recommendations of the Continuing Education Committee. Dr. Stephen Bloomfield seconded the motion, which carried 5/0.

**NEW BUSINESS**

**Tab 23. Proposed Rule Promulgation for Fiscal Year 2011-2012**

Section 5 of Executive Order 11-01 requires each agency under the direction of the Governor to submit a regulatory plan which shall identify and describe each rule that the agency expects to begin promulgating during the following 12-month period. This shall be submitted to the Office no later than July 1, 2011 and on July 1 of each successive year.

The Board members were asked to review the Chapter 64B19 and report to staff any rules which they desire to include in the report.

**Tab 24. Section 456.0635, Florida Statutes (SB 1986) Notice Letter**

Section 456.0635, Florida Statutes, states that effective July 1, 2009, health care boards or the department shall refuse to renew a license, certificate or registration, issue a license, certificate or registration and shall refuse to admit a candidate for examination if the applicant has been:

- 1) Convicted or plead guilty or nolo contendere, regardless of adjudication, to a felony violation of chapters 409, 817, or 893, Florida Statutes; or 21 U.S.C. ss 801-970 or 42 U.S.C. ss 1385-1396, unless the sentence and any probation or pleas ended more than 15 years prior to the application.
- 2) Terminated for cause from Florida Medicaid Program (unless the applicant has been in good standing for the most recent 5 years).
- 3) Terminated for cause by any other State Medicaid Program or the Medicare Program (unless the termination was at least 20 years prior to the date of the application and the applicant has been in good standing with the program for the most recent 5 years).

**Tab 25. Correspondence: The Society of Consulting Psychology**

Informational item.

**OLD BUSINESS**

**Tab 26. January 21, 2011 General Business Meeting Minutes**

Dr. Luis Orta moved to approve the minutes as amended. Dr. Dean Aufderheide seconded the motion, which carried 5/0.

**Tab 27. March 15, 2011 Legislative Subcommittee Call Meeting Minutes**

Dr. Harry Reiff moved to approve the minutes. Dr. Dean Aufderheide seconded the motion, which carried 5/0.

**Tab 28. March 18, 2011 Board Quorum Call Meeting Minutes**

Dr. Luis Orta moved to approve the minutes as amended. Dr. Dean Aufderheide seconded the motion, which carried 5/0.

## **OTHER BUSINESS AND INFORMATION**

### **Tab 29. Results of Rules Review Pursuant to Executive Order 11-01, Section 5**

Informational item.

### **Tab 30. Proposed Re-Organization of Probable Cause Panel**

Appointments by Dr. Rafael Rivas-Vazquez, Board Chair:

#### **Main Panel Composition**

- Dr. Amy Swan, Past Board Member, Chair
- Dr. Luis Orta, Current Board Member  
*(asked to participate in all meetings, as the Board's rule requires a "current" board member)*
- Ms. Ana Martin Lavielle, Consumer Member  
*(asked to participate in all meetings, as the Attorney General's Office indicates that is a best practice to always have a consumer member present)*

#### **Alternate Members to Serve As Needed:**

- Dr. Herbert Goldstein, Past Board Member
- Dr. E. Carol Webster, Past Board Member  
*(volunteered to serve as alternates in the event a member is unavailable for any particular meeting)*

### **Tab 31. ASPPB Disciplinary Data Report**

Informational item.

### **Tab 32. ASPPB Meeting Minutes**

Informational item.

### **Tab 33. Psychology Staff Recognition**

Informational item.

## **ADDENDUM**

### **Tab 34. Post- Disciplinary Proceeding: Gerard Richard Valente**

# APA List 4/22/2011

-Addendum-

**PROCEDURAL STATEMENT REGARDING APPROVED APPLICANTS:**

Regardless of application method, if board staff becomes aware of any issues of concern, approved applicants will be brought back before the Board for reconsideration prior to issuance of a license.

**Examination Applicants:**

Examination applicants have met the educational and supervision requirements for psychologist licensure.

By ratifying this list, the Board is approving the listed applicants under this method to sit for the required examination(s) and for issuance of a license upon completion of the remaining requirements for licensure to include: 1) passage of the required examination(s) and 2) submission of a medical errors course certificate from a Board-approved medical errors course provider, if not previously submitted.

Name	File	University	Major
1. Baillio, Jill Ninette	7172	University of Southern Mississippi	Counseling
2. Barrington, Kelly Adele	7156	Massachusetts School of Professional Psy	Clinical
3. Chiang, Gloria Shun	6313	Nova Southeastern University	Clinical
4. Hart, Dwight David	7087	Nova Southeastern University	Clinical
5. Loehmke, Erika	7162	Forest Institute of Professional Psychology	Clinical
6. Lloyd-Merrick, Susan	7198	Chicago School of Professional Psychology	Clinical
7. Mace, F Charles	7170	University of Arizona	School
8. Mcgarity, Suzanne	7185	American University	Clinical
9. Monahan, Monica	7155	Nova Southeastern University	Clinical
10. Monis, Ann	7160	Carlos Albizu University- Miami	Clinical
11. Sanchez, Michelle	5490	Carlos Albizu University- Miami	Clinical
12. Tucker, Dorcia	7187	Argosy University	Clinical

**Bifurcation/Examination Applicants:**

Bifurcation/Examination applicants have met the educational requirements for psychologist licensure and are pursuing the required post-doctoral supervised experience.

By ratifying this list, the Board is approving the listed applicants under this method to sit for the required examination(s) and for issuance of a license upon completion of the remaining requirements for licensure to include: 1) passage of the required examination(s); 2) submission of satisfactory Supervised Experience Verification forms documenting completion of the required hours of post-doctoral supervised experience; and 3) submission of a medical errors course certificate from a Board-approved medical errors course provider, if not previously submitted.

Name	File	University	Major
1. Bittar, Krystal	7176	Carlos Albizu University- Miami	Clinical
2. Castaldi, Magali	7177	Carlos Albizu University- Miami	Clinical
3. Dincer, Bulent Emre	7182	Argosy University - Tampa	Clinical

4. Dixon, Patricia	7181	Adler School of Professional Psychology	Clinical
5. Kimberg, Cara Ilene	7158	University of Florida, Gainesville	Clinical
6. Livingston, Nichole	7171	Indiana University of Pennsylvania	Clinical
7. Missory, Michael	7190	Argosy University - Tampa	Clinical
8. Sadberry, Sheriece	7179	University of Missouri - Columbia	Counseling
9. Stewart, Lindsay	7194	Nova Southeastern University – FL	Clinical

**Provisional Licensure Applicants:**

<b>Name</b>	<b>File</b>	<b>University</b>	<b>Major</b>
1. Baumeister, Audrey Lynn	199	Louisiana State University	Clinical