

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

**MINUTES
GENERAL BUSINESS MEETING
JULY 27, 2007**

Hyatt Regency
9300 Airport Blvd.
Orlando, FL 32827
(407) 825-1234

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

Herbert Goldstein, Ph.D.
Amy Swan, Psy.D.

STAFF PRESENT

Susan Love, Executive Director
Allen Hall, Program Operations Administrator
Anna L. Hart King, Regulatory Specialist II

MEMBERS ABSENT

Katurah Jenkins-Hall, Chair (Excused)

ASSISTANT ATTORNEY GENERAL

Mary Ellen Clark

COURT REPORTER

American Court Reporting
(850) 421-0058

Dr. Amy Swan called the Credentials Committee meeting to order at approximately 9:02 a.m.

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

Tab 1 Alessi, Marycely (Endorsement of 2002 Georgia License)

Dr. Herbert Goldstein moved to approve the application for licensure. Dr. Amy Swan seconded the motion, which carried 2/0.

Tab 2 Chun, Galen (Exam)

Dr. Galen Chun was present and sworn in by the court reporter.

Following discussion, Dr. Herbert Goldstein moved to approve the application for licensure. Dr. Amy Swan seconded the motion, which carried 2/0.

Tab 3 Cournoyer, Krista (Endorsement of 1998 Rhode Island License)

Dr. Krista Cournoyer was present and sworn in by the court reporter.

Following discussion, Dr. Herbert Goldstein moved to approve the application for licensure. Dr. Amy Swan seconded the motion, which carried 2/0.

Tab 4 Erfanian, Nasrin (Endorsement of 1995 North Dakota License)

Dr. Nasrin Erfanian was present and sworn in by the court reporter.

Following discussion, Dr. Herbert Goldstein moved to approve the application for licensure. Dr. Amy Swan seconded the motion, which carried 2/0.

Tab 5 Katell, Marilyn (Bifurcation/Exam)

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

Following discussion, Dr. Herbert Goldstein moved to approve the application for licensure. Dr. Amy Swan seconded the motion, which carried 2/0.

Tab 6 Kwavnick, Melissa (Bifurcation/Exam)

Following discussion, Dr. Herbert Goldstein moved to approve the supervision documents submitted by Dr. Kwavnick. Dr. Amy Swan seconded the motion, which carried 2/0.

Tab 7 Tollman, Gary (Limited License)

Following discussion, Dr. Herbert Goldstein moved to request a personal appearance by Dr. Tollman, at the October 26, 2007 Board meeting, to discuss issues pertaining to a previously withdrawn application for licensure. Dr. Amy Swan seconded the motion, which carried 2/0.

The Credentials Committee adjourned at 9:29 a.m.

CONTINUING EDUCATION COMMITTEE MEETING

MEMBERS PRESENT

Ana Martin-Lavielle, Chair
Richard Hoffman, Ph.D.
Cheryl Levine

STAFF PRESENT

Susan Love, Executive Director
Allen Hall, Program Operations Administrator
Anna L. Hart King, Regulatory Specialist II

ASSISTANT ATTORNEY GENERAL

Mary Ellen Clark

COURT REPORTER

American Court Reporting
(850) 421-0058

Ms. Ana Martin-Lavielle, Chair, called the Continuing Education Committee meeting to order at approximately 9:38 a.m.

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

Tab 1 Mental Health Strategies, d/b/a CEU Spas

Following discussion, Dr. Richard Hoffman moved to approve the application to become a continuing education provider. Ms. Cheryl Levine seconded the motion, which carried 3/0.

Tab 2 Florida Psychological Association (FPA) Course – “Maintaining a Career Lifespan Free from Psychological Errors”

Following discussion, Ms. Cheryl Levine moved to approve the proposed medical errors course and to make the approval retroactive to July 19, 2007. Dr. Richard Hoffman seconded the motion, which carried 3/0.

The Continuing Education Committee adjourned at 9:40 a.m.

GENERAL BUSINESS MEETING

Dr. Herbert Goldstein, Chair, called the General Business meeting to order at approximately 10:00 a.m. Those present for all or part of the meeting, included the following:

MEMBERS PRESENT

Herbert Goldstein, Ph.D., Chair
Richard Hoffman, Ph.D., Vice-Chair
Ana Martin-Lavielle
Cheryl Levine
Rafael Rivas-Vasquez, Psy.D.
Amy Swan, Psy.D.

STAFF PRESENT

Susan Love, Executive Director
Allen Hall, Program Operations Administrator
Anna L. Hart King, Regulatory Specialist II

MEMBERS ABSENT

Katurah Jenkins-Hall, Ph.D. (Excused)

ASSISTANT GENERAL COUNSELS

Mary Denise O'Brien
Cynthia Jakeman

ASSISTANT ATTORNEY GENERAL

Mary Ellen Clark

COURT REPORTER

American Court Reporting
(850) 421-0058

DISCIPLINARY PROCEEDINGS

MOTION FOR BOARD'S FINAL ORDER BY STIPULATION

Tab 1 Soren J. Barrett, Case No. 2005-67755 (p/c/p Rafael Rivas-Vasquez and Juliet Lewis)

Dr. Barrett was present and sworn in by the court reporter. Dr. Rafael Rivas-Vasquez was recused due to participation on the probable cause panel.

Dr. Barrett was charged with violating Section 490.009(1)(t), F.S. (2004), by violating Rule 64B19-18.007(3), F.A.C., for performing a forensic evaluation, for custody of a minor, after providing treatment to one of the adults involved in the custody action.

Prosecuting Attorney, Ms. Cynthia Jakeman, stated an administrative technical change to paragraph 5 of the proposed Stipulation, regarding the address to which documentation of continuing education credits should be provided. Dr. Barrett agreed to this change.

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

The Board proposed the following counterstipulation:

- Payment of a \$3,000 fine within 270 days of the issuance of the Final Order in this case;
- Payment of actual case costs, not to exceed \$3,000;
- 15 hours of continuing education in the areas of ethics, laws and rules and an additional 15 hours in psychological assessments (custody evaluations) – home study is not permitted;
- Prohibited from conducting future custody evaluations until he appears before the Board, completes the required continuing education, in psychological assessments (custody evaluations), and a monitor is approved by the board Chair to oversee the first 3 custody evaluations undertaken.

Ms. Ana Martin-Lavielle moved to approve the terms of the counterstipulation. Dr. Amy Swan seconded the motion, which carried 5/0. Dr. Barrett will have 30 days, from the issuance of the order incorporating these terms, to accept or reject the proposed counterstipulation.

Tab 2 Bruce D. Forman, Case No. 2006-10022 (p/c/p Rafael Rivas-Vasquez and Juliet Lewis)

Dr. Forman was present and sworn in by the court reporter. Dr. Rafael Rivas-Vasquez was recused due to participation on the probable cause panel.

Dr. Forman was charged with violating Section 490.009(1)(t), F.S. (2004), by failing to comply with Rule 64B19-19.006(2), F.A.C., in neglecting to document discussion, with a patient, of the limits of confidentiality for a fitness-for-duty evaluation performed for use by a third party and failing to document written informed consent from the patient for all aspects of the evaluation.

Following discussion, Dr. Amy Swan moved to accept the proposed stipulation, which contains the following specifications:

- Payment of \$1,000 fine within 12 months;
- Payment of actual costs in the amount of \$2,144.07 within 12 months; and
- Twelve hours of continuing education to consist of participation in a MMPI-2 workshop.

Ms. Cheryl Levine seconded the motion, which carried 5/0.

Tab 3 Scott Roseman, Case No. 2006-29753 (p/c/p Rafael Rivas-Vasquez and Charles Gibbs)

Dr. Roseman was present and sworn in by the court reporter. Dr. Rafael Rivas-Vasquez was recused due to participation on the probable cause panel.

Dr. Roseman was charged with violating Section 490.009(1)(r), F.S. (2005-2006), by failing to timely submit a report to a court and being unresponsive to the parties attempted communications.

Following discussion, Ms. Ana Martin-Lavielle moved to reject the proposed Stipulation. Ms. Cheryl Levine seconded the motion, which carried 5/0.

The Board offered the following counterstipulation:

- Payment of a \$3,000 fine within 24 months of the filing of the Final Order in this case;
- Payment of actual costs, of no more than \$3,000, to be paid within 24 months of the filing of the Final Order;
- 15 hours of live continuing education in the areas of psychological assessments and laws and rules;
- Prohibition from conducting future custody evaluations until appearance before the Board. The Board has reserved jurisdiction to impose additional terms before Dr. Roseman is allowed to conduct custody evaluations.

Dr. Richard Hoffman moved to accept the counterstipulation. Ms. Cheryl Levine seconded the motion, which carried 5/0. Dr. Roseman will have 30 days, from the order incorporating these terms, to accept or reject the proposed counterstipulation.

MOTION FOR BOARD'S FINAL ORDER BY HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

Tab 4 Michael Hershorn, Case No. 2004-21455 (p/c/p waived)

Dr. Hershorn was present and represented by legal counsel, Ms. Vanessa Reynolds, Esquire. Dr. Michael Herkov was also present on behalf of the Professionals Resource Network (PRN). Dr. Amy Swan was recused due to her stated involvement in this case.

Dr. Hershorn was charged with violating Section 490.009(1)(c), F.S. (2003), for being convicted or found guilty, regardless of adjudication, of a crime which directly related to the practice of psychology or the ability to practice psychology. Dr. Hershorn pled No Contest to Grand Theft of the Third Degree for submitting fraudulent insurance claims to Blue Cross and Blue Shield of Florida for treatments that were never actually rendered.

In October 2006, Case No. 2004-21455 was brought before the Board on a Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact. At that time, the Board suspended Dr. Hershorn's license and reserved jurisdiction to make a final decision concerning the revocation pending receipt of mitigating evidence from PRN, and Dr. Hershorn's attorney, within 6 months. In April 2007, the Board Chair granted a continuance to consider the case at the Board's next meeting.

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

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

After further discussion, Dr. Rafael Rivas-Vasquez moved to revoke Dr. Hershorn's license. Ms. Cheryl Levine seconded the motion, which carried 4/1. Dr. Richard Hoffman opposed.

MOTION FOR BOARD'S FINAL ORDER BY VOLUNTARY RELINQUISHMENT OF LICENSE PROSECUTOR'S REPORT

Tab 5 Michael Geraghty, Case No. 2005-53473 (p/c/p Rafael Rivas-Vasquez & Juliet Lewis)

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

Dr. Geraghty was charged with violating Section 490.009(1)(p), F.S. (2004), due to his inability to practice as a licensed psychologist with reasonable skill or competence as a result of chemical dependency. Dr. Geraghty signed a Voluntary Relinquishment of License on April 30, 2007.

Following discussion, Dr. Amy Swan moved to accept Dr. Geraghty's voluntary relinquishment of his psychologist license. Dr. Richard Hoffman seconded the motion, which carried 5/0.

APPEARANCE AS REQUIRED BY STIPULATION

Tab 6 Jennifer Mendoza Sayers, Case No. 2004-34898 (p/c/p Rafael Rivas-Vasquez & Juliet Lewis)

Dr. Mendoza Sayers was present and represented by legal counsel, Dr. James Meyer, Esquire. Dr. Rafael Rivas-Vasquez was recused due to participation on the probable cause panel.

Dr. Mendoza appeared before the Board, as required by the May 2006 Final Order issued in Case No. 2004-34898, regarding termination of her probation.

Following discussion, Dr. Amy Swan moved to terminate Dr. Mendoza Sayer's probation, as the licensee had complied with all terms of the Final Order issued in this case. Dr. Richard Hoffman seconded the motion, which carried 5/0.

Tab 7 Cynthia Jakeman, Prosecuting Attorney

Ms. Jakeman presented the prosecutor's report outlining the status of the thirty-eight open disciplinary cases, as of July 11, 2007.

Under legal review	8
Scheduled for probable cause review	13
Probable cause found	17

Nineteen (19) of the cases were stated to be more than one year old.

ADMINISTRATIVE PROCEEDINGS

MOTION FOR TERMINATION OF PROBATION

Tab 8 Holli Bodner, Case Nos. 2003-10558 & 2003-21414

Dr. Bodner was present and represented by legal counsel, Ms. Barbara Levin, Esquire. Dr. Michael Herkov was present on behalf of PRN.

Dr. Bodner filed a motion requesting early termination of her 5-year probationary status. The terms of the counterstipulation, incorporated into the November 2004 Final Order issued in Case Nos. 2003-10558 and 2003-21414, provided that Dr. Bodner could petition the Board to end her probationary status, upon completion of the first year of her probation.

Following discussion, Dr. Rafael Rivas-Vasquez moved to grant the motion to terminate probation. Ms. Cheryl Levine seconded the motion, which carried 6/0.

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

Tab 9 Joseph Amato

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

During the April 13, 2007 Credentials Committee meeting, it was requested that Dr. Amato make a personal appearance before the Board to clarify aspects of his supervision.

Following discussion, Ms. Ana Martin-Lavielle moved to approve Dr. Amato's application for licensure. Dr. Rafael Rivas-Vasquez seconded the motion, which carried 6/0.

Tab 10 Pamela Kain

Dr. Pamela Kain was present and sworn in by the court reporter.

During the April 13, 2007 Credentials Committee meeting, it was requested that Dr. Kain make a personal appearance before the Board to clarify aspects of her supervision.

Following discussion, Ms. Ana Martin-Lavielle moved to approve Dr. Kain's application for licensure. Ms. Cheryl Levine seconded the motion, which carried 6/0.

Tab 11 Margaret Stewart

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

During the June 1, 2007 Credentials Committee conference call, it was requested that Dr. Stewart make a personal appearance before the Board to discuss her response to a personal history question on the licensure application.

Following discussion, Dr. Amy Swan moved to request that Dr. Stewart undergo a PRN evaluation, prior to further consideration of the application for licensure. Dr. Richard Hoffman seconded the motion, which carried 6/0. Dr. Stewart agreed to the PRN evaluation and waived the 90-day requirement for Board action on her application.

Dr. Herbert Goldstein directed Board staff to indicate to PRN the Board's desire to receive a completed evaluation in time to allow for Dr. Stewart's application to be reconsidered during the September 21st Board Quorum conference call or the October 26th face-to-face meeting in Tampa.

Dr. Rafael Rivas-Vasquez moved to have Dr. Stewart's application placed on the agenda for reconsideration no later than the January 2008 meeting. Ms. Cheryl Levine seconded the motion, which carried 6/0.

PETITION FOR VARIANCE/WAIVER – PERSONAL APPEARANCE PURSUANT TO §456.013(3)(c), F.S.

Tab 12 Judith Pool

Dr. Pool was present and sworn in by the court reporter. Dr. Pool was represented by legal counsel, Dr. James Meyer, Esquire.

During the April 13, 2007 Credentials Committee meeting, it was requested that Dr. Pool make a personal appearance at the July meeting, at which time the Board would consider the petition for

variance or waiver she intended to file regarding acceptance of her supervision hours towards licensure.

On June 7, 2007, Dr. Pool filed a petition for variance from or waiver of Rule 64B19-11.005, F.A.C. This rule specifies the supervision requirements for Florida psychologist licensure.

Following discussion, Ms. Ana Martin-Lavielle moved to approve the petition for variance/waiver. Dr. Rafael Rivas-Vasquez seconded the motion, which carried 6/0.

Ms. Ana Martin-Lavielle further moved to approve Dr. Pool's application for licensure. Dr. Rafael Rivas-Vasquez seconded the motion, which carried 6/0.

RECONSIDERATION OF LICENSURE APPLICATIONS

Tab 13 Ivan Holiday Arsenault

Mr. Arsenault was not present and not represented by counsel.

In June 2003, Mr. Arsenault applied for Florida psychologist licensure using the bifurcation/exam method. The Board approved the licensure application pending completion of the exam and supervision requirements for licensure. In addition, Mr. Arsenault applied to the Florida Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling ("491" Board) for licensure as a Mental Health Counselor and was subsequently issued a license in May 2005.

In November 2005, Board of Psychology staff received notice from the Florida Department of Corrections (DOC) that documentation submitted by Mr. Arsenault, to verify the U.S. equivalency of his degree, was found to be a forgery. Upon contacting the credentials service indicated on the Mr. Arsenault's equivalency forms, Board staff was able to confirm the DOC's findings.

In August 2006, the "491" Board issued a Final Order accepting the voluntary relinquishment of Mr. Arsenault's mental health counselor's license. Based on the preceding, Mr. Arsenault's psychologist licensure application was brought back before the Board of Psychology for reconsideration.

Dr. Rafael Rivas-Vasquez moved to reconsider the application for licensure. Dr. Amy Swan seconded the motion, which carried 6/0.

Following further discussion, Ms. Ana Martin-Lavielle moved to deny the application for licensure pursuant to s. 490.009(1)(a)(b), F.S., and s. 456.072(1)(o), F.S. Dr. Rafael Rivas-Vasquez seconded the motion, which carried 6/0.

Tab 14 Ruth Olmstead Edwards

Dr. Olmstead-Edwards was not present.

At the January 26, 2007 meeting, Dr. Olmstead-Edward's application for licensure was denied pursuant to s. 490.005(1)(b)1., F.S., which requires that applicants possess a doctoral-level psychological education, as defined in s. 490.003(3), F.S. A Notice of Intent to Deny (NOID) was issued by the Department on February 9, 2007.

On March 5, 2007, the applicant timely filed a petition for formal administrative hearing contesting the NOID. The applicant's attorney requested that the matter be held in abeyance and that the application be set for reconsideration at the July meeting of the Board.

Board Counsel, Ms. Mary Ellen Clark, informed the Board that she had spoken with Dr. Olmstead-Edward's legal counsel, Ted Mack, prior to the meeting. Mr. Mack made a request, on behalf of his client, that the licensure application be withdrawn.

Following discussion, Ms. Ana Martin-Lavielle moved to reconsider the application for licensure, vacate the previous Notice of Intent to Deny and allow Dr. Olmstead-Edwards to withdraw her application. Dr. Amy Swan seconded the motion, which carried 6/0.

Tab 15 Mark Ziegler

Dr. Ziegler was not present.

During the June 1, 2007 Credentials Committee conference call, Dr. Ziegler's application for licensure by endorsement of 20 years of experience was denied.

The notice provided to Dr. Ziegler regarding the June 1st conference call did not include the meeting time and he was therefore offered the option to either have the application reconsidered at the July meeting or to waive the 90-day requirement for Board action on his application. Dr. Ziegler indicated to Board staff that he would like to have his application reconsidered at the July meeting.

Following discussion, Ms. Ana Martin-Lavielle moved to reconsider the application for licensure. Ms. Cheryl Levine seconded the motion, which carried 6/0.

After further discussion, Dr. Amy Swan moved to deny Dr. Ziegler's application because he does not possess a doctoral degree in psychology as defined in s. 490.003(3), F.S. Dr. Rafael Rivas-Vasquez seconded the motion, which carried 6/0.

APPLICANTS FROM APA ACCREDITED PROGRAMS FOR EXAMINATION AND LICENSURE AS NOTED

Tab 16 List of applicants

Dr. Rafael Rivas-Vasquez moved to approve the list of applicants for examination and licensure as noted. Ms. Cheryl Levine seconded the motion, which carried 6/0.

Tab 22 Credentials Committee Report

Dr. Amy Swan reported to the full Board the Credentials Committee's recommendations. The committee recommended approval of tabs 1 through 6 and a personal appearance of tab 7.

Dr. Rafael Rivas-Vasquez moved to ratify the recommendations of the committee. Ms. Ana Martin-Lavielle seconded the motion, which carried 6/0.

Tab 23 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 and 2, with tab 2's approval to be made retroactive to July 19, 2007.

Dr. Rafael Rivas-Vasquez moved to ratify the recommendations of the committee. Dr. Amy Swan seconded the motion, which carried 6/0.

RULES REVIEW AND/OR DEVELOPMENT

Tab 17 **HB 775 – An Act Relating to Psychology Specialties/Section 490.0149, F.S., Proposed Rule 64B19-18.008, F.A.C., Board Approval of Specialty Certifying Bodies**

During the April 13, 2007 hearing on Proposed Rule 64B19-18.008, F.A.C, Board Approval of Specialty Certifying Bodies, the Board modified the language in paragraph (4), as provided in the current text of the rule below.

64B19-18.008 Board Approval of Specialty Certifying Bodies (rev. 4/13/07)

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

- (1) Is an independent body, national in scope, that incorporates standards of the profession, collaborates closely with organizations related to specialization in psychology, and only certifies doctoral-level, licensed psychologists as having advanced qualifications in a particular psychological specialty through demonstrations of competence in the specialty being recognized;
- (2) Has clearly described purposes, bylaws, policies, and procedures, that include an internal review and budgetary practices, to ensure effective utilization of resources with an administrative staff, housed in dedicated office space that is appropriate for the certifying body’s program and sufficient for responding to consumer or regulatory inquiries;
- (3) Has established standards for specialized practice of psychology and adopts the American Psychological Association (APA) “Ethical Principles of Psychologists and Code of Conduct,” effective June 1, 2003, to guide the practice of its members. The code is incorporated by reference and available for inspection at the Board office as well as at: www.apa.org/ethics/code2002.html; and
- (4) Has implemented and documented a comprehensive assessment procedure, designed to measure the competencies required to provide services characteristic of the specialty area, that describes security and grading standards, and consists of an oral examination and peer-review of practice samples and may include a written examination.

Specific Authority 490.0149, 490.004(4), FS. Law Implemented 490.0149, FS. History–New

The following interested parties addressed the Board:

- Samuel Feldman, Ph.D., President, International College of Professional Psychologists (ICPP)
- Connie Galietti, Executive Director, Florida Psychological Association (FPA)

Following discussion, the Board agreed that Ms. Clark would respond to the Joint Administrative Procedures Committee’s (JAPC) recent inquiry and indicate that no changes to the proposed rule text were recommended.

Tab 18 **Discussion: Rule 64B19-18.004(5), F.A.C., Use of Test Instruments**

Rule 64B19-18.004(5), F.A.C., provides in part as follows: “It shall be a violation of this rule for a psychologist to sign any evaluation or assessment unless the psychologist has had an active role in the evaluation or assessment of the subject.... A psychologist may not sign any evaluation or

assessment that is signed by any other person unless the psychologist is signing as a supervisor in conjunction with an evaluation or assessment performed by a psychological intern, psychological trainee or psychological resident.”

Dr. Herbert Goldstein requested that the rule be reviewed, for possible revision, to address scenarios in which a psychologist provides such services on a multidisciplinary team.

Following discussion, Dr. Rafael Rivas-Vasquez moved to notice Rule 64B19-18.004(5), F.A.C., for rule development, to include the following phrase at the end of the last sentence of subsection 5: “or as a member of a multidisciplinary diagnostic team.”

Ms. Ana Martin-Lavielle seconded the motion, which carried 6/0. Ms. Clark will notice the rule for development with the proposed language.

RULE STATUS REPORT

Tab 19 Mary Ellen Clark, Assistant Attorney General

Rule 64B19-11.005, F.A.C., Supervised Experience Requirements

At the October 2006 meeting, the Board agreed to notice this rule for development, indicating that it may be interpreted to allow Board-approved applicants to practice indefinitely, beyond the Board-required 2000 hours of post-doctoral supervision. The rule was noticed for development on November 9, 2006.

At the January 2007 General Business meeting, the FPA agreed to work with the Board on developing legislation to reinstate appropriate supervision timeframes.

During the March 2007 Board Quorum conference call, FPA representatives reported that, although the opportunity for priority consideration of a 2007 legislative proposal on this issue had passed, it would be made a priority during the next legislative session. Based on the foregoing, the Board agreed to discontinue development on Rule 64B19-11.005, F.A.C.

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

This issue was discussed under Tab 17.

REPORTS, IF ANY

Tab 20 Herbert Goldstein, Ph.D.

Dr. Goldstein provided a report on his communication with the American Psychological Association (APA) regarding the use of psychologist credentials by individuals who have not received doctorate degrees from legitimate or adequately accredited universities and those licensed in other mental health professions who falsely represent themselves as licensed psychologists.

Ultimately, APA implied that it had no plans to take action with regard to these observations.

Other Board Members:

In July 2006, Board staff was directed to contact each Board-approved applicant who had been practicing under supervision for more than 24 months. The applicants were asked to submit documentation from supervisor(s) covering the entire period in which they had practiced under supervision.

Dr. Rafael Rivas-Vasquez provided a brief report on the results of this supervision inquiry, which received review by the Probable Cause Panel at its July 26, 2007 meeting. 35 of the 51 applicants contacted provided responses to the Board office. Statements of activity varied and included individuals who were practicing under a related license, e.g., Licensed Mental Health Counselor to those practicing under supervision, pursuant to Rule 64B19-11.005, F.A.C., and working towards passing the required exams. Others indicated a delay in pursuing licensure due to personal issues.

Dr. Richard Hoffman moved that Dr. Rivas-Vasquez continue to pursue action regarding the inquiry with Board staff and to, thereafter, make recommendations to the Board. Dr. Amy Swan seconded the motion, which carried 6/0.

**Tab 42 Discussion: 2008 Legislative Proposal Regarding Post-Doctoral Supervision
Timeframe Restriction for Board-Approved Applicants**

The FPA's Legislative Affairs Public Policy Board (LAPPB) requested that the Board of Psychology prepare sample language for the 2008 legislative proposal, which would limit the timeframe under which Board-approved applicants could practice under supervision.

Board Executive Director, Ms. Susan Love, will work with Dr. Rivas-Vasquez and the FPA to draft language for a legislative proposal regarding the supervision timeframe restriction, which will be reviewed by the Board during the September 21, 2007 Board Quorum conference call.

Tab 21 Susan Love, Executive Director

- Expenditures by Function

Informational item.

- Cash Balance Report

Informational item.

- Budget Exercises

Ms. Love informed the Board that a Special Legislative Session would be convened at the end of September to discuss the State's budget deficit. She explained that the Department's Boards have been tasked with reviewing their budgets to determine areas in which cuts might be made. Ms. Love indicated that one of the areas identified for reduction included travel and might require that at least one Board meeting be made by phone versus meeting face-to-face.

NEW BUSINESS

Tab 24 Request to Change Date of September 2007 Board Quorum Conference Call

During the June 2007 Credentials Committee conference call, the Committee agreed to reschedule its previously scheduled September 14th conference call to August 31st. It was requested that the subsequent Board Quorum conference call, scheduled for September 28th, be moved back to September 21st. The Board agreed to the requested change.

Tab 25 2008 Board Meeting Schedule

The Board determined to hold the 2008 General Business meetings on the dates which follow below. The location for the January meeting was established, as indicated, and it was agreed that the remaining locations would be determined at a later date.

January	25	Location: Orlando
April	4	Location: TBD
July	25	Location: TBD
October	24	Location: TBD

The Board accepted the Credentials, Board Quorum and PCP dates as provided.

Tab 26 2007 ASPPB Annual Meeting

The 2007 ASPPB Annual Meeting is scheduled to take place October 17th – 21st in Colorado Springs, Colorado. The Board agreed that Dr. Amy Swan would attend this meeting.

Tab 27 Delegation of Authority

The Board reviewed a memorandum from Ms. Love proposing delegations of authority for the Board.

Following discussion, Ms. Ana Martin-Lavielle moved to accept the proposed delegations. Ms. Cheryl Levine seconded the motion, which carried 6/0.

Tab 28 Discussion: Delegation of Professional Responsibilities or Activities

Dr. Rafael Rivas-Vasquez requested discussion of s. 490.009(1)(s), F.S., and Rule 64B19-18.004(4), F.A.C., to determine the pros and cons of further specifying the type of professional activities that may or may not be delegated.

Following discussion, Dr. Rivas-Vasquez agreed to work with Ms. Love and Ms. Clark to develop language regarding the activities that may or may not be delegated. The Board will review the proposed language at its January 2008 meeting.

Tab 29 Discussion: Rule 64B19-18.001, F.A.C., Qualifications to Evaluate and Treat Sex Offenders as a Qualified Practitioner – Re: Passage of SB 1604 (2007), Sexual Offenders and Predators

The Board discussed whether the passage of SB 1604 (2007), Sexual Offenders and Predators, would impact Rule 64B19-18.001, F.A.C. Ms. Clark advised that no action was currently required on this rule with regard to the passage of this bill.

Tab 30 Discussion: Evaluator vs. Treating Therapist – Re: Rule 64B19-18.007, F.A.C., The Role of Psychologists Before and After Custody Evaluations

Dr. Richard Hoffman requested discussion on Rule 64B19-18.007, F.A.C., due to concerns that the rule appears to allow custody evaluators to become treating therapists.

After discussion, it was agreed that the intent of this rule is bi-directional. A custody evaluator cannot provide therapeutic services to any of the parties involved in an evaluation and a psychologist providing therapeutic services cannot serve as a custody evaluator for the parties for whom treatment has been provided.

Tab 31 Discussion: Application Method – Endorsement of Other State License

Board staff proposed alternatives to the lengthy process currently used for applicants who apply by Endorsement of Other State License.

Dr. Amy Swan moved to permit Board staff to review the personal qualifications of these applicants, as is done for all other endorsement methods. If the personal qualifications are met, the applicant will be added to the lists of candidates authorized to sit for the required examinations. If there are issues with the personal qualifications, the application file will be referred to the Board's Credentials Committee for further review.

Ms. Ana Martin-Lavielle seconded the motion, which carried 6/0.

Tab 32 Correspondence from G. Andrew H. Benjamin, J.D., Ph.D. – Re: Florida's Laws Related to the Duty to Warn/Protect Third Parties from the Dangerous Behavior of Clients of Mental Health Professionals

Dr. G. Andrew H. Benjamin is a professor and the Director of Doctoral Psychology at Antioch University. Dr. Benjamin also serves as an Affiliate Professor of Law at the University of Washington. He and others have prepared a legal review entitled, "The Duty to Protect: Ethical, Legal and Professional Considerations in Risk Assessment and Intervention."

Dr. Benjamin requested that the Board consider sections of this legal review to verify that the findings for Florida are accurate. Following discussion, the Board declined to respond to this request, as it would require time and research beyond the resources available to the Board.

OLD BUSINESS

Tab 33 April 13, 2007 General Business Meeting minutes

Dr. Rafael Rivas-Vasquez moved to accept the minutes. Ms. Ana Martin-Lavielle seconded the motion, which carried 6/0.

Tab 34 June 15, 2007 Board Quorum Call Meeting minutes

Ms. Ana Martin-Lavielle moved to accept the minutes. Dr. Amy Swan seconded the motion, which carried 6/0.

Tab 35 Discussion: Impact of Psychologist Hired to Coach or Consult in Preparation of a Custody Evaluation, Rule 64B19-18.007, F.A.C.

Ms. Ana Martin-Lavielle requested discussion on the practice of psychologists hired by consumers to coach them in preparation for custody evaluations by other psychologists. The Board requested that this issue be tabled for discussion on the early part of the agenda for the October 2007 meeting.

Tab 36 Jessica Blitchington, Case No. 2005-66185 - Re: Revised Article Approved by Board Chair

During the April 2007 meeting, the Board accepted a counterstipulation in Dr. Blitchington's case. In addition, the Board reviewed an article submitted by Dr. Blitchington in compliance with the terms of the counterstipulation. The Board agreed that Dr. Blitchington should rewrite the article, for approval by the board Chair, to reflect her personal experience as a result of the discipline.

The Chair had the opportunity to review and accept the revised article prior to the meeting. The article was provided to the Board for informational purposes.

Tab 37 Debra Kaye Carter, Case No. 2005-08704 – Re: Clarification of Continuing Education Requirement

In April 2007, the Board accepted a Settlement Stipulation in Dr. Carter's Case No. 2005-08704, in which she was required to complete 12 hours of continuing education (CEs) in laws, rules and ethics. In a letter dated May 29, 2007, Dr. Carter's attorney, Ms. Virginia Daire, requested clarification from the Board as to whether 6 of the 12 hours of CEs might be completed as home study courses. The Board agreed that home study would be permitted for the hours requested.

OTHER BUSINESS AND INFORMATION

Tab 38 ASPPB Disciplinary Data Report

Informational item.

Tab 39 ASPPB April 25, 2007 Open Session Minutes

Informational Item.

Tab 40 PRN Monthly Report for February 2007

Informational item.

Tab 41 Psychology Staff Recognition

Informational item.

Dr. Rafael Rivas-Vasquez moved to adjourn. Dr. Amy Swan seconded the motion, which carried 6/0.

The meeting adjourned at 4:15 p.m.