

**BOARD OF PSYCHOLOGY  
CONTINUING EDUCATION COMMITTEE MEETING  
AND  
BOARD QUORUM MEETING  
BY TELEPHONE CONFERENCE CALL  
NOVEMBER 18, 2011  
MINUTES**

**DIAL-IN NUMBER: 1-888-808-6959  
PUBLIC CONFERENCE CODE\*: 4246812343#**

**1 CONTINUING EDUCATION COMMITTEE**

**2 Dr. Luis Orta, Chair, called the Continuing Education meeting to order at approximately**  
**3 8:02 a.m. Those present for all or part of the meeting, included the following:**

**4 MEMBERS PRESENT**

**5 Luis E. Orta, Ph.D., Chair**  
**6 Dean Aufderheide, Ph.D.**  
**7**

**STAFF PRESENT**

**Allen Hall, Executive Director**  
**Anna L. Hart King, Program Operations Administrator**  
**Christy George, Regulatory Specialist II**

**8 ASSISTANT ATTORNEY GENERAL**

**9 Donna McNulty, Esq.**

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

**12 REVIEW OF APPLICATIONS FOR CONTINUING EDUCATION PROVIDER STATUS**

**13 Tab 1. Florida International University Counseling and Psychological Services**  
**14 "Collaborative and Therapeutic Assessment Models in the College Counseling**  
**15 Environment"**  
**16 Course No.: 20-330118**

**17 Dr. Luis Orta informed the committee that he is familiar with the presenter, however there was**  
**18 no personal or business affiliation, and he was able to proceed in an impartial manner.**

**19 Following discussion, Dr. Dean Aufderheide move to approve the application for provider status**  
**20 and the corresponding continuing education course. Dr. Luis Orta seconded the motion, which**  
**21 carried 2/0.**

**22 Tab 2. Francis Yahia**  
**23 "The Use of Mythology in Counseling"**  
**24 Course No.: 20-318492**

**25 Following discussion, Dr. Dean Aufderheide moved to deny the application for provider status**  
**26 and the corresponding course because the course does not enhance the psychological skill and**  
**27 knowledge of the licensee pursuant to rule 64B19-13.003(1)(i), F.A.C. Dr. Luis Orta seconded**  
**28 the motion, which carried 2/0.**

1 **Tab 3. Hanley Center**  
2 "Multi-Disciplinary Approach to Eating Disorder"  
3 Course No.: 20 – 329836

4 Following discussion, Dr. Dean Aufderheide moved to approve the application for provider  
5 status and the corresponding continuing education course. Dr. Luis Orta seconded the motion,  
6 which carried 2/0.

7 The course was approved retroactively to October 27, 2011.

8 **Tab 4. University of Central Florida Counseling Center**  
9 "Counseling with Asian Americans in the 21st Century"  
10 Course No.: 20-327529

11 Following discussion, Dr. Dean Aufderheide moved to approve the application for provider  
12 status and the corresponding continuing education course. Dr. Luis Orta seconded the motion,  
13 which carried 2/0.

14 The course was approved retroactively to August 28, 2011.

15 *Immediately Following Continuing Education Committee:*

16 **Call to order – Board Quorum**

17 **Dr. Rafael Rivas-Vazquez, Chair, called the Board Quorum meeting to order at**  
18 **approximately 8:14 a.m. Those present for all or part of the meeting, included the**  
19 **following:**

20 **MEMBERS PRESENT**

21 Rafael Rivas-Vazquez, Psy.D., Chair  
22 Harry J. Reiff, Psy.D., Vice-Chair  
23 Dean Aufderheide, Ph.D.  
24 Luis E. Orta, Ph.D.  
25

**STAFF PRESENT**

Allen Hall, Executive Director  
Anna L. Hart King, Program Operations Administrator  
Lisa N. Dillon, Regulatory Specialist II  
Christy George, Regulatory Specialist II  
Robert Lane, Regulatory Specialist I

26 **ASSISTANT ATTORNEY GENERAL**

27 Donna McNulty, Esq.

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

30 **Tab 1. List of Applicants**

31 Following discussion, Dr. Luis Orta moved approve the list of applicants. Dr. Dean Aufderheide  
32 seconded the motion, which carried 4/0.

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

34 **Tab 2. List of Applicants**

35 Section 490.005(3)(a), F.S. provides that:

36 The board shall close the application file of any applicant who fails to pass the  
37 psychology licensure examination and the Florida law and rules portion of the

1 examination or who fails to submit evidence of completion of the postdoctoral,  
2 supervised experience within a timeframe no longer than 24 months.

3 The Board reviewed the list of applicants whose files were scheduled for expiration prior to  
4 November 18, 2011, pursuant to the above referenced section.

5 Applicant by Examination:

6 Following discussion, Dr. Harry Reiff moved to deny the application of Dr. Hamilton, Kelly-Lynne  
7 Elizabeth for licensure by examination for failure to meet the statutory requirements for licensure  
8 within 24 months pursuant to 490.005(1)(d), F.S., and 490.005(3)(a), F.S., and allow the  
9 opportunity for applicants to file a written request for withdraw of the application within 14 days  
10 of the filing of the Notice of Intent to Deny. Dr. Dean Aufderheide seconded the motion, which  
11 carried 4/0.

12 Applicants by Bifurcation/Examination:

13 Dr. Luis Orta moved to deny the application of Dr. Bryant, Rainbow Faith for licensure by  
14 examination with waiver for failure to meet the statutory requirements for licensure within 24  
15 months pursuant to 490.005(1)(d), F.S., and 490.005(3)(a), F.S., and allow the opportunity for  
16 applicants to file a written request for withdraw of the application within 14 days of the filing of  
17 the Notice of Intent to Deny. Dr. Harry Reiff seconded the motion, which carried 4/0.

## 18 **PETITION FOR DECLARATORY STATEMENT**

### 19 **Tab 3. Katharine Sandell Westie**

20 Dr. Westie was present and was not represented by counsel. During the meeting, the Board  
21 was addressed by Dr. Carolyn Stimel, Florida Psychological Association (FPA), Director of  
22 Professional Affairs.

23 Dr. Westie, a Florida licensed psychologist, petitions the Board for clarification on the  
24 appropriateness of providing services remotely through video conferencing to her clients in  
25 Florida while she is away pursuing licensure in Michigan. She would also like clarification of the  
26 appropriateness of providing services remotely through video conferencing to clients in  
27 Michigan while she is in Florida.

28 Section 490.003(4)(a) F.S. provides that “psychological services may be rendered to individuals,  
29 couples, families, groups, and the public without regard to place of service.”

30 Following discussion Dr. Luis Orta moved to grant the petition for declaratory statement, in light  
31 490.003(4)(a) F.S. that given the specific facts in this petition it would be permissible for Dr.  
32 Westie to provide services remotely through video conferencing to her clients in Florida while  
33 she is in Michigan, without opining with respect to Michigan law. Dr. Harry Reiff seconded the  
34 motion, which carried 4/0.

35 Board Counsel will draft an order for the Board to review during the January 20, 2012 meeting.  
36 Board Staff will also include ASPPB material in regard to telepsychology previously presented to  
37 the Board by Dr. Harry Reiff.

## 38 **POST DISCIPLINARY PROCEEDINGS**

### 39 **Tab 4. Lorraine Diston – Withdrawn 11/15/2011**

1 **Tab 5. Paul Modesto**

2 Dr. Modesto requests consideration from the Board for an extension of the time allowed to pay  
3 the fines and costs pursuant to the Final Order in case number 2005-00888 DOH v. Paul  
4 Modesto, as well as a reduction in the total amount due, and the establishment of a payment  
5 plan.

6 During the January 2009 meeting Dr. Modesto was ordered to pay costs in the amount of  
7 \$6,537.97 by September 8, 2010, and a fine in the amount of \$2,000.00 by March 8, 2010

8 Subsequently, Dr. Modesto filed a petition for bankruptcy, which initiated an automatic stay, and  
9 discharged his pre-petition debts. Dr. Modesto informed the Board of his bankruptcy and asked  
10 the Board to consider the ordered costs as discharged.

11 Following consultation with attorneys who specialize in the area of bankruptcy, Board Counsel  
12 proposed three courses of action:

- 13 Waive the penalties and costs; or
- 14 File a complaint to seek determination from the bankruptcy court; or
- 15 Continue to pursue the fine and costs and risk violating the injunction.

16 Board counsel advised the Board to retain Britt Brittle, Esq. with the office of the Attorney  
17 General to file a complaint to determine if the costs are dischargeable, and allow the bankruptcy  
18 court to make the determination to save the risk of violating the injunction against pursuing  
19 discharged debts, and possibly recouping attorney fees and filing costs.

20 The Board voted to retain the Office of the Attorney General, bankruptcy section, to file a  
21 complaint to determine if the costs are dischargeable, and allow the bankruptcy court to make  
22 the determination.

23 Dr. Modesto's balance as of November 4, 2011 is \$8,537.97. Dr. Modesto has not made any  
24 payments toward the fines or administrative costs.

25 Dr. Modesto presented the Board with a proposal to reduce his total for the fines and  
26 administrative costs by fifty percent, and allow him to make monthly payments of \$350 in order  
27 to payoff the reduced balance within one year.

28 Following discussion, Dr. Luis Orta moved to reduce the total amount due for fines and  
29 administrative costs to \$5,000.00 to be paid within 15 months. Dr. Harry Reiff seconded the  
30 motion, which carried 4/0.

31 Dr. Modesto agreed to the modification and waived all options to contest the Board's  
32 modification.

33 **Tab 6. Judith Sims**

34 Dr. Sims was present and represented by her attorney Bruce Stanley, Esq.

35 During the October 2011 meeting Dr. Sims was ordered to obtain 12 months of supervision in  
36 addition to other requirements pursuant to the final order in case number 2008-19315, DOH v.  
37 Judith Strickland Sims in accordance with the Board's counter settlement agreement which  
38 incorporated the original settlement agreement with amendments. Dr. Sims was accompanied  
39 by her proposed supervisor, Dr. Michael Spellman, who was approved during the meeting.

1 Their attendance at the meeting satisfied the first appearance requirement of the settlement  
2 agreement.

3 Subsequently, Dr. Spellman provided a letter for presentation to the Board requesting to be  
4 relieved of his supervisory duties in reference to case number 2008-19315, DOH v. Judith  
5 Strickland Sims. The request letter is attached for your consideration.

6 Following discussion, Dr. Luis Orta moved accept the withdrawal of the current supervisor, Dr.  
7 Michael Spellman. Dr. Dean Aufderheide seconded the motion, which carried 4/0.

8 Dr. Luis Orta moved to delegate the authority to approve another supervisor to the Board Chair.  
9 Dr. Dean Aufderheide seconded the motion, which carried 4/0.

10 Dr. Sims will submit the curricula vitae of three proposed supervisors which she has no prior  
11 relationship.

## 12 **DISCUSSION**

### 13 **Tab 7. Legislative Committee re: Survey**

14 During the November 2011 Legislative Committee meeting, the committee was addressed by  
15 Ms. Jodi Johnson of the Department's Strategic Planning Services in regard to the anonymity of  
16 survey participants and the analyses she will employ to notify the Board of any indication of  
17 multiple or duplicate survey entries which could skew the results.

18 Staff provided the following introductory paragraphs, with modifications made by Dr. Rafael  
19 Rivas-Vazquez, to orient participants to the survey:

20 The Florida Board of Psychology is in the process of developing legislation to  
21 define those professional responsibilities which may or may not be delegated to  
22 individuals who are not otherwise licensed as a health care practitioner in a  
23 profession regulated under Section 456, F.S., or in a psychology internship,  
24 residency or practicum student capacity. Please click [here](#) to review the most  
25 current version of the draft legislation.

26 As the Board seeks to finalize this draft language, it is interested in receiving  
27 feedback from licensees, and any other interested parties, who may be impacted  
28 should these requirements be placed in law in the future. The purpose of this  
29 survey is to provide for public input into the process and not intended to identify  
30 any individual or entity for the purpose of disciplinary action. Please note that  
31 survey data will be collected, analyzed and reported to the Board by the Division  
32 of Medical Quality Assurance's Strategic Planning Unit. Responses to the survey  
33 will not be traceable to any particular individual or entity. Please note that only  
34 one survey submission per participant is required.

35 Following discussion, Dr. Luis Orta moved to accept the introduction to the survey, and  
36 the survey items. Dr. Dean Aufderheide seconded the motion, which carried 4/0.

37 Dr. Luis Orta moved to make the survey available in January for duration of 90 days,  
38 followed by a determination as to whether the survey should be made available for an  
39 additional period of time. Dr. Dean Aufderheide seconded the motion, which carried 4/0.

1 **Potential Survey Questions:**

2 1. Are you a licensed Florida psychologist? If not, do you hold a license in another state?

- 3  yes  
4  licensed in another state  
5  no, I do not hold a psychology license

6 2. Do you use psychology extenders/assistants in your practice or the health care setting in  
7 which you are employed?

- 8  yes  
9  no  
10  N/A

11 3. What psychology-related tasks or activities do the extenders/assistants perform in your  
12 practice or the health care setting in which you are employed? Check all that apply.

- 13  History taking  
14  Performing mental status examinations  
15  Administering and scoring psychometric instruments  
16  Interpreting psychometric data  
17  Rendering diagnoses  
18  Psychotherapy  
19  Biofeedback  
20  Relaxation Training  
21  Implementing behavioral management protocols  
22  Collecting behavioral data  
23  Conducting family therapy  
24  Conducting group therapy  
25  Conducting cognitive skills training  
26  Making mental status or behavioral observations during testing

27 4. What psychology-related tasks or activities should the extenders/assistants be able to  
28 perform? Check all that apply.

- 29  History taking  
30  Performing mental status examinations  
31  Administering and scoring psychometric instruments  
32  Interpreting psychometric data  
33  Rendering diagnoses  
34  Psychotherapy  
35  Biofeedback  
36  Relaxation Training  
37  Implementing behavioral management protocols  
38  Collecting behavioral data  
39  Conducting family therapy  
40  Conducting group therapy  
41  Conducting cognitive skills training  
42  Making mental status or behavioral observations during testing

43 5. Are there specific psychology-related tasks that you believe would be inappropriate to  
44 delegate to extenders/assistants? Check all that apply.

- 1  History taking
- 2  Performing mental status examinations
- 3  Administering and scoring psychometric instruments
- 4  Interpreting psychometric data
- 5  Rendering diagnoses
- 6  Psychotherapy
- 7  Biofeedback
- 8  Relaxation Training
- 9  Implementing behavioral management protocols
- 10  Collecting behavioral data
- 11  Conducting family therapy
- 12  Conducting group therapy
- 13  Conducting cognitive skills training
- 14  Making mental status or behavioral observations during testing

15 **6.** Which of the following tasks or activities should a psychologist complete with each  
 16 patient or client, prior to delegating certain tasks? Check all that apply.

- 17  Diagnostic interviewing
- 18  Diagnostic determinations
- 19  Psycholegal determinations
- 20  Treatment or psychotherapeutic interventions
- 21  Records Review
- 22  Other, 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

23 **7.** How many extenders/assistants do you employ, supervise, or contract with, to perform  
 24 psychology-related services in your practice or other health care setting?

- 25  0
- 26  1-3
- 27  4-6
- 28  7-9
- 29  10 or more

30 **8.** For extenders/assistants, is special training offered to do certain tasks? Check all that  
 31 apply.

- 32  yes
- 33  yes, on site training
- 34  yes, off site coursework or training
- 35  no
- 36  associates degree required
- 37  bachelors degree required
- 38  masters degree required

39 **9.** Is the supervisor required to be on the premises at all times that delegated tasks are  
 40 being carried out?

- 41  yes
- 42  no

43 **10.** If the supervisor is not required to always be on the premises, are there other means by  
 44 which they may be readily contacted by the extender/assistant? Check all that apply.

- 1  no
- 2  yes, verbal discussion by cellular phone or land line phone
- 3  yes, written comments via e-mail, text or other internet communication (i.e. Skype,
- 4 Twitter, etc.)

5 11. If the supervisor is not required to always be on the premises, are there protocols in  
6 place for routine and emergency situations?

- 7  no
- 8  yes:

9 Description of Routine protocol:

10 \_\_\_\_\_

11 \_\_\_\_\_

12 \_\_\_\_\_

13 \_\_\_\_\_

14 Description of Emergency protocol:

15 \_\_\_\_\_

16 \_\_\_\_\_

17 \_\_\_\_\_

18 \_\_\_\_\_

19 **Current draft language:**

20 **490.xxx**

- 21 (1) Definition. – As used in this section, “psychological assistant” means an individual not  
22 otherwise licensed as a health care practitioner in a profession regulated under Section 456,  
23 F.S., possessing as a minimum, a bachelors degree in psychology, education or a health  
24 related field, who receives training and supervision in various duties related to the practice  
25 of psychology by a psychologist licensed pursuant to Chapter 490, F.S. A psychological  
26 assistant assists with patient care, administrative, and managerial functions, and shall  
27 adhere to the same ethical, legal, and practice standards as does a psychologist.
- 28 (2) A psychologist licensed pursuant to Chapter 490, F.S., shall supervise and be responsible  
29 for all delegated acts performed by a psychological assistant under her or his supervision.
- 30 (3) As used in this section supervision requires that the supervising psychologist shall monitor  
31 and be available whenever a psychological assistant is performing any delegated duty listed  
32 in section (6).
- 33 (4) The supervising psychologist shall be available for emergency consultation and direction of  
34 a psychological assistant, and for patient intervention and management.
- 35 (5) A psychologist shall not delegate diagnostic interviewing, diagnostic or forensic  
36 determinations or treatment (*or psychotherapeutic*) interventions to a psychological  
37 assistant, unless that psychological assistant is also a psychology practicum student,  
38 psychology intern, or psychology resident.
- 39 (6) Before delegating duties to a psychological assistant, other than administrative and  
40 managerial functions, the supervising psychologist must first complete a diagnostic

1 interview, or shall first review existing diagnostic records, of the service recipient in order to  
2 determine the appropriateness of such delegation.

3 (7) Delegated duties include:

4 (a) gathering history and behavioral data, as long as such data does not involve clinical  
5 judgments or clinical inferences

6 (b) administering and scoring those psychometric assessments selected by a psychologist

7 (c) implementing cognitive skills training as designed or prescribed by a psychologist

8 (d) implementing behavioral programs as designed or prescribed by a psychologist

9 (e) implementing biofeedback programs or relaxation training as designed or prescribed by  
10 a psychologist.

11 (8) A psychological assistant shall not hold herself or himself out to the public as a  
12 psychologist, or as independently providing psychological services.

13 (9) The Board shall establish by rule as it deems necessary a training and supervision  
14 verification process for a psychological assistant, and shall establish by rule as it deems  
15 necessary additional tasks clarifying, or adding to, the delegated duties listed in section (6).

16 (10) This section shall become effective on January 1, 20XX.

## 17 **REPORT**

### 18 **Tab 8. Continuing Education Committee**

19 Dr. Luis Orta reported to the full Board the recommendations of the Continuing Education  
20 Committee.

21 The committee recommended approval of the applicants in tab 1, tab 3, and tab 4. The  
22 applicant in tab 2 was denied.

23 Dr. Harry Reiff moved to ratify the recommendations of the Continuing Education Committee.  
24 Dr. Dean Aufderheide seconded the motion, which carried 4/0.

### 25 **Tab 9. Board Counsel re: Executive Order 11-211**

26 Board Counsel, Donna McNulty, Esq. reported to the Board on the Governor's response to  
27 Florida Supreme Court's holding in *Wiley v. Scott*, case No. SC11-592.

28 Executive Order 11-211 continues the Office of Fiscal Accountability and Regulatory Reform  
29 (OFARR), and requires all agency heads to submit any proposed rule notices, along with the  
30 complete text of the proposed rule or amendment to OFARR at least one week before  
31 submitting it for official publication.

32 Dr. Harry Reiff to submit any proposed rule or amendment to OFARR at least one week before  
33 submitting the notices of rule development to the Department of State for official publication. Dr.  
34 Luis Orta seconded the motion, which carried 4/0.

35 The meeting adjourned at 10:38 a.m.

# APA List 11/18/2011

**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. Adamson, Amanda M	7366	University of Mississippi	Clinical
2. Brescian, Natalie Erin	7367	Colorado State University	Counseling
3. Davis, Shandra Anicia	7357	Chicago School of Professional	Clinical
4. Dougher, Michael Kirk	7345	University of Nevada-Reno	Clinical
5. Froncillo, Jeanette R.	7375	Massachusetts School of Professional	Clinical
6. Gonzales, Twain H.	7379	Philadelphia College of Osteopathic Medicine	Clinical
7. Howell, Gary L.	7376	Adler School of Professional	Clinical
8. Jackson, Rebecca L.	7368	University of North Texas	Clinical
9. Kirpalani, Priya	7355	Nova Southeastern University	Clinical
10. O'Donnell, George Frederick	7288	Pace University	School/Clinical
11. Robb, Jessica Arlene	7364	University of Buffalo	Clinical
12. Roman, Ingrid	7365	Carlos Albizu University	Clinical
13. Shah, Sejal Dipak	7360	Nova Southeastern University	Clinical
14. Straeter, Stephanie Veronica	7234	Alliant International University	Clinical
15. Winchell-Barrile, Kristina A	7370	Temple University	School

**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. Baptiste-Boles, Raena R	7359	Argosy University – Wash D.C.	Clinical
2. Costa, Danna B.	7385	Argosy University – Wash D.C.	Clinical

3. Donnelly, Laura Lee	7369	Nova Southeastern University	Clinical
4. Gross, Jonathan D.	7372	Argosy University - Atlanta	Clinical
5. Mirra, Kathryn Mary	7362	Suffolk University	Clinical
6. Perez-Verdecia, Frank	7361	Carlos Albizu University	Clinical
7. Renfrow-Santiso, Stephanie	7363	Nova Southeastern University	Clinical
8. Rommel, Jeffrey A	7378	Wheaton College	Clinical
9. Rodriguez, Stefanie J	7387	Florida State University	Counseling/School
10. Shapiro, Leanne	7386	Nova Southeastern University	Clinical
11. Shaw, Lindsay Anne	7377	Nova Southeastern University	Clinical
12. Sullivan, Susan	7356	Fielding Graduate University	Clinical
13. Turesky, Derek Geoffrey	7374	University of Iowa	Counseling

### Endorsement of 20 Years Applicants

Applicants by Endorsement of 20 years Licensed Psychologist experience have met all requirements for licensure under this method, except, passage of the State psychology laws and rules exam.

By ratifying this list, the Board is approving the listed applicants under this method to sit for the State laws and rules examination and for issuance of a license upon passage of the examination and submission of a medical errors course certificate from a Board-approved medical errors course provider, if not previously submitted.

<b>Name</b>	<b>File</b>	<b>University</b>	<b>Major</b>
1. Friedle, James W.	7358	Ball State University	Clinical
2. Levine, Stephen R.	7388	University of Illinois at Urbana	Clinical