

**BOARD OF CLINICAL SOCIAL WORK, MARRIAGE & FAMILY THERAPY,  
AND MENTAL HEALTH COUNSELING**

**GENERAL BUSINESS MEETING MINUTES**

**April 26, 2012 at 2:00 p.m. CST**

**April 27, 2012 at 8:30 a.m. CST**

**Wyndham Bay Point Resort  
4114 Jan Cooley Drive  
Panama City Beach, FL 32408  
(850) 236-6071**

**CALL TO ORDER/ROLL CALL**

The meeting was called to order on Thursday, April 26, 2012 at 2:00 p.m. by Mr. Roberts, Chair, and recessed at 5:30 p.m. The meeting was called back to order on Friday, April 27, 2012 at 8:30 a.m. and adjourned at 1:00 p.m. Those present for all or part of the meeting included the following:

**Members present:**

Frank Roberts, LMFT, Chair  
Mary Bridgman, Esq., Vice-Chair  
William Day, Ph.D., LMHC  
Sue White, LCSW  
Mary Macomber, Esq.  
Helen Douglas, RDH  
Sandra Barlow, Ph.D., LCSW  
Susan Gillespy, LMFT

**Staff present:**

Deborah Loucks, Board Counsel  
Adrienne Rodgers, Prosecuting Attorney  
Lealand McCharen, Prosecuting Attorney  
Sue Foster, Executive Director  
Robin McKenzie, Program Administrator  
Dee Ramer, Regulatory Supervisor  
Court Reporter: Accurate Court Reporters  
850.785.2602

**REVIEW AND APPROVAL OF MINUTES**

The minutes of the February 9-10, 2012 general business meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Ms. White to accept the minutes as presented.

Second: by Ms. Macomber.

Vote: Unanimous.

**DISCIPLINARY PROCEEDINGS**

**Larissa Humiston, LCSW, Case No. 2011-19495** (Waived Probable Cause)

Ms. Humiston was present and was represented by Joanne Kenna, Esq. A waiver of finding of probable cause and waiver of confidentiality along with a copy of a two count administrative complaint was filed on March 21, 2012 and alleged violations of s. 491.009(1)(r), F.S., of failure to meet minimum standards concerning respondent's engagement in sexual misconduct with a patient and s. 456.072(1)(v), F.S., of engaging or attempting to engage in sexual misconduct.

Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to adopt the allegations of fact in the Administrative Complaint as the findings of fact of the Board.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber that the findings of fact support a violation of Florida Statutes and Florida Administrative Code, as charged in the Administrative Complaint.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. Macomber that respondent is in violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber to move the investigative report with exhibits into evidence to establish a prima facie case for violation of the Florida Statutes and Florida Administrative Code alleged in the Administrative Complaint.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. White to revoke.

Second: by Dr. Day.

Vote: Motion failed.

Motion: by Ms. Macomber to reprimand her license and to suspend for one year; completion of the 40 hour professional boundaries course with follow-up and a PRN evaluation within one year; and compliance with any PRN recommendations and an appearance prior to termination of suspension. Following suspension, license will be placed on probation for one year with a board approved supervisor in which Ms. Humiston and the supervisor will provide quarterly reports; the supervisor will include a 25% review of records provided in the quarterly report; and Ms. Humiston must come before the board before terminating the probation. Ms. Gillespy will approve the supervisor and review the quarterly reports.

Second: by Ms. Douglas

Vote: Unanimous.

A Motion to Assess Costs in accordance with Section 456.072(4), F.S., was filed with costs of \$2,213.94. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to assess costs of \$1,425.38, payable within two years.

Second: by Ms. Douglas.

Vote: Unanimous.

BW spoke to the board.

**Ryan Curtis Moore, LMHC, Case No. 2010-04450** (PCP: Shyers, White)

Mr. Moore was not present nor represented by counsel. An administrative complaint filed December 16, 2011 alleged violation of s. 456.072(1)(hh), F.S., by having been terminated from a treatment program by the Professionals Resource Network due to a positive test for cocaine.

A voluntary relinquishment of license was filed February 22, 2012. Ms. White was recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to accept the voluntary relinquishment.

Second: by Ms. White.

Vote: Unanimous.

**Carol L. Budd, LCSW, Case No. 2010-09575** (Probable Cause Waived)

Ms. Budd was not present nor represented by counsel. Allegations of a possible violation of s. 456.072(1)(hh), F.S., regarding termination from a treatment program by the Professionals Resource Network.

A voluntary relinquishment of license was filed on February 1, 2012. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to accept the voluntary relinquishment.

Second: by Ms. Macomber.

Vote: Unanimous.

**N. Jay Tow, LMHC, Case No. 2010-19908** (PCP: Shyers, White)

Mr. Tow was not present nor represented by counsel. A three count administrative complaint filed December 16, 2011 alleged violations of s. 491.009(1)(k), F.S., by committing acts defined as sexual misconduct on or with patient; s. 456.072(1)(dd), F.S., by violating s. 456.063(1), F.S.; sexual misconduct is violation of professional relationship; and s. 491.009(1)(r), F.S., of failure to meet minimum standards.

A voluntary relinquishment of license was filed on March 15, 2012. Ms. White was recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to accept the voluntary relinquishment.

Second: by Ms. Douglas.

Vote: Unanimous.

**David T. Tutton, LMHC, Case No. 2011-12358** (Probable Cause Waived)

Mr. Tutton was not present nor represented by counsel. Allegations of possible violations of s. 491.009(1)(c), F.S., for failure to meet minimum standards due to charge and conviction of Medicaid fraud of \$10,000 or less, a third degree felony. Respondent pled guilty on December 8, 2011. Sentence included restitution of \$7,768 and court costs, 24 months probation, and forfeiture of health care provider license.

A voluntary relinquishment of license was filed on March 5, 2012. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to accept the voluntary relinquishment.

Second: by Ms. Douglas.

Vote: Unanimous.

**Jeffrey Dell, Registered CSW Intern, Case No. 2008-05921** (PCP: Buller, Mallery, Day)

Mr. Dell was not present nor represented by counsel. A 6 count administrative complaint filed April 22, 2010 alleged violations of s. 456.072(1)(c), F.S., of being found guilty or entering a plea of nolo contendere to possession of marijuana; s. 456.072(1)(x), F.S., of failure to report to Board within 30 days; s. 491.009(1)(l), F.S., of making misleading, deceptive or fraudulent representations in the practice by withholding prescription meds from patient, by refilling patient's prescription for Klonopin and not delivering to patient; s. 491.009(1)(r), F.S., by failure to meet minimum standards with providing incorrect information to police officer, withholding patient's medication, lying to investigator about circumstances surrounding arrest; s. 491.009(1)(w), F.S., by violating s. 491.012(1)(h), F.S., to knowingly concealing information relative to violations of chapter 491; and 491.009(1)(b), F.S., concerning disciplinary action not reported from Colorado. No response to the administrative complaint has been received. Dr. Day was recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to find that the Administrative Complaint was properly served on Respondent.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. Bridgman to find that Respondent failed to respond to the Administrative Complaint and has waived the right to be heard.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. White that the Board adopt as its findings of fact, those facts alleged in the Administrative Complaint.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. White to find that the findings of fact support a finding of a violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Ms. Macomber.

Vote: Unanimous.

Motion: by Ms. Macomber to find Respondent in violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. White to accept into evidence the investigative file for purposes of determining the penalty.

Second: by Ms. Macomber.

Vote: Unanimous.

Motion: by Ms. Macomber to assess a \$6,000 fine payable within 30 days.

Second: by Ms. Douglas.

Vote: Unanimous.

A Motion to Assess Costs in this case for \$2,945.31 was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Ms. Douglas to assess costs of \$1,724.44; payable within 30 days.

Second: by Ms. White.

Vote: Unanimous.

**Jorey Krawczyn, Registered MHC Intern, Case No. 2009-17928** (PCP: Sherrard, Bridgman, Otis) Mr. Krawczyn was not present nor represented by counsel. An administrative complaint filed February 18, 2010 alleged violation of s. 490.009(1)(t), F.S., of violation of a lawful order of the Board previously entered in a disciplinary hearing. Respondent failed to pay fine of \$5,000 and costs of \$2,256.32 by August 19, 2009. No response to the administrative complaint has been received.

Ms. Bridgman was recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to find that the Administrative Complaint was properly served on Respondent.

Second: by Dr. Day

Vote: Unanimous.

Motion: by Ms. White to find that Respondent failed to respond to the Administrative Complaint and has waived the right to be heard.

Second: by Dr. Day.

Vote: Unanimous.

Motion: by Ms. White that the Board adopt as its findings of fact, those facts alleged in the Administrative Complaint.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. White to find that the findings of fact support a finding of a violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. White to find Respondent in violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. White to accept into evidence the investigative file for purposes of determining the penalty.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Dr. Day to revoke his registered mental health counselor intern license.

Second: by Ms. White.

Vote: Unanimous.

A Motion to Assess Costs in this case for \$1,252.11 was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Dr. Day to assess costs of \$430.11 payable within 30 days.

Second: by Ms. Douglas.

Vote: Unanimous.

**Sharon C. Teel, LCSW, Case No. 2010-02352** (PCP: Bridgman, Day, Otis)

Ms. Teel was not present nor represented by counsel. An administrative complaint filed October 28, 2011 alleged violation of s. 491.009(1)(p), F.S., of inability to practice safely due to substance abuse. No response to the administrative complaint has been received by the Department.

Ms. Bridgman and Dr. Day were recused due to service on probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to find that the Administrative Complaint was properly served on Respondent.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. White to find that Respondent failed to respond to the Administrative Complaint and has waived the right to be heard.

Second: by Ms. Macomber.

Vote: Unanimous.

Motion: by Ms. White that the Board adopt as its findings of fact, those facts alleged in the Administrative Complaint.

Second: by Ms. Macomber.

Vote: Unanimous.

Motion: by Ms. White to find that the findings of fact support a finding of a violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Macomber

Vote: Unanimous.

Motion: by White to find Respondent in violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Ms. Macomber

Vote: Unanimous.

Motion: by Ms. Macomber to accept into evidence the investigative file for purposes of determining the penalty.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber to revoke her license.

Second: by Ms. White.

Vote: Unanimous.

A Motion to Assess Costs of \$2,090.43 was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to assess costs of \$329.58, payable within 30 days.

Second: by Ms. White.

Vote: Unanimous.

**Paul Andrew Schaubert, LCSW, Case No. 2010-09846** (PCP: Buller, Macomber, Sherrard, Douglas) Mr. Schaubert was not present nor represented by counsel. An administrative complaint filed September 19, 2011 alleged violation of s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(II), F.S., of entering a plea of guilty to a felony related to health care fraud/Medicaid fraud involving grand theft of over \$20,000. (\$27,510.00) No response to the administrative complaint was received.

Ms. Macomber and Ms. Douglas were recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to find that the Administrative Complaint was properly served on Respondent.

Second: by Dr. Day.

Vote: Unanimous.

Motion: by Ms. White to find that Respondent failed to respond to the Administrative Complaint and has waived the right to be heard.

Second: by Ms. Gillespy.

Vote: Unanimous.

Motion: by Ms. Bridgman that the Board adopt as its findings of fact, those facts alleged in the Administrative Complaint.

Second: by Ms. White

Vote: Unanimous.

Motion: by Ms. Gillespy to find that the findings of fact support a finding of a violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by day

Vote: Unanimous.

Motion: by Ms. White to find Respondent in violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Ms. Gillespy.

Vote: Unanimous.

Motion: by Ms. White to accept into evidence the investigative file for purposes of determining the penalty.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Dr. Day to revoke the license.

Second: by Ms. White.

Vote: Unanimous.

A Motion to Assess Costs of \$1,078.72 was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: Ms. Bridgman to assess costs of \$438.99; payable within 30 days.

Second: by Dr. Day.

Vote: Unanimous.

**Rebecca J. Potter, LMHC, Case No. 2010-24142** (PCP: Shyers, White)

Ms. Potter was not present nor represented by counsel. An administrative complaint filed December 16, 2011 alleged violation of s. 491.009(1)(r), F.S., of failure to meet minimum standards of performance involving loans made to respondent by patient and failure to repay loans for more than two years, engaging in personal relationship with patient immediately after termination of the therapeutic relationship. No response had been received from respondent to this administrative complaint.

Ms. White was recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to find that the Administrative Complaint was properly served on Respondent.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. Macomber to find that Respondent failed to respond to the Administrative Complaint and has waived the right to be heard.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. Douglas that the Board adopt as its findings of fact, those facts alleged in the Administrative Complaint.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. Macomber to find that the findings of fact support a finding of a violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. Macomber to find Respondent in violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. Macomber to accept into evidence the investigative file for purposes of determining the penalty.

Second: by Ms. Bridgman.

Vote: Unanimous.

The Department recommended the following disposition of this case: A \$1000 fine, reprimand, probation and restitution to the client.

Motion: by Ms. Macomber to reprimand the license; assess a fine of \$1,000; probation with indirect supervision with 25% review of records and quarterly reports; restitution within one year; and 8 CEU's in boundaries and ethics within one year.

Second: by Ms. Gillespy.

Vote: Unanimous.

A Motion to Assess Costs of \$2,758.90 was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to assess costs of \$2,059.56 payable within one year.

Second: by Ms. Douglas.

Vote: Unanimous.

**Sandra Lackings, Registered CSW Intern, Case No. 2011-01428** (PCP: Buller, Macomber, Sherrard)  
Ms. Lackings was not present nor represented by counsel. An administrative complaint filed September 19, 2011 alleged violation of s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(c), F.S., of being found guilty or entering a plea of nolo contendere to a crime in any jurisdiction involving one count of felony exploitation of the elderly/disabled and one count of felony theft from the elderly of over \$3,700 from person in her care by accessing the victim's online bank account and then transferring the victim's money into her personal account. No response has been received from respondent concerning this administrative complaint.

Ms. Macomber and Ms. Douglas were recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to find that the Administrative Complaint was properly served on Respondent.

Second: by Dr. Day.

Vote: Unanimous.

Motion: by Ms. White to find that Respondent failed to respond to the Administrative Complaint and has waived the right to be heard.

Second: by Ms. Bridgman.

Vote: Unanimous.



Motion: by Ms. White that the Board adopt as its findings of fact, those facts alleged in the Administrative Complaint.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. White to find that the findings of fact support a finding of a violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. White to find Respondent in violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. Bridgman to accept into evidence the investigative file for purposes of determining the penalty.

Second: by Ms. White

Vote: Unanimous.

The Department recommended the following disposition of this case:

Motion: by Ms. White to revoke the license.

Second: by Ms. Bridgman.

Vote: Unanimous.

A Motion to Assess Costs of \$1,745.99 was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to waive the costs.

Second: by Dr. Day.

Vote: Unanimous.

**Anthony Baudanza, Registered CSW Intern Case No. 2012-03926** (PCP: Probable Cause Waived)

Mr. Baudanza was not present nor represented by counsel. Allegations of possible violations of s. 491.009(1)(i), (l), (p), (w), F.S., by making or filing a false report; making misleading, deceptive, untrue, or fraudulent representations in the practice; being unable to practice with reasonable skill or competence.

A voluntary relinquishment of license was filed on March 30, 2012. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to accept the voluntary relinquishment of license.

Second: by Ms. White.

Vote: Unanimous.

**Bonnie Whitehurst, LMHC, Case No. 2008-13388** (PCP: Sherrard, White, Adejokun-Ojo)

Ms. Whitehurst was present and was represented by J. Robert McCormack, Esq. An amended administrative complaint filed November 14, 2011, alleged violation of s. 491.009(1)(r), F.S., of failing to meet minimum standards involving respondent renting a home to patient, allowing her to stay in her home while she underwent medical treatment, engaging in intimate personal correspondence with patient, traveling with patient, allowing patient to purchase airline tickets and pay for hotel accommodations.

A settlement agreement was presented to the Board with the following terms: appearance; reprimand; fine of \$1,000 and actual costs to be paid within 24 months; therapy in boundary issues with approved therapist; probation for one year following discontinuance of therapy, appearance with supervisor at first meeting and last meeting preceding termination of probation, practice under indirect supervision, weekly records review of 75% for minimum of 3 months, then biweekly review of 25% for next 3 months, then review of 25% on monthly basis; quarterly reports from respondent and supervisor; continuing education to include an 8 hour laws and rules course and 8 hours in the areas of ethics and boundaries within one year; and an affidavit that respondent has read and understands the laws and rules.

Ms. White was recused due to service on the probable cause panel. Actual costs in this case are \$16,542.94.

Following discussion, the following action was taken by the Board:

Motion: by Ms. Bridgman to accept the settlement agreement as presented.

Second: by Dr. Barlow.

Vote: Unanimous.

Motion: by Ms. Macomber to assess costs of \$10,000 payable within 3 years.

Second: by Ms. Douglas.

Vote: Unanimous.

Dr. Day asked if there were some way to communicate to registered interns and licensees the importance of abiding by the laws and rules of Florida; especially ethics and boundary issues. Dr. Day will devise a letter regarding the issue. After discussion, it was suggested that the letter will be sent to the Florida associations for informational purposes.

**Roseann Albertario, LCSW, Case No. 2010-02272** (PCP: Sherrard, Macomber, White)

Ms. Albertario was present. Her counsel, Gregory S. D'Incelli, Esq., was not present. An administrative complaint filed October 20, 2010 alleged violation of s. 491.009(1)(r), F.S., of failure to meet minimum standards involving respondent's records including basic hand written notes involving a visit where report included more detail than appropriate, referral to a practitioner who had relinquished his license a few years before.

Ms. Macomber and Ms. White were recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. Bridgman to adopt the allegations of fact in the Administrative Complaint as the findings of fact of the Board with the removal of paragraphs 29.a. and 29.d.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. Douglas that the findings of fact in paragraphs 29.b. and 29.c. are outside the standards of practice to support a violation of Florida Statutes and Florida Administrative Code, as charged in the Administrative Complaint in b. and c.

Second: by Dr. Day.

Vote: Unanimous.

Motion: by Dr. Day that respondent is in violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. Bridgman to move the investigative report with exhibits into evidence to establish a prima facie case for violation of the Florida Statutes and Florida Administrative Code alleged in the Administrative Complaint.

Second: by Dr. Day.

Vote: Unanimous.

The Department recommended the following disposition of this case: \$250 fine and a Letter of Concern.

Motion: by Ms. Bridgman to accept the Department's recommendation.

Second: by Ms. Douglas.

Vote: Motion withdrawn.

Motion: by Bridgman to impose a fine of \$250, payable within 30 days.

Second: by Dr. Day.

Vote: Unanimous.

A motion to assess costs of \$4,011.59 was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Ms. Douglas to assess costs of \$1.00.

Second: by Ms. Bridgman.

Vote: Motion passed with Mr. Roberts and Dr. Day opposed.

**Privadharshihi Naidoo, Registered CSW Intern, Case No. 2011-09157** (PCP: Shyers, White)

Ms. Naidoo was present and was not represented by counsel. An administrative complaint filed December 16, 2011 alleged violation of s. 491.009(1)(w), F.S., through a violation of Rule 64B4-3.008(1), F.S., in that respondent practiced clinical social work without required supervision from June 2006 to June 9, 2011.

Ms. White was recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to adopt the allegations of fact in the Administrative Complaint as the findings of fact of the Board.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. Macomber that the findings of fact support a violation of Florida Statutes and Florida Administrative Code, as charged in the Administrative Complaint.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. Macomber that respondent is in violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. Macomber to move the investigative report with exhibits into evidence to establish a prima facie case for violation of the Florida Statutes and Florida Administrative Code alleged in the Administrative Complaint.

Second: by Dr. Day.

Vote: Unanimous.

The Department recommended the following disposition of this case: A \$500 fine and costs payable within 90 days of the final order and a reprimand.

Motion: by Ms. Bridgman to accept the Department's recommendation.

Second: by Ms. Macomber.

Vote: Unanimous.

A motion to assess costs of \$2,121.33 was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Dr. Day to assess costs of \$1,159.91; payable within 2 years.

Second: by Ms. Macomber.

Vote: Unanimous.

**Laurie M. Emery, LMHC, Case No. 2008-17909** (PCP: Bridgman, Day, Otis)

**Laurie M. Emery, LMHC, Case No. 2008-21991** (PCP: Bridgman, Day, Otis)

Ms. Emery was not present and was not represented by counsel. A two count administrative complaint filed October 28, 2011 alleged violations of s. 491.009(1)(r), F.S., of failure to meet minimum standards involving respondent hiring patient to clean house and hiring her as caretaker of her grandparents; and s. 491.009(1)(w), F.S., by violating s. 491.0148, F.S., and Rules 64B4-9001(2) and 64B4-9.002(2), F.A.C., failure to maintain records for 7 years from the date of last contact with patient. The second administrative complaint filed January 26, 2012 alleged violations of s. 456.072(1)(m), F.S., making deceptive, untrue or fraudulent representations, respondent was president and sole practitioner of Emery Psychological Center in Boca Raton and referred to herself as a psychologist; and s. 491.009(1)(r), F.S., regarding work with patient who served as office manager and was not charged for sessions due to engaging in employer/employee relationship with client.

A voluntary relinquishment of license was filed on April 19, 2012. Ms. Bridgman and Dr. Day were recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Mr. Macomber to accept the voluntary relinquishment.

Second: by Ms. White.

Vote: Unanimous.

**John L. Knight, III, LMHC, Case No. 2008-23637** (PCP: Zachary, Day, Douglas)

Dr. Knight was present and was not represented by counsel. A three count administrative complaint filed May 26, 2009 alleged violations of s. 491.009(1)(l) and s. 456.072(1)(m), F.S., making misleading, deceptive, untrue, or fraudulent representations in the practice by listing "psychologist" on clinical note and website; s. 491.009(1)(d), F.S., by engaging in false, deceptive, or misleading advertising concerning the coastalcarecounseling.com website listing respondent as "Psychologist/Counselor" with PSY license number and with PSY license number on Goodtherapy.org website; and s. 491.009(1)(r), F.S., of failure to meet minimum standards concerning false information on website.

A settlement agreement was presented to the Board with the following terms: reprimand; fine of \$500 and costs not to exceed \$1,205.96 within 2 years; continuing education consisting of an 8 hour laws and rules course, 3 hours in ethics and 3 hours in record keeping within 2 years of order; correction to all informational and promotional materials and websites; laws and rules affidavit; and respondent shall not serve as a qualified supervisor.

Dr. Day and Ms. Douglas were recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to accept the settlement agreement as presented.

Second: by Ms. White.

Vote: Unanimous.

**Colette Biondi, LMHC, Case No. 2008-26269** (PCP: Bridgman, Day, Otis)

Ms. Biondi was present and was not represented by counsel. An administrative complaint filed October 28, 2011 alleged violation of s. 491.009(1)(r), F.S., failing to meet minimum standards involving failure to thoroughly read documentation before beginning family therapy, by including abuser in therapy in violation of Court's order, and failure to communicate with children's therapist before beginning therapy.

A settlement agreement was presented to the Board with the following terms: appearance; fine of \$500 and costs in the amount of \$3,202.10 payable within 90 days; reprimand; laws and rules affidavit; and respondent shall not serve as qualified supervisor.

Ms. Bridgman and Dr. Day were recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to reject the settlement agreement.

Second: by Dr. Barlow.

Vote: Unanimous.

Motion: by Ms. Macomber to accept the settlement agreement as presented with the addition of requiring one year of indirect supervision with a board approved supervisor to include 50% review of cases and quarterly reports; provided by both the supervisor and Ms. Biondi. Dr. Barlow will approve the supervisor and review the quarterly reports. Ms. Biondi was granted seven days to review the counter settlement agreement.

Second: by Ms. White.

Vote: Unanimous.

**Todd E. Wathen, LMHC, Case No. 2011-13568** (PCP: Shyers, Douglas, Otis)

Mr. Wathen was present and was not represented by counsel. A two count administrative complaint filed March 2, 2012 alleged violations of s. 491.009(1)(g), F.S., of knowingly aiding, assisting or advising any non-licensed person to hold herself/himself out as licensed under Chapter 491, F.S.

A settlement agreement was presented to the Board with the following terms: appearance; reprimand; fine of \$1,000 and costs not to exceed \$2,500 payable within 90 days; 12 hours of continuing education with six hours in each of the areas of laws and rules and professional ethics, or other topic as determined by the Board; laws and rules affidavit within 30 days; and respondent shall not serve as a qualified supervisor.

Ms. Douglas was recused due to service on the probable cause panel. Following discussion, the Board took the following action:

Motion: by Ms. White to reject the settlement agreement.

Second: by Ms. Macomber.

Vote: Motion failed with Dr. Day, Dr. Barlow, Ms. Gillespy and Ms. Bridgman voting against the rejection.

Motion: by Ms. Bridgman to accept the settlement agreement.

Second: by Dr. Day.

Vote: Motion passed with Ms. Macomber opposed.

**John Allison, Registered MHC Intern, Case No. 2009-09020** (PCP: Bridgman, Day, Otis)

A continuance was granted to the next meeting.

**Arnold Grace, Registered MHC Intern, Case No. 2009-18901** (PCP: Sherrard, Bridgman, Otis)

Mr. Grace was not present and was not represented by counsel. A two count administrative complaint filed February 12, 2010 alleged violations of s. 491.009(1)(w), F.S., through violating s. 491.0045(2)(a), F.S., involving issuance of a worthless check for \$150 for intern registration license; and s. 456.072(1)(h), F.S., by obtaining a registration by fraudulent misrepresentation. Respondent has failed to pay any money to the Department in 15 months to satisfy the \$150 plus \$15 bad check handling fee.

Ms. Bridgman was recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to adopt the allegations of fact in the Administrative Complaint as the findings of fact of the Board.

Second: by Ms. Macomber.

Vote: Unanimous.

Motion: by Ms. Macomber that the findings of fact support a violation of Florida Statutes and Florida Administrative Code, as charged in the Administrative Complaint.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber that respondent is in violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. White to move the investigative report with exhibits into evidence to establish a prima facie case for violation of the Florida Statutes and Florida Administrative Code alleged in the Administrative Complaint.

Second: by Ms. Macomber.

Vote: Unanimous.

The Department recommended the following disposition of this case: A reprimand and a \$1,000 fine.

Motion: by Ms. Macomber to impose \$1,000 fine and suspend his license until he pays the fine and reimburses the Department \$165 for the worthless check and fees.

Second: by Ms. White.

Vote: Motion passed with Dr. Barlow and Ms. Douglas opposed.

A motion to assess costs of \$983.67 was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to waive the costs.

Second: by Dr. Day.

Vote: Unanimous.

**Kevin Boyd Hull, LMHC, Case No. 2010-06640** (PCP: Shyers, White)

Dr. Hull was present and was not represented by counsel. An administrative complaint filed December 16, 2011 alleged violation of s. 491.009(1)(r), F.S., of failing to meet minimum standards of practice involving report submitted to the court regarding mental condition of patient that did not include information from the child's mother.

Ms. White was recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. Bridgman to adopt the allegations of fact in the Administrative Complaint as the findings of fact of the Board.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. Macomber to find that the findings of fact do not support the conclusions of law alleged and set forth in the Administrative Complaint.

Second: by Dr. Barlow.

Vote: Unanimous.

Motion: by Ms. Macomber to dismiss the administrative complaint.

Second: by Ms. Bridgman.

Vote: Unanimous.

A motion to assess costs of \$3,719.42 was withdrawn.

**Matthew Reimer, LCSW, Case No. 2011-01429** (PCP: Bridgman, Day, Otis)

Mr. Reimer was not present and was not represented by counsel. An Administrative complaint filed October 28, 2011 alleged violation of s. 491.009(1)(c), F.S., of being convicted or found guilty of a crime which relates to the profession involving plea of guilty, December 8, 2010, to one count of felony possession of morphine and one count of misdemeanor possession of drug paraphernalia.

Ms. Bridgman and Dr. Day were recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to adopt the allegations of fact in the Administrative Complaint as the findings of fact of the Board.

Second: by Mr. Roberts.

Vote: Unanimous.

Motion: by Ms. Macomber that the findings of fact support a violation of Florida Statutes and Florida Administrative Code, as charged in the Administrative Complaint.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber that respondent is in violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. Macomber to move the investigative report with exhibits into evidence to establish a prima facie case for violation of the Florida Statutes and Florida Administrative Code alleged in the Administrative Complaint.

Second: by Ms. Douglas

Vote: Unanimous.

The Department recommended the following disposition of this case: revocation of his license.

Motion: by Dr. Barlow to suspend his license concurrent with his PRN contract and to require an appearance before the board at the completion of the PRN contract. The Board will retain jurisdiction of the license at the time the suspension is over.

Second: by Ms. White.

Vote: Unanimous.

A motion to assess costs of \$2,479.48 was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to assess costs of \$1,611.14; payable within 4 years.

Second: by Ms. Gillespy.

Vote: Unanimous.

**Laurie Bradley, LMHC, Case No. 2011-05248** (PCP: Buller, Macomber, Sherrard)

Ms. Bradley was present and was not represented by counsel. A two count administrative complaint filed September 19, 2011 alleged violations of s. 491.009(1)(a), F.S., of attempting to obtain, obtaining, or renewing a license, registration, or certificate by fraudulent misrepresentation; and s. 456.072(1)(c), F.S., by entering a plea of nolo contendere to a crime related to her profession involving felony fraudulent use of a credit card. The licensure renewal application asked if respondent had ever been convicted of felony or pled nolo contendere under Chapter 817 and respondent replied "no."

Ms. Macomber was recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Dr. Day to adopt the allegations of fact in the Administrative Complaint as the findings of fact of the Board.

Second: by Ms. Gillespy.

Vote: Unanimous.

Motion: by Ms. White that the findings of fact support a violation of Florida Statutes and Florida Administrative Code, as charged in the Administrative Complaint.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. White that respondent is in violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. White to move the investigative report with exhibits into evidence to establish a prima facie case for violation of the Florida Statutes and Florida Administrative Code alleged in the Administrative Complaint.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Mr. Roberts to suspend her license until PRN determines she is safe to practice and an appearance prior to termination of suspension.

Second: by Dr. Day.

Vote: Unanimous.

A Motion to assess costs of \$1,850.73 was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Dr. Day to waive the costs.

Second: by Ms. Douglas.

Vote: Unanimous.

Dr. Day praised PRN and their mental health evaluations and recommendations.



## **REVIEW OF APPLICATIONS**

### **Hassiem Kambui, Ph.D., MHC Licensure Applicant**

Dr. Kambui was not present and was not represented by counsel. He is applying for licensure by endorsement. He recently received licenses in North Carolina (2/4/2011) and Oklahoma (12/20/2011).

Following discussion, the following action was taken by the board.

Motion: by Ms. Macomber that Dr. Kambui does not qualify to apply for licensure by endorsement.

Second: by Ms. White.

Vote: Unanimous.

## **OTHER BUSINESS**

### **Experience Requirements for Qualified Supervisors**

After review of a report provided by Robin McKenzie as to the experience requirements of other states prior to becoming a qualified supervisor and discussion, the board determined the qualified supervision rules would remain the same.

### **Annual Renewal of Delegations**

Motion: by Ms. Macomber to reaffirm the annual review of delegations.

Second: by Ms. White.

Vote: Unanimous.

### **Ratification of Continuing Education Providers**

Motion: by Ms. Macomber to approve providers Molinari through Healthcare Training Institute.

Second: by Ms. Douglas.

Vote: Unanimous.

Reconsideration of Palm Harbor Family Counseling. This provider was placed on the February board meeting denial list in error. The error was discovered and the intent to deny was not filed.

Motion: by Ms. Bridgman to approve Palm Harbor Family Counseling.

Second: by Ms. Macomber.

Vote: Unanimous.

Ms. White praised Chiquita Prince and office staff for the work they do assisting and processing continuing education provider applications.

### **Committee of One Actions**

Motion: by Ms. Macomber to ratify Committee of One Actions.

Second: by Ms. Bridgman.

Vote: Unanimous.

### **Application Denials**

Motion: by Ms. Macomber to deny the revised list of applications: Bay Area Behavioral Services provider application through Ruiz.

Second: by Ms. Bridgman.

Vote: Unanimous.

### **Review and Ratification of Exemption Applications**

Motion: by Ms. Macomber to approve the exemption applications for Walker and Seed-Davis.

Second: by Dr. Day.

Vote: Unanimous.

### **Election of Officers**

Motion: by Dr. Day to nominate Mr. Roberts as Chair.

Second: by Ms. Macomber.

Vote: Unanimous.

Motion: by Dr. Day to nominate Ms. Bridgman as Vice-Chair.

Second: by Ms. Macomber.

Vote: Unanimous.

### **Laws and Rules Certificate: Rule 64B4-3.0035(3), F.A.C.**

Motion: by Ms. Macomber to authorize board counsel to begin rule development changing the rule from requiring the original laws and rules certificate of completion to a copy of the certificate of completion.

Second: by Ms. Bridgman.

Vote: Unanimous.

### **REPORTS**

#### **Assistant Attorney General**

The following rule had a Notice of Change and Notice of Correction on 4/6/2012.

Rule 64B4-5.001 Disciplinary Guidelines

The following rule was adopted on 3/29/2012 and became effective on 4/18/2012.

Rule 64B4-7.0081 Requirements to be a Qualified Practitioner for completing Risk Assessments and Treatment of Sexual Offenders.

Ms. Loucks indicated she was tasked with providing a regulatory report for the governor prior to the board's next meeting. The report is to include a list of rules the board might be revising during the next fiscal year. The board provided her with suggestions.

#### **Prosecuting Attorney**

Ms. Rodgers reported that as of April 25, 2012, the Prosecution Services Unit had 102 open disciplinary cases. Of the 102 cases, 27 are under legal review, 30 are pre-probable cause, 32 are public cases where probable cause has been found (of the 32 cases, 6 have been filed with DOAH) 3 cases are awaiting supplemental material, 5 cases are awaiting expert review, 4 cases have not arrived at PSU and 1 case is priority one. 40 cases are over one year old. Ms. Rodgers praised the work of Ms. Shah, Ms. Sykes and Mr. McCharen. Ms. Rodgers stated that they have reduced the amount of old cases from 114 to 80 and only one 2008 case remains. Ms. Rodgers asked that the board grant permission to continue working on the year old cases.

Motion: by Ms. Douglas to grant permission to continue working on cases older than a year.

Second: by Ms. Bridgman.

Vote: Unanimous.

#### **Executive Director**

Ms. Foster reported that the budget information was FYI and that the boards would be discussing reduction of renewal fees at this year's Board Chairs' Meeting.

An informational pamphlet on E-Force, Florida's new prescription drug monitoring program, was disseminated to members for their information.

**INFORMATIONAL: NO ACTION TAKEN**

Prescription Drug Monitoring Program  
New Interim Surgeon General  
CS/CS/HB 653 Enrolled

**ADJOURNMENT**

The meeting adjourned at 1:00 p.m.