

**BOARD OF CLINICAL SOCIAL WORK, MARRIAGE & FAMILY THERAPY,
AND MENTAL HEALTH COUNSELING
GENERAL BUSINESS MEETING AGENDA**

August 9, 2012 at 2:00 p.m.

August 10, 2012 at 8:30 a.m.

**DoubleTree by Hilton Tampa Airport Westshore
4500 West Cypress Street
Tampa, FL 33607
(813) 879-4800**

CALL TO ORDER/ROLL CALL

The meeting was called to order on Thursday, August 9, 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, August 10, 2012 at 8:30 a.m. and adjourned at 12:00 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.
Sandra Barlow, Ph.D., LCSW
Susan Gillespie, LMFT

Staff present:

Deborah Loucks, Board Counsel
Manshi Shah, Prosecuting Attorney
Lealand McCharen, Prosecuting Attorney
Karin Byrne, Allied Health Section Manager
Sue Foster, Executive Director
Robin McKenzie, Program Administrator
Dee Ramer, Regulatory Supervisor
Court Reporter: Berryhill & Associates
(813) 229-8225

Member absent:

Helen Douglas, RDH (excused)

Mr. Roberts acknowledged and welcomed students from Rollins College.

Debra A. Troupe, LMHC and Chief Compliance Officer from Professional Resource Network (PRN) introduced Martha Brown, MD, as the new Assistant Medical Director of PRN.

REVIEW AND APPROVAL OF MINUTES

The minutes of the April 26-27, 2012 general business meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Ms. Macomber to approve the minutes as presented.

Second: by Ms. White.

Vote: Unanimous.

DISCIPLINARY PROCEEDINGS

B. Kerry Brown, LCSW, Case No. 2008-06018 (PCP: Sherrard, Szuch, White)

Mr. Brown was present and was represented by Barbara Chapman, Esq. A three count administrative complaint filed April 24, 2012 alleged violations of s. 491.009(1)(w), F.S., s. 491.012(1)(b), F.S.; and s. 456.057(18), F.S., involving evaluation of minors for purpose of making recommendation regarding custody, residence or visitation despite having provided psychotherapy treatment to the parties; used title of family therapist; respondent charged more than the actual cost of copying file (\$1830) when their records were requested.

A settlement agreement was presented to the Board with the following terms: reprimand; fine of \$2,000 to be paid within 3 years; costs not to exceed \$7961.67 payable within 3 years; 8 hour laws and rules course; 3 hours ethics; 3 hours in record keeping taken within 1 year of settlement; and a laws and rules affidavit.

Ms. White was recused due to service on the probable cause panel. The patient/mother in this case addressed the Board concerning her therapy with respondent. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to dismiss the administrative complaint.
Second: by Ms. Gillespy.
Vote: Motion failed by 3 - 3 vote.

Motion: by Dr. Barlow to reject the settlement agreement.
Second: by Ms. Macomber.
Vote: Motion failed by tie vote.

Motion: by Dr. Day to accept the settlement agreement.
Second: by Ms. Bridgman.
Vote: Motion failed by tie vote of 3 - 3.

Motion: by Ms. Macomber to reject the settlement agreement as presented.
Second: by Ms. Bridgman.
Vote: Motion carried with Mr. Roberts and Dr. Day opposed.

Motion: by Ms. Bridgman to accept the settlement agreement with the following changes: dismiss counts two and three, remove the costs, delete reprimand and replace with a letter of concern.
Second: by Ms. Gillespy.
Vote: Motion carried with Mr. Roberts and Dr. Day opposed.

Mr. Brown accepted the counter settlement agreement.

Gregory Eugene Gast, LMHC, Case No. 2010-19154 (PCP: Sherrard, Szuch, White)

Mr. Gast was present. A two count administrative complaint filed April 24, 2012 alleged violations of s. 491.009(1)(w), F.S., and s. 491.009(1)(r), F.S. Respondent was appointed to perform a parental evaluation and conducted a custody evaluation, failed to interview references, attended social gathering and interviewed contacts, lacked impartiality and failure to meet minimum standards.

A settlement agreement was presented to the Board with the following terms: reprimand; fine of \$750.00 payable within 2 years; costs not to exceed \$2,673.21 payable within 2 years; continuing education including 3 hours in ethics and 3 hours in record keeping; and a laws and rules affidavit filed within 90 days.

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

Motion: by Dr. Barlow to reject the settlement agreement.
Second: by Ms. Macomber.
Vote: Motion failed with vote of 3 - 3

Motion: by Dr. Day to accept the settlement agreement as presented.
Second: by Ms. Bridgman.
Vote: Motion failed with tie vote of 3 - 3.

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

Second: by Ms. Bridgman.

Vote: Motion carried with Dr. Day opposed.

Motion: by Ms. Macomber to accept the settlement agreement presented with the following changes:
remove the fine and costs, no reprimand and provide a letter of concern.

Second: by Ms. Bridgman.

Vote: Motion carried with Dr. Day opposed.

Mr. Gast accepted the counter settlement agreement.

Ms. White suggested that a subject matter expert in parental evaluations come before the Board at a future board meeting to provide information to educate the board members further in this area. Mr. Roberts asked Ms. White and Dr. Barlow to provide direction in finding subject matter experts.

Miriam S. Acosta, LCSW, Case No. 2011-10720 (PCP: Buller, Douglas)

This case was pulled from the agenda based on a notice of unavailability received from Ms. Acosta's attorney. Case continued to next meeting.

Timothy Fennell, Ph.D., LMHC, Case No. 2011-20248 (PCP: Sherrard, Szuch, White)

Dr. Fennell was present and was represented by Ben Newman, Esq. A two count administrative complaint filed April 24, 2012 alleged violations of s. 491.009(1)(l), F.S., s. 456.072(1)(m), F.S., and s. 491.009(1)(d), F.S., involving website with respondent listed as a psychologist – alleged false, deceptive or misleading advertising.

A settlement agreement was presented to the Board with the following terms: reprimand; fine of \$500.00 payable within 2 years; costs not to exceed \$1,030.19; an 8 hour laws and rules course; 3 hours in ethics; 3 hours in record keeping within 2 years; and a laws and rules affidavit within 90 days.

Ms. White was recused due to service on the probable cause panel. Actual costs are in this case are \$871.15. Following discussion, the following action was taken by the Board:

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

Second: by Ms. Bridgman.

Vote: Unanimous.

Emmanuel Nzuzu, Registered MHC Intern, Case No. 2009-24119(PCP: Shyers, Douglas, Otis)

Mr. Nzuzu and Nelda Nzuzu were present. A two count administrative complaint filed March 2, 2012 alleged violation of s. 491.009(1)(w), F.S., and s. 456.072(1)(x), F.S., involving respondent's plea of nolo contendere to driving under the influence in Duval County on February 26, 2007 and plea of nolo contendere to driving under the influence in Bradford County on November 3, 2009. Failure to report to Board in writing within 30 days after licensee has been convicted or found guilty or entered plea of nolo contendere.

Emmanuel Nzuzu, Registered MHC Intern, Case No. 2011-20426(PCP: Sherrard, Szuch, White)

Mr. Nzuzu and Nelda Nzuzu were present. An administrative complaint filed April 24, 2012 alleged violations of s. 491.009(1)(w), F.S., and s. 456.072(1)(x), F.S., concerning driving while license was suspended on December 7, 2010 in which respondent was placed on 6 months probation and November 13, 2011 respondent entered plea of nolo contendere to driving under the influence in Duval County. Responded was given 12 months probation and 30 days in prison and did not report to Board as required by s. 456.072 (1)(x), F.S.

A settlement agreement incorporating both cases was presented to the Board with the following terms: reprimand; indefinite suspension from practice until he obtains an evaluation by PRN with determination that he is safe to practice; fine of \$500.00 within 3 years; reimbursement of costs not to exceed \$2,594.20 payable within 3 years; affidavit that respondent has read and understands the laws and rules.

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

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

Second: by Ms. Bridgman.

Vote: Unanimous.

Dr. Brown, assistant medical director of PRN, provided information about Mr. Nzuzu's mental health evaluation. She stated that the final report should be available next week.

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

Mr. Allison was not present and was not represented by counsel. A first amended three count administrative complaint filed December 20, 2011 alleged violations of s. 491.0149(2)(b), F.S., for failure to include the words registered mental health counselor intern on all promotional materials; s. 490.012(1)(c), F.S., that no person shall hold himself out as a psychologist; s. 456.072(1)(m), F.S., by making deceptive, untrue or fraudulent representations; and s. 491.009(1)(r), F.S., of failing to meet the minimum standards of performance by performing a psychosexual evaluation of a minor when told by his supervisor that he was not qualified to do this.

At the February 2012 meeting, the Board waived his appearance due to a medical condition and proceeded with the case. The Board rejected the settlement agreement and offered a counter stipulation to the settlement agreement. The Board added one year of probation to the previous settlement including additional supervision and completion of an 8 hour laws and rules course.

Mr. Allison did not accept the counter offer and asked to appear before the Board. His case was scheduled for the April 2012 meeting as an informal hearing. Mr. Allison requested a continuance to the August meeting and the Board Chair granted the request for a continuance.

Ms. Shah indicated that Mr. Allison requested another continuance of this case due to car trouble. 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 deny the request for a continuance.

Second: by Ms. White.

Vote: Unanimous.

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

Second: by Ms. Macomber.

Vote: Unanimous.

Motion: by Ms. White that the respondent was properly served and has requested an informal hearing.

Second: by Ms. Macomber.

Vote: Unanimous.

Motion: by Ms. White to adopt the findings of fact set forth in the administrative complaint.

Second: by Ms. Macomber.

Vote: Unanimous.

Motion: by Ms. White to adopt the conclusions of law as set forth in the administrative complaint and find that this case constitutes a violation of Chapter 491, F.S.

Second: by Ms. Macomber.

Vote: Unanimous.

Motion: by Ms. Macomber to impose a fine of \$1,000.00 to be paid within 3 years; reprimand; probation for one year with the terms set forth in the counter offer- Mr. Allison and the probation supervisor will provide quarterly reports, with a 25% review of records provided in the supervisor's quarterly report; an 8 hour laws and rules course within one year.

Second: by Ms. White.

Vote: Unanimous.

A motion to assess costs of \$1,461.81; payable within 3 years was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to assess the costs.

Second: by Ms. White.

Vote: Unanimous.

Susan Karen Krinsk, LMHC, Case No. 2009-22023(PCP: Shyers, Bridgman, Gillespy)

Ms. Krinsk was present and was not represented by counsel. A three count administrative complaint filed June 22, 2011 alleged violations of s. 491.009(1)(w), F.S., s. 491.009(1)(r), F.S., and s. 491.009(1)(l), F.S., involving failure to provide records and meet minimum standards by practice on a delinquent license, bringing pets to therapy sessions when patient told respondent he was allergic, having clients move her office contents, by submitting letter with no indication that they waived confidentiality, failure to release records, by attempts to have probation violated for changing therapists, by giving DOC misinformation about patient being bipolar; by continuing to involve herself in case when she was removed from case.

Ms. Bridgman and Ms. Gillespy 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 investigative report into evidence for purposes of imposing penalty.

Second: by Ms. White.

Vote: Unanimous.

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.

Ms. Krinsk indicated that she disputed allegations of fact in the administrative complaint.

Motion: by Ms. Macomber to terminate the informal hearing. (The case will need to be heard before an administrative law judge at the Division of Administrative Hearings).

Second: by Ms. White.

Vote: Unanimous.

Jolyn (Joelee) Caplan-Steier, L.M.H.C., Case No. 2010-01974 (PCP: Sherrard, Macomber, White)

Ms. Caplan-Steier was present and was not represented by counsel. A six count administrative complaint filed October 20, 2010 alleging violations of s. 456.072(1)(hh), F.S., s. 491.009(1)(p), F.S., s.

456.072(1)(c), F.S., s. 456.072(1)(x), F.S., s. 491.009(1)(l), F.S., and 491.009(1)(r), F.S., involving being terminated from an impaired practitioners program, inability to practice as result of physical or substance abuse, alcohol; being convicted or entering plea of nolo contendere to crime which relates to ability to practice the profession; failure to report pleas to Board within 30 days; making untrue or fraudulent representations in the practice of mental health counseling; failure to meet minimum standards.

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 accept the investigative report into evidence for purposes of imposing penalty.

Second: by Dr. Day.

Vote: Unanimous.

Motion: Dr. Day to find that the respondent was properly served and elected an informal hearing.

Second: by Ms. Gillespy.

Vote: Unanimous.

Motion: by Ms. Gillespy to adopt the findings of fact as set forth in the administrative complaint.

Second: by Dr. Barlow.

Vote: Unanimous.

Motion: by Ms. Bridgman to adopt the conclusions of law as set forth in the administrative complaint and find that they constitute a violation of Chapter 491, F.S.

Second: by Dr. Day.

Vote: Unanimous.

The Department recommended a \$1,000.00 fine payable within 90 days, costs, and that her license remains suspended until PRN determines she is able to practice with reasonable skill and safety.

Motion: by Dr. Day to revoke the license.

Second: by Mr. Frank.

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

The motion to assess costs of \$6,979.14 was withdrawn.

Jolyn (Joelee) Caplan-Steier, Case No. 2010-08292 (PCP: Sherrard, Macomber, White)

Ms. Caplan-Steier was present and was not represented by counsel. A three count administrative complaint filed October 20, 2010 alleged violations of s. 491.009(1)(p), F.S., 456.072(1)(hh), and 456.072(1)(c), F.S., involving termination from PRN, inability to practice with reasonable skill or competence as result of mental or physical condition; being convicted or entering plea of nolo contendere to crime which relates to the practice.

This case was withdrawn for consideration at this time.

Jolyn (Joelee) Caplan-Steier, Case No. 2010-09428 (PCP: Sherrard, Roberts, Barlow)

Ms. Caplan-Steier was present and was not represented by counsel. A two count administrative complaint filed September 9, 2010 alleged violations of s. 456.072(1)(hh), F.S.; s. 491.009(1)(p), F.S., involving 3rd arrest for DUI in Pasco County in 10 years. An Order of Emergency Suspension of License was filed August 19, 2010 and signed by the State Surgeon General.

This case was withdrawn for consideration at this time.

Randi Beth Frank, Registered MHC Intern, Case No. 2010-11970 (PCP: Shyers, Bridgman, Gillespy)
Ms. Frank was present and was not represented by counsel. An administrative complaint filed June 22, 2011 alleged violation of s. 491.009(1)(t), F.S., of violation of a rule of the Board or department involving failure to comply with a previous final order involving 3 years of probation with quarterly reports and continuing education hours; six in ethics, six in boundaries were never submitted. Ms. Frank never responded to an election of rights in this case.

Ms. Bridgman and Ms. Gillespy 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 find that the respondent was properly served and has waived her right to a formal hearing.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber to find that the material facts as alleged in the administrative complaint are not in dispute and to adopt the allegations of fact in the administrative complaint as the Board's conclusions of fact in this proceeding.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber to adopt the allegations of law in the administrative complaint as the Board's conclusions of law in this proceeding.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber to adopt the investigative report with exhibits into evidence in this proceeding.

Second: by Ms. White.

Vote: Unanimous.

The Department recommended an additional \$1,000.00 fine; payable within one year and suspension of her registered mental health counselor intern license until she complies with the previous final order of the Board.

Motion: by Ms. White to suspend Ms. Frank's registered mental health counselor internship until the previous fine and costs have been paid, continuing education has been completed and the name of a qualified supervisor has been provided and approved. Once those requirements have been met, the suspension will be lifted and the three years probation will commence as stated in the original final order.

Second: by Ms. Macomber.

Vote: Unanimous.

A motion to assess costs of \$568.33, to be payable within one year was presented to the Board. Following discussion, the following action was taken:

Motion: by Ms. Macomber to approve.

Second: by Ms. White.

Vote: Unanimous.

Dr. Day was assigned as the board monitor in this case to approve the probation supervisor and review the quarterly reports.

Marianella Valera, LMHC, Case No. 2010-20712(PCP: Sherrard, Szuch, White)

Ms. Valera was not present nor represented by counsel. An administrative complaint filed April 20, 2012 alleged violations of s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(ll), F.S., involving plea of guilty to one count of conspiracy to commit health care fraud, 11 counts of health care fraud, one count of kickbacks, 1 count of money laundering, 5 counts of avoiding reporting requirements involving Medicare fraud. On October 22, 2010, federal authorities arrested respondent, co-owner of American Therapeutic Corp. with conspiring to fleece \$200 million from the Medicare program by filing false claims. A sentence of imprisonment of 35 years was imposed by U.S. District Court.

A Motion for Voluntary Relinquishment of License was presented to the Board. 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. Gillespy.

Vote: Unanimous.

Raphael M. Castillo, Registered CSW Intern, Case No. 2011-16803 (PCP: Buller, Otis, White)

Mr. Castillo was not present nor represented by counsel. An Order of Emergency Suspension of License was filed February 28, 2012 based upon arrest for 4 counts of sexual assault of patient. Respondent was terminated from employment at Starting Place.

A Motion for Voluntary Relinquishment of License was presented to the Board. 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. Bridgman.

Vote: Unanimous.

Robert John Frengut, LMHC, Case No. 2012-03289 (Waived Probable Cause)

Mr. Frengut was not present nor represented by counsel. Respondent had six unreported convictions involving driving under the influence, operating while driver's license was suspended, DUI with property damage.

A Motion for Voluntary Relinquishment of License was presented to the Board. 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.

MOTION FOR AMENDED FINAL ORDER

Bonnie Whitehurst, Case No. 2008-13388

Ms. Whitehurst was not present nor represented by counsel. A motion for amended final order was filed by prosecutor in that at the April 27, 2012 meeting, the settlement agreement executed by the respondent provided for therapy followed by probation. At the meeting, responded indicated she wished to proceed with both concurrently. This change was not specifically ruled on by the Board. Therefore, the final order provided for consecutive periods of therapy and probation. The Department is recommending that the periods be permitted to run concurrently.

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

Motion: by Ms. Macomber to allow the time to run concurrently.

Second: by Ms. Bridgman.

Vote: Unanimous.

APPEARANCES

Linda Dunn, Probationary Appearance

Ms. Dunn was not present and was not represented by counsel. Ms. Dunn submitted correspondence requesting a step-down to the original PRN requirement; requesting termination of her probation and approval to attend the meeting by telephone conference call; and applying for extension of time to pay fine and costs.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to grant a continuance to the next board meeting and that her physical presence is required at the meeting.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Dr. Day to allow her a year's extension to pay her fine and costs.

Second: by Ms. White.

Vote: Unanimous.

Christina Principe, MHC Licensure Applicant

Ms. Principe was present and was not represented by counsel. She is appearing due to an affirmative response on the applicant history section of the application.

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

Motion: by Ms. White to approve her application.

Second: by Ms. Macomber.

Vote: Unanimous.

Melissa C. Sorensen, Registered MHC Intern Applicant

Ms. Sorensen was not present and was not represented by counsel. She is appearing due to an affirmative response on the applicant history section of the application.

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

Motion: by Ms. Macomber to continue the case until the next board meeting.

Second: by Ms. White.

Vote: Unanimous.

Christine Kurz, Registered MHC Intern Applicant

Ms. Kurz called board staff on July 25th to advise that she had not been able to obtain the evaluation requested by the Board. PRN had difficulty obtaining her medical records and was not able to provide her with names of evaluators until recently. Ms. Kurz advised board staff that she would not be attending this meeting, but was willing to do whatever the Board requested of her. She plans to obtain the evaluation and attend the next board meeting.

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

Motion: by Ms. Macomber to continue the case until the next board meeting.

Second: by Ms. White.

Vote: Unanimous.

APPLICATION REVIEW

Beth A. Wolfe, MHC Licensure Applicant

Dr. Wolfe was not present and was not represented by counsel. Staff could not find a course in human growth and development and no proof of passing the NCMHCE.

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

Motion: by Ms. White to deny the application based on coursework and not having completed the NCMHCE requirement.

Second: by Ms. Macomber.

Vote: Unanimous.

Amanda G. Taylor, MFT Licensure Applicant

Ms. Taylor was present and was not represented by counsel. She is appearing due to an affirmative response on the applicant history section of the application.

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

Motion: by Ms. Macomber to approve the application.

Second: by Ms. Gillespy.

Vote: Unanimous.

Tomorrow's Rainbow, CE Provider Applicant

Ms. Marla Berger requested reconsideration of her application for continuing education provider approval. Additional information was provided for the Board's review.

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

Motion: by Ms. Macomber to uphold the denial.

Second: by Dr. Barlow

Vote: Unanimous.

Family Preservation Services of Florida, CE Provider Applicant

Dr. Carol Hurst requested full Board review of her 16 hour supervisory training course to determine if her offering the course by "teleclass" met the rule requirement of an in-person course in order to be approved as a CE provider of the supervisory training course.

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

Motion: by Dr. Day to deny the application to become a CE provider. The Board defines "in person" as physically in the same room.

Second: by Ms. Macomber.

Vote: Unanimous.

OTHER BUSINESS

Jeanette Issa, Review of Supervision

Ms. Issa was present and was not represented by counsel. She is appearing concerning her qualified

supervisor checking the box on the supervision form that: she has not met the minimum standards of performance in professional activities...”

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

Motion: by Ms. Gillespy to deny the supervision hours with this supervisor.

Second: by Ms. Macomber.

Vote: Unanimous.

Todd Wathen, Request for Extension to Pay Fine & Costs

Mr. Wathen is requesting an extension to pay fines and costs totaling \$3,500. Mr. Roberts gave tentative approval and requests that the Board ratify this extension with payment plan.

Motion: by Ms. Macomber to extend the date to pay the fines and costs to May 22, 2014.

Second: by Ms. Gillespy.

Vote: Unanimous.

Colette Biondi, Request for Extension to Pay Costs

Ms. Biondi is requesting additional time to pay the \$3,202.00. Mr. Roberts granted a six month extension which will need to be approved by the Board.

Motion: by Ms. Macomber to approve the six month extension.

Second: by Ms. Bridgman.

Vote: Unanimous.

Ratification of Continuing Education Providers

Motion: by Ms. Macomber to ratify Access Recovery Solutions, LLC through Multilin.

Second: by Ms. Gillespy.

Vote: Unanimous.

Committee of One Action

Motion: by Ms. Macomber to ratify actions.

Second: by Dr. Day.

Vote: Unanimous.

Exemption Applications

Dr. Barlow reviewed the AHCA Application for Exemption for Eleanor Childers and granted it. Mr.

Roberts reviewed the AHCA Application for Exemption for Cordett McCall and granted it.

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

Motion: by Ms. Macomber to ratify the approval of the exemptions.

Second: by Ms. White.

Vote: Unanimous.

Order to Vacate

Staff requested that the Board vacate the order to deny limited licensure applicant Esther McDonough, as the application was expired.

Motion: by Ms. Macomber to vacate the Order of Intent to Deny based on the expiration of the application.

Second: by Ms. Bridgman.

Vote: Unanimous.

Application Denials

Motion: by Ms. Macomber to ratify the denial of applicants from Associated Healthcare Advisors/ DBA Top Cat through Sims for the deficiencies listed.

Second: by Dr. Day.

Vote: Unanimous.

Ratification of Applicants

Motion: by Ms. Macomber to ratify the approval of the applicants listed in members file folders.

Second: by Ms. White.

Vote: Unanimous.

Petition for Variance of Rule 64B4-31.007

Ms. Keirn is requesting that 57 weeks completed with Mr. Thomas Holmin, LCSW, be applied toward supervision. He allegedly represented to petitioner that he was a qualified supervisor for registered mental health counselor interns. Mr. Holmin is a qualified supervisor for registered clinical social work interns.

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

Motion: by Ms. White to approve the variance.

Second: by Ms. Macomber.

Vote: Motion carries with Mr. Roberts, Ms. Gillespy and Dr. Day opposing.

TOPIC DISCUSSIONS

Betty Ann Badger's Letter of Concern Regarding Interns

Dr. Badger sent a letter to the Board concerning interns acquiring hours by making home visits for not for profit agencies without proper supervision. Dr. Badger has served 36 years as adjunct professor at Nova Southeastern University instructing students during their internships and practicum experience.

She is also concerned that many educational institutions are combining school guidance and counseling content in the same courses for mental health counselors. Some board members shared this concern, however, felt that the Board might not have jurisdiction, but this may be the University saving costs.

Jim Akin, executive director of the Florida Chapter of NASW and Larry Barlow PhD, executive director of the Florida Marriage and Family Therapy Association also addressed the issue. Board members felt that this was an interesting discussion, it would take a legislative change, and there would perhaps be a large fiscal analysis from the agencies such as DCF, DOC, etc. who use interns.

Ms. Foster stated that she would contact Dr. Badger and thank her for sharing this information which has opened the door to future discussion and additional questions. The 491 Board will be reviewing their statutes later this year and will consider this information.

Carol Clark's Email Regarding Rule 64B4-7.004

Dr. Clark is requesting that the 3 course titles, including sexual dysfunctions, disorders and deviancy required for use of the title sex therapist be changed to sexual dysfunctions and disorders.

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

Motion: by Ms. Macomber to keep the rule as it is currently written.

Second: by Dr. Day.

Vote: Unanimous.

64B4-4.003, F.A.C., Endorsement Application Fee

Endorsement applicants are charged a \$300 application fee and examination applicants are charged a \$100 application fee. Staff requests that both fees be identical - \$100.

Motion: by Ms. White to decrease the application fee for endorsement to \$100.

Second: by Dr. Day.

Vote: Unanimous.

Motion: by Ms. Macomber that there is no impact on small business and a SERC is not required.

Second: by Ms. White.

Vote: Unanimous.

Suggestions from June 2012 PCP Members

Suggestions include adding a laws and rules course to renewal requirement, ISU audit licensees for arrests. Jim Akin, ACSW and executive director of the Florida Chapter of National Association of Social Workers, Larry Barlow, PhD, LMFT and executive director of the Association of Marriage and Family Therapists – Florida Division and Stephen Giunta, LMHC and past president of the Florida Mental Health Counselors Association spoke to the laws and rules issue. The Board recommended a three hour refresher laws and rules course required for renewal every six years. Board counsel will draft language regarding this and present it at the next board meeting. Ms. Bridgman as a PCP member spoke to the issue regarding the closing orders.

Chapter 491.005(2)(a), F.S.

Board staff asked for discussion regarding clinical social work applicants being allowed to use an unlimited amount of advanced standing coursework hours (clinical coursework hours obtained at the bachelor’s level that didn’t have to be repeated at the master’s level) towards the 24 hours of clinically oriented graduate level coursework requirements for licensure. Jim Akins, of the Florida chapter of NASW will contact Sue Foster, Board Executive Director with contact information of a subject matter expert who can speak to the Board at their October meeting regarding the issue.

Chapter 491, F.S

Board staff, board members and representatives of the professional associations will meet prior to the next board meeting to review Chapter 491 and make recommendations for statutory change for the three professions.

Amended Application for Licensure

The Board reviewed the revised applicant history questions as a result of legislation that became effective on July 1, 2012.

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

Motion: by Ms. Macomber to change the application as shown.

Second: by Ms. Gillespy.

Vote: Unanimous.

Motion: by Ms. Macomber that there is no impact on small business and a SERC is not required.

Second: by Ms. Gillespy.

Vote: Unanimous.

Amended Intern Registration Application

The Board reviewed the revised applicant history questions as a result of legislation that became effective on July 1, 2012.

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

Motion: by Ms. Macomber to change the application as shown.

Second: by Ms. Gillespy.

Vote: Unanimous.

Motion: by Ms. Macomber that there is no impact on small business and a SERC is not required.

Second: by Ms. Gillespy.

Vote: Unanimous.

REPORTS

Prosecuting Attorney

Ms. Shah reported that as of July 31, 2012, the Prosecution Services Unit had 60 open disciplinary cases. Of the 60 cases, 15 are under legal review, 22 are pre-probable cause, 15 are public cases where probable cause has been found, 1 has been filed with DOAH, 5 cases are awaiting supplemental material, 1 case is a post board counter offer and 1 case is priority one. 26 cases are over one year old. Ms. Shah asked that the Board grant permission to continue working on the year old cases.

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

Second: by Ms. White.

Vote: Unanimous.

Assistant Attorney General

Ms. Loucks reviewed the rules report with the Board members.

The following rule was approved by the Board on 4/26/2012 and was published for rule development on 7/20/2012.

Rule 64B4-3.0035 Demonstrating Knowledge of Laws and Rules.

The following rule was adopted on 5/2/2012 and became effective on 5/22/2012.

Rule 64B4-5.001 Disciplinary Guidelines.

Executive Director

Ms. Foster provided budget information for the Board's review.

Board Members

Sue White reported on her presentation at the NASW Florida Conference in Ft. Lauderdale in June.

Mary Macomber recommended YouSendIt.com be reviewed as a potential provider of an on-line agenda service. Sue Foster provided information about the division's workgroup currently studying the electronic agendas for all of the professions in the future. The board members feel the current method of a paper agenda is extremely cumbersome.

INFORMATIONAL ONLY – NO ACTION TAKEN

Laws of Florida, Ch. 2012-184, Section 116

ASWB Survey Re: Publishing School Pass Rate Statistics

Final Order/Settlement Agreement Re: Unlicensed Activity

Exam Statistics

ADJOURNMENT

The meeting recessed at 5:30 p.m. on Thursday and adjourned at 12:00 p.m. on Friday.