

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

GENERAL BUSINESS MEETING MINUTES

October 25, 2012 at 2:00 p.m.

October 26, 2012 at 8:30 a.m.

Holiday Inn & Suites and Conference Center

2725 Graves Road

Tallahassee, FL 32303

(850) 536-2000

CALL TO ORDER/ROLL CALL

The meeting was called to order on Thursday, October 25, 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, October 26, 2012 at 8:30 a.m. and adjourned at 11:00 a.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
Sandra Barlow, Ph.D., LCSW
Susan Gillespy, LMFT

Staff present:

Deborah Loucks, Board Counsel
Lealand McCharin, Prosecuting Attorney
Karin Byrne, Allied Health Section Manager
Sue Foster, Executive Director
Robin McKenzie, Program Administrator
Dee Ramer, Regulatory Supervisor
Court Reporter: Accurate Stenotype Reporters
850-878-2221

Member absent:

Helen Douglas, RDH (excused)
Mary Macomber, Esq. (excused)

Ms. Foster welcomed office staff to the board meeting and asked them to introduce themselves and give a brief description of their duties for the 491 Board.

REVIEW AND APPROVAL OF MINUTES

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

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

Second: by Ms. Bridgman.

Vote: Unanimous.

DISCIPLINARY PROCEEDINGS

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

Case continued until the next board meeting.

Pierre St. Raymond Saal, LMHC, Case No. 2009-23074 (PCP: Shyers, Douglas, Otis)

Mr. Roberts recused himself from this hearing due to his acquaintance with Mr. Saal. Ms. Bridgman, Vice-Chair, presided over this case.

Mr. Saal was present and was represented by George Murphy, Esq. A two count administrative complaint filed March 2, 2012 alleged violations of s. 491.009(1)(i), F.S., of willfully making or filing a false report or failing to file a report and s. 491.009(1)(r), F.S., of failing to meet minimum standards when respondent listed 5 dates for sessions not attended by patient.

Following discussion the following action was taken by the Board:

Motion: by Ms. White to find that the Respondent was properly served and requested an informal hearing.

Second: by Dr. Day.

Vote: Unanimous.

Motion: by Ms. White 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 findings of fact in this proceeding.

Second: by Ms. Gillespy.

Vote: Unanimous.

Motion: by Ms. White to adopt the allegations of law in the AC, as the Board's conclusions of law in this proceeding.

Second: by Ms. Gillespy.

Vote: Unanimous.

Motion: by Ms. White to adopt the materials under Tab B and any addendum materials under Tab B into evidence in this proceeding.

Second: by Dr. Day.

Vote: Unanimous.

Motion: by Dr. Day to accept the Department's recommendation of reprimand, fine of \$750 with 3 years to pay, CE's -8 hours laws and rules course, 3 hours of CE in ethics, and 3 hours of CE in record keeping with 3 years to complete, laws and rules affidavit within 90 days.

Second: by Dr. Barlow

Vote: Unanimous.

Motion: by Ms. Gillespy to waive the costs.

Second: by Dr. Day.

Vote: Motion passed with Ms. White opposed.

Judith C. Negron, LMHC, Case No. 2010-20710 (PCP: Shyers, Douglas, Otis)

Ms. Negron was not present nor represented by counsel. Ms. Negron's representative in her criminal proceedings is Michael Wax, Esq.

An administrative complaint filed March 2, 2012, alleged violation of s. 456.072(1)(II), F.S., of being adjudicated guilty of one count of conspiracy to commit health care fraud, two counts of health care fraud, one count of conspiracy to defraud U.S. and to pay kickbacks, one count of conspiracy to commit money laundering, thirteen counts of money laundering, three counts of money laundering, three counts of structuring to avoid reporting requirements. This involved a scheme to defraud Medicare with overcharges of \$200 million by paying bribes to recruiters who tapped into endless supply of patients from assisted living facilities and halfway houses. Respondent has not responded to the Department.

Following discussion the following action was taken by the Board:

Motion: by Ms. White to find that the Respondent was properly served and has waived her right to a formal hearing.

Second: by Ms. Gillespy.

Vote: Unanimous.

Motion: by Ms. Gillespy 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 findings of fact in this proceeding.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. White to adopt the allegations of law in the AC, as the Board's conclusions of law in this proceeding.

Second: by Dr. Day.

Vote: Unanimous.

Motion: by Dr. Day to adopt the materials under Tab C and any addendum materials under Tab C into evidence in this proceeding.

Second: by Ms. Gillespy

Vote: Unanimous.

Motion: by Ms. Bridgman to revoke the license.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. White to waive the costs as presented.

Second: by Ms. Bridgman.

Vote: Unanimous.

Corby Casey, LMHC, Case No. 2011-11302 (PCP: White, Szuch)

Mr. Casey was not present nor represented by counsel. An administrative complaint filed April 24, 2012 alleged violations of s. 491.009(1)(w), F.S., s.456.072(1)(x), F.S., of failure to report to Board in writing within 30 days after conviction or entering plea of nolo contendere; involving his February 16 2010 plea of guilty to leaving scene of crash involving property damage, the September 10, 2010 plea of guilty to charge of driving while license is suspended, December 13, 2010 plea of guilty to driving while license suspended in Marion County. Respondent has not responded to the Department. 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 find that the Respondent was properly served and has waived his right to a formal hearing.

Second: by Dr. Day.

Vote: Unanimous.

Motion: by Ms. Bridgman 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 findings of fact in this proceeding.

Second: by Ms. Gillespy.

Vote: Unanimous.

Motion: by Ms. Bridgman to adopt the allegations of law in the Administrative Complaint, as the Board's conclusions of law in this proceeding.

Second: by Mr. Roberts.

Vote: Unanimous.

Motion: by Dr. Day to adopt the materials under Tab D and any addendum materials under Tab D into evidence in this proceeding.

Second: by Mr. Roberts.

Vote: Unanimous.

Motion: by Ms. Gillespy to issue a reprimand, fine of \$1000 with 30 days to pay.

Second: by Ms. Bridgman

Vote: Unanimous

Motion: by Ms. Bridgman to accept the department's recommendation for costs of \$3,481.67 (w/o attorney's fees) and give the Respondent 30 days to pay.

Second: by Ms. Gillespy.

Vote: Unanimous.

Dennis Malloy Gay, LCSW, Case No. 2011-17301 (PCP: Buller, Day, Gray)

Mr. Malloy was not present nor represented by counsel. An administrative complaint filed January 27, 2012 alleged violation of s. 491.009(1)(p), F.S., by being unable to practice with reasonable skill or competence as result of excessive use of alcohol and narcotics.

Respondent is not willing to enter into treatment following evaluation by Department approved evaluator. An Emergency Suspension Order was issued on January 9, 2012. Respondent has not responded to the Department.

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. Bridgman to find that the Respondent was properly served and has waived his right to a formal hearing.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. White 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 findings of fact in this proceeding.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. White to adopt the allegations of law in the Administrative Complaint, as the Board's conclusions of law in this proceeding.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. Bridgman to adopt the materials under Tab E. and any addendum materials into evidence in this proceeding.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. White to accept the department's recommendation that Mr. Gay's license remain suspended until he can demonstrate that he is safe to practice with reasonable skill and safety; compliance with all Professionals Resource Network (PRN) recommendations; and \$1,000 fine payable within 90 days.

Second: by Ms. Gillespy.

Vote: Unanimous.

Motion: by Ms. White to accept the department's recommendation for costs of \$1,275.27 (w/o attorney's fees) and give the Respondent 90 days to pay.

Second: by Ms. Bridgman.

Vote: Unanimous.

Martin Ludwig, LCSW, Case No. 2012-01683 (PCP: Buller, Bridgman, Otis)

Mr. Ludwig was not present nor represented by counsel. An administrative complaint filed July 3, 2012 alleged violation of s. 491.009(1)(w), F.S., through a violation of Section 456.072(1)(q), F.S., for violation of a lawful order of the Board. Respondent violated citation final order 2011-09906 by failing to submit proof of 30 hours of continuing education and failing to pay fines and costs totaling \$622.00. Respondent has not responded to the Department.

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 Respondent was properly served and has waived his right to a formal hearing.

Second: by Ms. Gillespy.

Vote: Unanimous.

Motion: by Ms. White 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 findings of fact in this proceeding.

Second: by Dr. Barlow.

Vote: Unanimous.

Motion: by Ms. White to adopt the allegations of law in the Administrative Complaint, as the Board's conclusions of law in this proceeding.

Second: by Dr. Barlow.

Vote: Unanimous.

Motion: by Ms. White to adopt the materials under Tab F and any addendum materials under Tab F into evidence in this proceeding.

Second: by Dr. Barlow.

Vote: Unanimous.

Motion: by Ms. White to accept the Department's recommendation of a reprimand, fine of \$500 and suspension until paid; indefinite suspension of license until compliance with final order in Case 2011-09906 by paying fine of \$500 and costs of \$122.00; suspension of license until completion of 2 hours of prevention of medical errors, 3 hours of ethics and boundaries, and 25 hours of general continuing education.

Second: by Dr. Barlow.

Vote: Unanimous.

Motion: by Ms. White to accept the department's recommendation for costs of \$363.28 (w/o attorney's fees) and give the Respondent 30 days to pay.

Second: by Dr. Day.

Vote: Unanimous.

Jesus Morejon, LMHC, Case No. 2012-03574 (Waived Probable Cause)

Mr. Morejon was not present nor represented by counsel. Alleged violations of s. 491.009(1)(i), F.S., and s. 456.072(1)(l), F.S., of making or filing a report which the licensee knows to be false involving

respondent's termination from agency employment for falsifying claims for services provided to two patients under his care. A Motion for Final Order by Voluntary Relinquishment of License was presented to the Board.

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

Motion: by Ms. Bridgman to accept the Voluntary Relinquishment.

Second: by Ms. Gillespy.

Vote: Unanimous.

APPEARANCES

Linda Dunn, Probationary Appearance

Ms. Dunn was present and was not represented by counsel. Ms. Dunn has been asked to appear to address concerns raised in her probationary reports. She had been granted a continuance at the August 9-10, 2012 meeting as she was unable to attend. Debbie Troupe, LMHC and Chief Compliance Officer from Professional Resource Network (PRN) spoke to the issue. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to terminate Ms. Dunn's probation.

Second: by Ms. Gillespy.

Vote: Unanimous.

Christine Kurz, Registered MHC Intern Applicant

Continued to the next board meeting. (Ms. Kurz waived the 90 days).

Melissa C. Sorensen, Registered MHC Intern Applicant

Ms. Sorensen was present and was not represented by counsel. Ms. Sorensen is appearing due to an affirmative response on the health history section of the application. Debbie Troupe from PRN spoke to the issue. Following discussion, the following action was taken by the Board:

Motion: by Dr. Day to approve the intern application contingent on Ms. Sorensen's compliance with any PRN recommendations.

Second: by Ms. White.

Vote: Unanimous.

Donna Sheperis, MHC Licensure Applicant

Dr. Sheperis was not present and was not represented by counsel. Dr. Sheperis submitted a letter to the Board with additional information regarding her application for licensure. Debbie Troupe from PRN spoke to the issue. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to toll the application until the May 2013 meeting.

Second: by Dr. Day.

Vote: Unanimous.

APPLICATION REVIEW

Venetia M. Siplin, Registered MHC Intern Applicant

Ms. Siplin was not present and was not represented by counsel. A letter was sent to Ms. Siplin on July 5, 2012 following review of her application advising that she needed 24 additional graduate level semester hours and the eight content areas. She also is required to complete a 1000 hour university sponsored supervised clinical practicum.

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

Motion: by Ms. White to deny the application due to the lack of 3 semester or 4 quarter hours of coursework in: counseling theories and practice; human growth and development; psychopathology; human sexuality; individual evaluation and assessment; social and cultural foundations; counseling in community settings; substance abuse and a 1000 hour practicum.

Second: by Dr. Day.

Vote: Unanimous.

Doug Nelson, MHC Applicant, Review of VA Exam

Mr. Nelson was present and was not represented by counsel. He is applying for licensure and is asking that the Board deem the Virginia exam that he took equivalent to the NCMHCE through NBCC. Mr. Nelson indicated he is currently enrolled in the two courses he lacked. Following review and discussion, the following action was taken by the Board:

Motion: by Dr. Day to deny the request that the VA exam is equivalent to the NCMHCE.

Second: by Mr. Roberts.

Vote: Unanimous.

Caridad Zamora, CSW Applicant, Review of Experience

Ms. Zamora was not present nor represented by counsel. She is unable to have her supervision verified due to the unexpected death of her qualified supervisor. Following discussion, the following action was taken by the Board:

Motion: by Ms. Gillespy to accept the documentation of Ms. Zamora's post-master's supervised clinical experience.

Second: by Dr. Day.

Vote: Unanimous.

Central Florida Community for Emotionally Focused Therapy, CE Provider Applicant

This CE provider applicant has petitioned the full Board for a review of their CE provider application. Following review and discussion, the following action was taken by the Board:

Motion: by Ms. Gillespy to reverse the Order of Intent to Deny.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Dr. Day to approve Central Florida Community for Emotionally Focused Therapy as a continuing education provider.

Second: by Ms. Gillespy.

Vote: Motion carried with Ms. White opposed.

TOPIC DISCUSSIONS

Chapter 491, F.S.

A meeting was held on September 25, 2012, to review Chapter 491, F.S. Those in attendance included members of the 3 Associations, Board staff, legal counsel and the 491 Board chair. Jim Akin, Executive Director of NASW, FL Chapter; Larry Barlow, PhD, Executive Director of the Association of Marriage and Family Therapy, Florida Division; and Stephen Giunta, PhD, Past President of the Florida Mental Health Counselors Association spoke to the issue. The Board asked the Associations to make it a high priority in going before the Legislature in 2013 to limit the number of years a registered intern can be licensed and on supervision on the premises.

Deborah Loucks will forward another draft of Chapter 491 with amendments to the intern language and on the premises.

Child Custody Evaluations

Dr. Debra Weaver spoke to the Board and provided written information about the issue.

Ms. Loucks was asked by the Chair to open this issue up for rule development. Ms. Loucks indicated she will add the language to Rule 64B4-7.006, F.A.C. She will use Rule 64B19-18.007 developed by the Board of Psychology as guidance in composing the language and will present a draft it to the Board at their next board meeting.

Retirement of Donna DeAngelis, Executive Director, ASWB

Donna DeAngelis is retiring after many years of service to the Association of Social Work Boards. Her replacement has been named, Florida's own Mary Jo Monahan, former member of the Board (1991 to 1996) and former Chair of our Board (1995 to 1996). Jim Akin, NASW, Florida Chapter provided additional information about Ms. Monahan's accomplishments.

Advanced Standing Curriculum Requirements

Board staff is requesting information regarding advanced standing for social work applicants and whether other states allow bachelor level coursework towards meeting requirements and whether there is a limit to the number of hours accepted.

Dr. Robin Perry, Chair of Florida Agricultural and Mechanical University (FAMU) School of Social Work and Dr. Nicholas Mazza, Dean of the Florida State University (FSU) School of Social Work spoke to the Board about advanced standing.

Advanced standing is only available for students that graduated from a CSWE accredited school of social work bachelor's program. The student must apply for and be accepted in advanced standing programs. The advanced standing courses are foundation courses that are taken during the first year of the school of social work master's program.

Dr. Mazza asked board staff to develop a report regarding the possibility of schools of social work relying on the advanced standing courses for meeting Florida's requirement of 24 semester hours of clinically oriented coursework more than the master's level coursework. Dr. Mazza asked that the report be provided to the Chair of the FSU School of Social Work. He will forward the contact information to the board office. The report will be presented to the Association of Deans for discussion.

Dr. Mazza and Dr. Perry agreed to assist staff if there were questions regarding out of state advanced standing requests.

Email Regarding the Definition of "Premises"

The Board discussed use of the word premises in section 491.005, F.S. Based on an earlier discussion, Board counsel will be preparing a draft for amendments to Chapter 491 to include amendments on supervision on the premises. The Board also discussed whether they could define the word in rule.

Rule 64B4-6.001, F.A.C.

The Board had requested that a rule be added that every third biennium after initial licensure, every licensee must complete a 3 hour refresher course on laws and rules. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to approve the draft.

Second: by Ms. Gillespy

Vote: Unanimous.

Motion: by Ms. White that this will have no impact on small business and no SERC is required.
Second: by Ms. Bridgman.
Vote: Unanimous.

OTHER BUSINESS

Ratification of Continuing Education Providers

Motion: by Ms. Bridgman to ratify Antista and Associates through Wellington Retreat.
Second: by Dr. Day.
Vote: Unanimous.

Committee of One Actions

Motion: by Ms. White to ratify actions.
Second: by Ms. Bridgman
Vote: Unanimous.

Application Denials

Motion: by Ms. Bridgman to ratify the denial of applicants from Steven R. Joubert through Joyce A Wrightwayne for the deficiencies listed.
Second: by Ms. White.
Vote: Unanimous.

Exemption Applications

Mr. Roberts reviewed the AHCA Application for Exemption for Elizabeth Lachendro and Anita Pembleton and granted them. Following review and discussion, the following action was taken by the Board:

Motion: by Ms. Bridgman to ratify the exemptions.
Second: by Ms. Gillespy.
Vote: Unanimous.

Ratification of Applicants

Motion: by Dr. Day to ratify the approval of license numbers as listed in the Board members' file folders.
Second: by Ms. Bridgman.
Vote: Unanimous.

REPORTS

Prosecuting Attorney

Mr. McCharin reported that as of October 22, 2012, the Prosecution Services Unit had 49 open disciplinary cases. Of the 49 cases, 19 are under legal review, 10 are pre-probable cause and 3 cases are priority one. Six cases will be heard at this Board meeting, 6 are awaiting proper service/diligent search, 2 have been filed with DOAH, 1 is a Board counter offer and 1 has requested an appeal. Mr. McCharin asked that the Board grant permission to continue working on the year old cases.

Motion: by Ms. White to grant permission for the Department to continue working on cases older than one year.
Second: by Ms. Bridgman.
Vote: Unanimous.

Assistant Attorney General

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

The following rule was adopted on 9/17/2012 and became effective on 10/7/2012.

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

The following rules were approved on 8/9/12 and published for rule development on 10/18/12.

Rule 64B4-3.001 Application for Licensure for Clinical Social Work, Marriage and Family Therapy and Mental Health counseling Applicants.

Rule 64B4-3.0085 Intern Registration

Rule 64B4-4.003 Application Fee for Licensure by Endorsement.

Executive Director

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

Board Members

Sandy Barlow, PhD, LCSW will be representing the Board at the annual Association of Social Work Boards (ASWB) meeting in Springfield, IL November 1-3, 2012.

INFORMATIONAL – NO ACTION TAKEN

AMHCA Practice Alert

Draft #1 - 2016 CACREP Standards

New ASWB Executive Director, Mary Jo Monahan, LCSW

ADJOURNMENT

The meeting recessed at 5:30 p.m. on Thursday and adjourned at 11:00 a.m. on Friday.