

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

August 1, 2013 at 2:00 p.m.

August 2, 2013 at 8:30 a.m.

**The Peabody
9801 International Drive
Orlando, FL 32819
(407) 352-4000**

CALL TO ORDER/ROLL CALL

The meeting was called to order on Thursday, August 1, 2013 at 2:00 p.m. by Ms. Bridgman, Chair and recessed at 6:15 p.m. The meeting was called back to order on Friday, August 2, 2013 at 8:30 a.m. and adjourned at 10:00 a.m. Those present for all or part of the meeting included the following:

Members present:

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

Staff present:

Deborah Loucks, Board Counsel
Elana Jones, Prosecuting Attorney
Sue Foster, Executive Director
Robin McKenzie, Program Administrator
Dee Ramer, Regulatory Supervisor
Court Reporter - American Court reporting
407-896-1813 /Cindy Green

REVIEW AND APPROVAL OF MINUTES

The minutes of the May 2-3, 2013 general business meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Ms. Macomber to approve.

Second: by Ms. White.

Vote: Unanimous.

The board chair recognized and welcomed mental health counseling students from Rollins College who were in attendance on Thursday afternoon and Friday morning.

DISCIPLINARY PROCEEDINGS

Richard L. Fincke, Registered MHC Intern, Case No. 2011-13622 (PCP: Macomber, Szuch, Barlow)

Mr. Fincke was present and was represented by Jeffrey S. Howell, Esq. An administrative complaint filed December 20, 2012 alleged violation of s. 491.009(1)(w), F.S., through a violation of s. 491.005(4)(c), F.S., regarding private practice without supervision on the premises while providing services.

A settlement agreement was presented to the Board with the following terms: appearance; fine of \$250 and costs not to exceed \$2,500 within 90 days; letter of concern; 8 hour CE laws and rules course; and a laws and rules affidavit within 30 days.

Ms. Macomber and Dr. Barlow were recused due to service on the probable cause panel. Actual costs are \$1,624.05. Following discussion, the following action was taken by the Board:

Motion: by Ms. Gillespy to reject the settlement agreement.
Second: by Ms. White.
Vote: Unanimous.

Motion: by Mr. Roberts to accept the settlement agreement as presented with the addition of a reprimand in lieu of the letter of concern and to require that he take the 8 hour laws and rules course in person within 3 months.

Second: by Ms. White.
Vote: Unanimous.

The settlement agreement was accepted.

When he applies for mental health counseling licensure, his application will be reviewed by a credentialing committee.

Cynthia Ann Wall, Registered MHC Intern, Case No. 2012-09967 (PCP: Macomber, Szuch, and Barlow)
Ms. Wall was present and was represented by Jeffrey S. Howell, Esq. An administrative complaint filed December 20, 2012 alleged violation of s. 491.009(1)(w), F.S., through a violation of s. 491.005(4)(c), F.S., regarding private practice without supervision on the premises while providing services.

A settlement agreement was presented to the Board with the following terms: appearance; fine of \$250 and costs not to exceed \$2,000 within 90 days; letter of concern; 8 hour CE laws and rules course; and a laws and rules affidavit within 30 days.

Ms. Macomber and Dr. Barlow were recused due to service on the probable cause panel. Actual costs in this case are \$1,197.36. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to reject the settlement agreement as presented.
Second: by Ms. Gillespy.
Vote: Unanimous.

Motion: by Ms. White to accept the settlement agreement as presented with the addition of a reprimand in lieu of the letter of concern and to require that she take the 8 hour laws and rules course in person within 3 months.

Second: by Ms. Gillespy.
Vote: Unanimous.

The settlement agreement was accepted.

When she applies for mental health counseling licensure, her application will be reviewed by a credentialing committee.

Barbara L. Morales-George, LMHC, Case No. 2011-14735 (PCP: Buller, Douglas, Otis)
Ms. Morales-George was not present nor represented by counsel. An administrative complaint filed February 21, 2013 alleged violation of s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(II), F.S., of being convicted or entering a plea of guilty or nolo contendere to one count of conspiracy to commit health care fraud. Morales-George was sentenced to 12 months in state prison and suspension from participation in Medicaid program. She pled guilty to Count 1 of the indictment and agreed to entry of personal money judgment of \$6,298,549.

Ms. Douglas 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 respondent was properly served and has waived her right to a formal hearing.

Second: by Ms. Macomber.

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 materials under tab C, which includes the investigative file and addendum materials into evidence in this proceeding.

Second: by Ms. White

Vote: Unanimous.

Motion: by Ms. Macomber to find the respondent in violation of Florida Statutes as charged in the administrative complaint.

Second: by Ms. White.

Vote: Unanimous.

The Department recommended that the license be revoked.

Motion: by Ms. Macomber to revoke her license.

Second: by Ms. White.

Vote: Unanimous.

A Motion to Assess Costs of \$357.55 was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to deny the costs.

Second: by Ms. White.

Vote: Unanimous.

Rose L. McGahee, LMHC, Case No. 2012-12793 (PCP: Buller, Douglas, Otis)

This case was continued to the October meeting.

Nichole E. Eckert, LMHC, Case No. 2011-03049 (PCP: Buller, Douglas, Otis)

Ms. Eckert was not present nor represented by counsel. An Administrative Complaint filed February 21, 2013 alleged violation of s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(II), F.S., by being convicted of a crime related to health care fraud. Complaint alleges she was employed at American Therapeutics with scheme to defraud Medicare Program of payments of \$200 million for unnecessary treatments for elderly and disabled.

A Voluntary Relinquishment of License was presented to the Board in which she agrees to never reapply for licensure under Chapter 491, F.S.

Ms. Douglas 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 of license.

Second: by Mr. Roberts.

Vote: Unanimous.

Paul Thomas Layman, LCSW. Case No. 2013-04261 (Waived Probable Cause)

Mr. Layman was not present and was not represented by counsel. The respondent was alleged to have violated s. 456.072(1)(dd), (kk), F.S., of violating any provision involving termination from the state Medicaid program.

A Voluntary Relinquishment of License with notary date of May 3, 2013 was presented to the Board in which he agrees to never reapply for licensure as a clinical social worker.

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

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

Second: by Ms. Gillespy.

Vote: Unanimous.

Susan Denise Sorensen, Registered CSW Intern, Case No. 2013-05920 (Waived Probable Cause)

Ms. Sorensen was not present nor represented by counsel. Allegations from the investigative report dated June 25, 2013 cite violations of s. 491.009(1)(p), (w), and s. 456.072 (1)(z), (dd),(hh), F.S., including termination from treatment program.

A Voluntary Relinquishment of License dated June 25, 2013 was presented to the Board. Following discussion, the following action was taken by the Board:

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

Second: by Ms. Douglas.

Vote: Unanimous.

APPEARANCES

Hany Urdaneta, Registered MHC Intern Applicant

Ms. Urdaneta 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 require her appearance within the next 2 board meetings.

Second: by Mr. Roberts.

Vote: Unanimous.

Shannon Hobson, CSW Licensure Applicant

Appearance was waived as her application had been approved based on review of PRN evaluation.

Marion Gwizdala, Registered MHC Intern Applicant

Mr. Gwizdala was present and was not represented by counsel. He is appearing due to an affirmative response on the applicant history section of the application. Debbie Troupe, Chief Compliance Officer of Professional Resource Network spoke to the board.

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

Motion: by Ms. White to deny the application for reason of crime related to practice, past history.

Second: by Dr. Barlow.

Vote: Unanimous.

PETITIONS FOR VARIANCE OR WAIVER OF RULE

Reconsideration: Judith Ella for Jessica Monroe

Ms. Elia and Ms. Monroe were present to discuss the variance and waiver presented to the Board at the May meeting. They were unable to attend that meeting and are requesting a reconsideration of the denial of the 34.33 hours of supervision while employed at Child Guidance Center.

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

Motion: by Ms. Macomber to reconsider the prior denial.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. Macomber to approve the variance and waiver.

Second: by Ms. Douglas.

Vote: Unanimous.

Timothy Mason, MHC Licensure Applicant

Mr. Mason was not present and was not represented by counsel. He filed a petition for variance or waiver to Rule 64B4-3.0015. He is seeking waiver of the requirement that supervised experience be obtained from a person holding the qualifications listed in the rule. Mr. Mason obtained clinical supervision in Maryland and his supervisor was licensed in Maryland as a Licensed Clinical Alcohol and Drug Counselor.

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

Motion: by Ms. White to deny the petition for variance or waiver as it does not meet statutory requirement.

Second: by Ms. Macomber.

Vote: Unanimous.

James McManus, MHC Licensure Applicant

Mr. McManus was present and was not represented by counsel. He is requesting a variance and waiver to Rule 64B4-3.0085, F.A.C. to have internship hours counted toward licensure for period of November 2011 through December 2012. He spent over \$2,000 in weekly internship meetings and it would be hardship on his family.

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

Motion: by Ms. Macomber to approve the variance and waiver.

Second: by Ms. White.

Vote: Motion passed with Mr. Roberts opposed.

Krista Markham, CSW Licensure Applicant

Ms. Markham was present and was not represented by counsel. She is requesting a variance and waiver to supervision rule for 31 weeks as the supervisor had submitted the letter late after supervision had begun.

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

Motion: by Ms. Macomber to approve the variance and waiver.

Second: by Ms. Douglas.

Vote: Motion passed with Mr. Roberts opposed.

Lisa Smith, Registered MHC Intern

Ms. Smith was not present and was not represented by counsel. She is requesting a variance and waiver for her hours under Dr. Lopresti and for 527.5 hours toward her 1500 hour requirement.

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

Motion: by Ms. Macomber to approve the variance and waiver.

Second: by Ms. White.

Vote: Motion failed.

Motion: by Dr. Day to deny the petition for variance or waiver.

Second: by Ms. White.

Vote: Motion passed with Ms. Macomber and Ms. Bridgman opposed.

Sarah Winnig, Registered MHC Intern

Ms. Winnig was present and was not represented by counsel. She is requesting a variance and waiver to supervision rule to count her hours with her supervisor. Her supervisor, Louisa Etheredge, would not sign documentation that she met minimum standards of practice.

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

Motion: by Ms. Gillespy to deny the petition for variance or waiver on grounds that she has not met the purpose of the underlying statute.

Second: by Mr. Roberts.

Vote: Unanimous.

Motion: by Mr. Roberts to deny the hours of supervised experience based on the qualified supervisor indicating she has not met the minimum standards of practice.

Second: by Ms. Macomber.

Vote: Unanimous.

Elizabeth Jacobson, Ph.D., LMHC

Dr. Jacobson was present and was not represented by counsel. She is requesting a variance to the 5 year rule for qualified supervisors (64B4-31.007, F.A.C.) as her doctoral program consisted of 83 hours; most of it counselor supervision.

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

Motion: by Mr. Roberts to deny the petition for variance or waiver.

Second: by Dr. Day.

Vote: Unanimous.

Dawn Sweeten, LCSW

Ms. Sweeten was present. She writes on behalf of Christine Rothberg, also present. She took over clinical supervision in November 2011 and they have completed 55 sessions. No notice was sent to the Board regarding the change in supervisors.

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

Motion: by Ms. Macomber to approve the petition for variance or waiver.

Second: by Ms. Douglas.

Vote: Motion carries with Mr. Roberts opposed.

Elisha Contner, LMFT

Ms. Contner was present and was not represented by counsel. Ms. Contner provided supervision to Patricia Duda beginning December 19, 2012. A variance or waiver is requested to count the supervision hours and client contact hours between December 19, 2012 and April 17, 2013.

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

Motion: by Ms. Macomber to approve the petition for variance or waiver.

Second: by Ms. Douglas.

Vote: Motion carries with Mr. Roberts opposed.

The board discussed sending out a reminder e-mail or post card regarding the changes to Rule 64B4-3.0085, F.A.C. This rule will be discussed later in the agenda.

APPLICATION REVIEW

Denise Gattuso, MHC Licensure Applicant

The issues with this application had been resolved; therefore, no Board action was needed.

Panayiotis Pete Constantas, Registered MHC Intern Applicant

Mr. Constantas was not present and was not represented by counsel. Staff review of the application shows completion of 5 of the required courses for mental health counselor intern license. Maimonides University was never an accredited institution and the American Academy of Clinical Sexologists is not a regionally accredited institution, therefore, coursework completed at these institutions would not meet statutory requirements. No practicum letter was ever received from Montclair State University.

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

Motion: by Ms. White to deny the application because he has not met the statutory requirements.

Second: by Dr. Day.

Vote: Unanimous.

David Burks, Registered CSW Intern Applicant

Mr. Burks was not present and was not represented by counsel. He is appearing due to an affirmative response on the applicant history section of his application.

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

Motion: by Ms. White that an under graduate program is not defined as being in a program relevant to his profession.

Second: by Ms. Macomber.

Vote: Unanimous.

Sharleen Nwakwesi, CSW Licensure Applicant

Ms. Nwakwesi was not present nor represented by counsel. Her application is under review as education was completed in Ontario. She is also requesting that her exam be reviewed for equivalency to the ASWB clinical level exam.

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

Motion: by Ms. White to accept the coursework as equivalent to the statutory requirement.

Second: by Dr. Barlow.

Vote: Unanimous.

Motion: by Ms. White to deny the exam she took in Canada; it is not substantially equivalent to the ASWB clinical exam.

Second: by Dr. Barlow.

Vote: Unanimous.

Motion: by Ms. Macomber to approve her to sit for the exam.

Second: by Ms. White.

Vote: Unanimous.

RULES DISCUSSION

64B4-3.0035, Required 8 Hour Laws/Rules Course

The board discussed the rule requirement that this course be interactive. The rule states that laws and rules courses may be offered on-line but must comply with the real time (contemporaneous) interactive discussion of clinical case examples. Jim Akin, executive director of the FL Chapter of NASW, Ed Bayo, esq., representing ACE-Classes.com, Ron Black, LCSW with CE Classes.com., Dr. Larry Barlow, executive director of Florida Marriage and Family Therapy Association, Leesa Robertson, Bayside CEU.com, and Alicia Homrich, Rollins College spoke to the issue. After discussion, the board indicated the laws and rules course may continue to be taught on-line and the entire 8 hours is not required to be interactive; however, the Board will have a workshop on this rule at the October 2013 or a subsequent board meeting.

64B4-3.0085(3)(b), Intern Registration

This is a request by Dee Ramer, board staff supervisor, to allow email correspondence and email approval of supervisors. The Board approved this concept and Board counsel will draft language for the next board meeting.

64B4-6.0046, Renewal Laws and Rules Courses

Ms. Loucks, Board Counsel, presented a rule draft for a 3 hour laws and rules course that would be required every third biennium (every 6 years) for renewal of a license.

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

Motion: by Ms. Macomber to notice this rule for rule development.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber to approve the amended draft.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber that this will not affect small business.

Second: by Ms. White.

Vote: Unanimous.

VACATE ORDER OF INTENT TO DENY

Application of Irene M. Acosta for MHC Intern Registration

This is a request by Ms. Acosta's attorney to vacate the application denial. She would like to withdraw her application.

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

Motion: by Mr. Roberts to vacate the order of intent to deny and accept the withdrawal.
Second: by Ms. Douglas.
Vote: Unanimous.

OTHER BUSINESS

Ratification of Continuing Education Providers

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

Motion: by Ms. Macomber to approve the amended list of continuing education providers.
Second: by Dr. Day.
Vote: Unanimous.

Committee of One Actions

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

Motion: by Ms. Macomber to ratify the committee of one actions.
Second: by Ms. Douglas.
Vote: Unanimous.

Exemption Applications

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

Motion: by Ms. Macomber to ratify approval of the exemption.
Second: by Ms. Gillespy.
Vote: Unanimous.

Application Denials

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

Motion: by Ms. Macomber to deny the amended list of applicants for the reasons stated.
Second: by Dr. Day.
Vote: Unanimous.

Ratification of Applicants

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

Motion: by Ms. Macomber to ratify the approval of license numbers listed.
Second: by Dr. Day.
Vote: Unanimous

REPORTS

Prosecuting Attorney

Ms. Jones reported that as of July 31, 2013 the Prosecution Services Unit had 70 open disciplinary cases. Of the 70 cases, 23 are under legal review, 21 are pre-probable cause and 24 cases are priority one. Six cases were heard at this Board meeting and 2 have requested an appeal. Ms. Jones asked that the Board grant permission to continue working on the 17 cases that are over a year old.

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

Second: by Mr. Roberts.

Vote: Unanimous.

Assistant Attorney General

Ms. Loucks reviewed her rules report with the Board.

The following rule was approved on 05/02/2013 and published for rule development on 07/08/2013.
Rule 64B4-3.0015 Verification of Supervised Experience for Clinical Social Work, Marriage and Family Therapy and Mental Health counseling Applicants.

Ms. Loucks provided an appellate decision concerning the exemption statute and a 2008 AG opinion regarding Groupon for the Board's review.

Executive Director

Ms. Foster provided budget information for the Board's review. She also directed the board to the unlicensed activity report and the renewal report which had the numbers and percentages of licensees and interns that had recently renewed.

FOR YOUR INFORMATION

2014 Meeting Dates

Proposed meeting dates for 2014:

January 23-24, 2014

April 24 -25, 2014

July 31 – August 1, 2014

October 23-24, 2014

CS for SB 248

Motion: by Ms. Macomber to continue delegation of PRN referrals to appropriate board member licensed in that discipline

Second: by Ms. Douglas.

Vote: Unanimous.

NCMHCE Registration: New Service

Website Therapist Profile

CS for CS for SB 1368

ADJOURNMENT

The meeting recessed at 6:15 p.m. on Thursday and adjourned at 10:00 a.m. on Friday.