

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

**January 29, 2015 at 12:00 p.m.**

**Omni Orlando Resort at ChampionsGate  
1500 Masters Blvd.  
ChampionsGate, FL 33896  
(407) 390-6664**

**CALL TO ORDER/ROLL CALL**

The meeting was called to order on Thursday, January 29, 2015 at 12:00 noon by Dr. Barlow, Chair and adjourned at 6:00 p.m. Those present for all or part of the meeting included the following:

**Members present:**

Sandra Barlow, Ph.D., LCSW, Chair  
Jamie Buller, LCSW, Vice-Chair  
Mary Bridgman, Esq.  
William Day, Ph.D., LMHC  
Susan Gillespy, LMFT  
Mary Macomber, Esq.  
William Cavitt, Ed.D. LMHC  
Helen Douglas, R.D.H.  
Denny Cecil-Van Den Heuvel, Ph.D., LMFT, LMHC

**Staff present:**

Deborah Loucks, Board Counsel  
Elana Jones, Prosecutor  
Sue Foster, Executive Director  
Dee Ramer, Regulatory Supervisor  
Court Reporter: Dempster Berryhill  
(813) 229-8225

**REVIEW AND APPROVAL OF MINUTES**

The minutes of the October 23-24, 2014 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. Douglas.

Vote: Unanimous.

**DISCIPLINARY PROCEEDINGS**

**Nancy Merced-Sola, LMHC, Case No. 2011-03043**

Ms. Merced-Sola was not present nor represented by counsel. An administrative complaint filed August 27, 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 of a crime related to health care fraud. On or about January 17, 2013, respondent pled guilty to and was adjudicated guilty of one count of conspiracy to commit health care fraud/Medicare fraud. She was sentenced to probation for 3 years and restitution of \$3,000,000.

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

Second: by Dr. Day.

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 findings of fact set forth in the administrative complaint as the Board's findings of fact in this proceeding.

Second: by Ms. Douglas.

Vote: Unanimous.

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

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. Macomber to adopt the agenda materials under Tab A and any addendum materials into evidence in this proceeding.

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. Douglas.

Vote: Unanimous.

Department's recommendation: revocation.

Motion: by Ms. Macomber to revoke her mental health counseling license.

Second: by Dr. Day.

Vote: Unanimous.

A motion to assess costs of \$728.77 was presented to the Board and following discussion, the following action was taken:

Motion: by Ms. Macomber to deny the Department's motion for costs.

Second: by Dr. Day.

Vote: Unanimous.

**Lindsey Kate Babcock, Registered MHC Intern, Case No. 2013-06948**

Ms. Babcock was not present nor represented by counsel. A two count administrative complaint was filed October 16, 2014 alleging the independent private practice without supervision by an intern. Respondent has not been supervised by an approved supervisor for three years. According to promotional materials, she offers to provide individual and family psychotherapy services in her own private practice location. Violation of s. 491.005(4)(c), F.S., and s. 491.0045(3), F.S.

Ms. Bridgman was recused due to her 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 waived her right to a formal hearing.

Second: by Dr. Denny.

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 findings of fact set forth in the administrative complaint as the Board's findings of fact in this proceeding.

Second: by Ms. Gillespy.

Vote: Unanimous.

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

Second: by Ms. Douglas.

Vote: Unanimous.

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

Second: by Ms. Gillespy.

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.

Department's recommendation: reprimand, fine of \$1,000.00 payable within 90 days, costs payable within 90 days, suspension of license for one year, and probation for one year.

Motion: by Ms. Macomber to revoke her registered mental health counselor intern license based on her providing clinical services without a qualified supervisor; lying to her qualified supervisor; telling her that she was a licensed mental health counselor; and her lack of response to the Department.

Second: by Ms. Douglas.

Vote: Unanimous.

A motion to assess costs of \$1,371.17 was presented to the Board.

Following discussion, the following action was taken:

Motion: by Ms. Macomber to accept the Department's motion to assess costs.

Second: by Dr. Denny.

Vote: Unanimous.

**Dennis Malloy Gay, LCSW, Case No. 2013-14192**

Mr. Gay was not present nor represented by counsel. An administrative complaint filed February 20, 2014 alleged violation of s. 491.009(1)(t), F.S., of violation of a lawful order of the board entered in a disciplinary hearing by failure to pay an administrative fine of \$1,000.00 and costs of \$1,275.27 within 90 days.

Motion: by Ms. Macomber to find that the respondent was properly served and waived his right to a formal hearing.

Second: by Ms. Douglas.

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 findings of fact set forth in the administrative complaint as the Board's findings of fact in this proceeding.

Second: by Ms. Gillespy.

Vote: Unanimous.

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

Second: by Ms. Gillespy.

Vote: Unanimous.

Motion: by Ms. Macomber to adopt the agenda materials under Tab C and any addendum materials into evidence in this proceeding.

Second: by Ms. Gillespy.

Vote: Unanimous.

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

Second: by Dr. Day.

Vote: Unanimous.

Department's recommendation: a reprimand, fine of \$250.00 to be paid within 90 days, along with the previous fine from Case 2011-17301.

Motion: by Ms. Buller to revoke his license due to his violating the final order from November 15, 2012.

Second: by Ms. Macomber.

Vote: Unanimous.

A motion to assess costs of \$960.89 was presented to the Board and following discussion, the following action was taken:

Motion: by Ms. Gillespy to deny the Department's motion for costs.

Second: by Ms. Buller.

Vote: Unanimous.

**Dana Gonzalez, Registered CSW Intern, Case No. 2013-07342**

Ms. Gonzalez was not present nor represented by counsel. An administrative complaint filed August 27, 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 nolo contendere to one count of conspiracy to commit health care fraud.

Ms. Gillespy was recused due to service on the probable cause panel. A voluntary relinquishment of license was presented to the Board and following discussion, the following action was taken by the Board:

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

Second: by Dr. Denny.

Vote: Unanimous.

## **LICENSURE HEARING**

### **Terrilynn Neipert, Registered MFT Intern Applicant**

Ms. Neipert was present and was not represented by counsel. A notice of intent to deny was filed on November 18, 2014. This matter came before the Board at the October 23-24 meeting and the applicant was not present. The Board voted to deny the application because applicant has a master's degree in special education, not a closely related field to marriage and family therapy.

Applicant is requesting a hearing regarding her education and current enrollment in a doctoral program in marriage and family therapy.

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

Motion: by Ms. Macomber to uphold the notice of intent to deny.

Second: by Dr. Denny.

Vote: Unanimous.

The board welcomed master's level students in Marriage and Family Therapy from the University of Florida and Mental Health Counseling students from Rollins College.

## **APPEARANCES**

### **Lisa Ann Dominguez, Registered MHC Intern Applicant**

Ms. Dominguez was not present and was not represented by counsel. The Board has required an appearance based on affirmative responses to the applicant history section of the application.

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

Motion: by Ms. Macomber to deny her registered mental health counselor application due to her failure to appear before the board to demonstrate she is safe to practice.

Second: by Dr. Day.

Vote: Unanimous.

## **PETITIONS FOR VARIANCE OR WAIVER OF RULE**

### **Chrishinda T. Dempsey, Rule 64B4-3.003, F.A.C.**

Ms. Dempsey was not present and was not represented by counsel. She is requesting that the Board waive the score on her last examination due to financial hardship.

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

Motion: by Ms. Macomber to deny her petition for variance or waiver.

Second: by Ms. Bridgman.

Vote: Unanimous.

### **Neil J. Rampy, LCSW, Rule 64B4-11.007, F.A.C.**

Mr. Rampy was not present and was not represented by counsel. He is seeking to become a qualified supervisor of clinical social workers. He is an active duty officer in the U.S. Navy serving in Guam. He is unable to travel to Florida to attend a CE course for clinical supervision and is requesting waiver of the requirement to attend a supervision course in-person.

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

Motion: by Ms. Macomber to waive the requirement for an in person supervisory training course to become a qualified supervisor. The supervision course requirement may be completed by distance training unless he returns to the United States prior to completion of the course.

Second: by Ms. Gillespy.

Vote: Unanimous.

**Jennifer Bilot, PhD, LMHC, Rule 64B4-31.007 F.A.C.**

Dr. Bilot was not present and was not represented by counsel. She is requesting that her doctoral level training in supervision fulfill the requirement of qualified supervisor for mental health counselors.

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

Motion: by Dr. Day to deny the petition because there was no documentation of an economic, technological, legal or other type of hardship.

Second: by Ms. Macomber.

Vote: Unanimous.

**APPLICATION REVIEW**

**Christina Lerch, Registered MHC Intern**

Ms. Lerch was present and was not represented by counsel. She has included information from PRN and has requested an appearance before the Board to discuss some concerns she has. Ms. Jean Dupree, Professionals Resource Network (PRN) spoke to the Board and answered questions from the Board and Ms. Lerch. No action was taken by the Board.

**Paul C. Jones, Registered MHC Intern Applicant**

Mr. Jones was not present and was not represented by counsel. Mr. Jones attended Cornerstone University, which is not regionally accredited.

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

Motion: by Dr. Cavitt to deny his registered mental health counseling intern application due to Cornerstone University not being regionally accredited as required by statute.

Second: by Dr. Denny.

Vote: Unanimous.

**Jimmy Floyd Pickett, MHC Licensure Applicant**

Mr. Pickett was present and was not represented by counsel. The applicant's file is being referred to the Board for review of his coursework.

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

Motion: by Ms. Macomber to deny his mental health counselor licensure application based on his not having completed a 3 semester or 4 quarter hour graduate level course in: (1) Human Sexuality, (2) Group Theories & Practice, (3) Career & Lifestyle Assessment, (4) Substance Abuse; and (5) Legal, Ethical & Professional Standards Issues in the practice of mental health counseling; nor passing the National Clinical Mental Health Counseling Exam (NCMHCE).

Second: by Ms. Douglas

Vote: Unanimous.

### **Daniel Selsky, Registered CSW Intern Applicant**

Mr. Selsky was present and was not represented by counsel. He 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. Buller to approve his registered CSW intern application.

Second: by Ms. Macomber.

Vote: Unanimous.

### **Eric Kilmer, Registered MHC Intern Applicant**

Mr. Kilmer was present and was not represented by counsel. He is appearing due to an affirmative response on the applicant history section of the application. Dr. Day was recused from the discussion and vote due to Mr. Kilmer being a former student.

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

Motion: by Ms. Buller to approve his registered MHC intern application as long as Mr. Kilmer agrees to continue in A. A. meetings, comply with his medication management and self-reports to the Board quarterly, along with quarterly reports from his qualified supervisor; both of which will be reviewed by Dr. Denny. He is to appear before the Board once he has completed his post-masters supervised experience and is ready to apply for MHC licensure.

Second: by Ms. Macomber.

Vote: Unanimous.

## **TOPIC DISCUSSIONS**

### **Healthiest Weight**

Ms. Foster discussed the Surgeon General's Healthiest Weight initiative with the Board. She stated that Florida's #1 threat to public health is unhealthy weight. By 2030, 60% of the population will be obese. She discussed the Board Chair/Vice Chair meeting where this was a prominent topic and the July 14, 2014 meeting with the Healthy Weight board liaisons and the videos that are on the various websites. The power-point with the various statistics was contained in the agenda beginning on page 609. The goal is to bend the weight curve by 5% in the next 3 years – see page 611. Also, the Board was referred to talking points to use with patients beginning on page 618 and the Choose My Plate information.

Board members discussed this initiative and noted that another problem is labelling of food/drinks – some do not contain adequate information for consumers to make informed decisions.

## **RULES DISCUSSION**

### **64B4-2.002, F.A.C.**

The Board revisited the rule draft defining supervision using online or other electronic methods presented by board counsel at the October 2014 board meeting. Following discussion, the Board asked Ms. Loucks to make revisions to the rule to add that: group supervision will not be allowed electronically, the supervision may not be done by phone, and the supervisor must be a Florida licensed qualified supervisor.

The Board also asked Ms. Loucks to develop language for parenthesis (1)(a-c) in this rule to make it clearer as to what the ratio of supervision hours to hours of psychotherapy requirements are. Ms. Loucks will bring the revised rule language back to the Board at the meeting in April 2015.

**64B4-3.0035, F.A.C.**

Richard Kaplan, Esq. and Kathleen McCarthy, Esq. from ACE – Classes, provided information regarding the 8 hour interactive laws and rules course. Mr. Kaplan has consulted with the NBCC continuing education policies and procedures to define “interactive.”

The Board discussed revised language of this rule. Donna Ross of A. A. Ross Counseling and Jim Akin, Executive Director of the Florida Chapter of NASW were present and offered comments.

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

Motion: by Ms. Macomber to accept the language as presented; deleting parenthesis (7) requiring registered interns to complete the 8 hour laws and rules course within their first year of licensure as the Board does not have statutory authority to do so.

Second: by Ms. Douglas.

Vote: Motion passes with Dr. Day, Dr. Denny, Dr. Barlow, and Ms. Buller against.

Motion: by Ms. Macomber that this does not have an adverse effect on small businesses.

Second: by Ms. Douglas.

Vote: Motion passes with Dr. Denny, Dr. Barlow and Ms. Buller unsure if it does or doesn't impact small businesses.

Motion: by Ms. Buller that no Statement of Estimated Regulatory Costs (SERC) is required.

Second: by Ms. Macomber.

Vote; Unanimous.

**64B4-11.007, F.A.C., 64B4-21.007, F.A.C. and 64B4-31.007, F.A.C.**

The Board discussed the possibility of requiring qualified supervisors to take a supervisory training refresher course as part of their renewal CE requirements. They asked Ms. Loucks to develop language.

**OTHER BUSINESS**

**Exemption Applications**

Motion: by Ms. Buller to ratify the exemption that was granted by the board member.

Second: by Ms. Gillespy.

Vote: Unanimous.

**Ratification of Continuing Education Providers**

Motion: by Ms. Macomber to ratify the CE Providers listed.

Second: by Ms. Douglas.

Vote: Unanimous.

**Committee of One Actions**

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

Second: by Ms. Gillespy.

Vote: Unanimous.

**License Ratification**

Motion: by Ms. Macomber to ratify the license numbers listed.

Second: by Ms. Bridgman.

Vote: Unanimous.

**Application Denials**

Motion: by Ms. Macomber to deny the list of applicants for the grounds listed.

Second: by Ms. Douglas.

Vote: Unanimous.

**Annual Renewal of Delegations**

Continued until the April 2015 board meeting.

**Election of Officers**

Motion: by Dr. Day to re-elect Dr. Barlow as Chair.

Second: by Dr. Denny.

Vote: Unanimous.

Motion: by Dr. Day to re-elect Ms. Buller as Vice-Chair.

Second: by Dr. Denny.

Vote: Unanimous.

**Order to Vacate**

Motion: by Ms. Macomber to vacate the notice of intent to deny of Dr. Carol Clark, CE Provider applicant due to applicant providing supplemental materials, which allowed her to meet the application requirements.

Second: by Ms. Bridgman.

Vote: Unanimous.

**REPORTS**

**Assistant General Counsel**

Ms. Jones reported that as of January 26, 2015, the Prosecution Services Unit had 76 open disciplinary cases.

- 35 Cases under legal review
- 16 Cases awaiting probable cause determination
- 25 Cases where probable cause has been found

Ms. Jones asked that the Board grant permission to continue working on the 30 cases that are one year and older.

2009	1
2010	3
2011	1
2012	5
2013	18
<u>2014</u>	<u>2</u>
TOTAL	30

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

Second: by Ms. Douglas.

Vote: Unanimous.

**Assistant Attorney General**

Ms. Loucks stated that the rules had previously been discussed in the meeting.

### **Executive Director**

Ms. Foster stated that 31,704 renewal applications have been sent out and licensees have until March 31 to renew their licenses.

### **Board Members**

Dr. Barlow attended the Spring Meeting of ASWB and was elected to the Nominating Committee. Ms. Macomber also attended the meeting and was re-elected to the By-Laws Committee.

### **FOR YOUR INFORMATION**

Cease and Desist Notices

HB 83

#### **NBCC Exam Process for Mental Health Counseling Clinical Exam**

The board office is in the process of changing the manner in which mental health counseling applicants comply with one of the requirements for licensure. Licensure applicants and intern registration applicants who have completed their master's degree in mental health counseling or a related field from a regionally accredited university will apply to the Center for Credentialing and Education (CCE) to take the National Clinical Mental Health Counseling Examination (NCMHCE). The board's website has been changed and call center staff have been apprised of this change.

This is a workload issue for staff who have gone from 1129 MHC applications per year to 2500 MHC applications with same staff. To streamline the process and free existing staff for application review, the change was needed.

### **ADJOURNMENT**

The meeting adjourned at 6:00 p.m.