

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

July 30, 2015 at 8:30 a.m.

**Safety Harbor Resort & Spa
105 North Bayshore Drive
Safety Harbor, FL 34695
(727) 726-1161**

CALL TO ORDER/ROLL CALL

The meeting was called to order on Thursday, July 30, 2015 at 8:30 a.m. by Ms. Buller, Chair. Those present for all or part of the meeting included the following:

Members present:

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

Staff present:

Deborah Loucks, Board Counsel
Elana Jones, Prosecutor
Sue Foster, Executive Director
Robin McKenzie, Program Administrator
Dee Ramer, Regulatory Supervisor
Court Reporter: Murray & Associates
Court Reporting (813) 229-8225

Member absent:

Fabio Andrade, (excused)

Ms. Buller welcomed students from the University of South Florida.

REVIEW AND APPROVAL OF MINUTES

The minutes of the April 23, 2015 general business meeting were reviewed and following review, the following action was taken by the Board:

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

Second: by Ms. Macomber.

Vote: Unanimous.

DISCIPLINARY PROCEEDINGS

Kathryn Lee Freidman, LMHC, Case No. 2014-08875

Ms. Freidman was present and was represented by Rachel Davant, Esq. An administrative complaint filed February 12, 2015 alleged violations of s. 491.009(1) (r), F.S., of failure to meet minimum standards by soliciting her patient to help her financially by borrowing funds of \$85,000 from patient.

A settlement agreement was presented to the Board with the following terms: reprimand, fine of \$2,500 payable within 180 days, costs of \$4,300 payable within 180 days; probation with required supervision, terms.

The patient was also in attendance and addressed the Board. Ms. Macomber 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. Gillespy to accept the settlement agreement as presented.
Motion failed for lack of a second.

Motion: by Ms. Bolhouse to reject the settlement agreement as presented.
Second: by Dr. Denny.
Vote: Motion passed with Ms. Gillespy and Ms. Buller opposed.

Motion: by Dr. Denny to offer a counter settlement agreement with the following terms: the settlement agreement as presented previously with the addition of a one year suspension and at the end of the suspension, Ms. Freidman would be on 5 years of supervised probation; including all elements of probation shown within the probation rules; and the completion of the 3-day ethics and boundary course offered by the Professional Renewal Center (PRC) within the first year of probation.
Second: by Ms. Douglas.
Vote: Unanimous.

Jean D'Aprix from Professional Resource Network spoke to the Board about the PRC course.

Jonathan Roberto Alvarez, Registered MFT Intern, Case No. 2013-08857

Mr. Alvarez was not present nor represented by counsel; however, he sent a letter for the Board's review as he is serving a 5 year sentence in federal prison for distribution of underage pornography. An administrative complaint filed October 15, 2014 alleged violations of s. 491.009(1)(t), F.S., through a violation of 456.072(1)(c), F.S., of being convicted or found guilty or entering a plea of nolo contendere to a crime which relates to the practice of marriage and family therapy.

Ms. Macomber was recused due to service on the probable cause panel. Ms. Elana Jones, Esq., prosecutor for the Department, requested that this case and the following case be heard simultaneously. Following discussion, the following action was taken by the Board:

Motion: by Dr. Day to find that respondent was properly served and waived his right to a formal hearing.
Second: by Ms. Douglas.
Vote: Unanimous.

Motion: by Ms. Gillespy to accept the agenda materials and any addendum materials into evidence for purposes of imposing penalty.
Second: by Ms. Douglas.
Vote: Unanimous.

Motion: by Dr. Cavitt 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. Gillespy to adopt the allegations of law set forth in the administrative complaint as the Board's conclusions of law.
Second: by Dr. Day.
Vote: Unanimous.

Motion: by Dr. Day 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. Douglas to accept the department's recommendation of revocation.

Second: by Dr. Denny.

Vote: Unanimous.

A Motion to Assess Costs of \$677.74 was presented to the Board.

Motion: by Dr. Denny to deny the motion for costs for both cases.

Second: by Ms. Douglas.

Vote: Unanimous.

Jonathan Roberto Alvarez, Registered MFT Intern, Case No. 2013-08841

Mr. Alvarez was not present nor represented by counsel. An administrative complaint filed January 28, 2014 alleged violation of s. 491.009(1)(p), F.S., of inability to practice with reasonable skill and safety to patients due to sexual disorder. Mr. Alvarez' case was previously before the Board on August 1, 2014; however, he was not present at the hearing. The Board rejected the settlement agreement offered by the Department and requested that the license be voluntarily relinquished. An Order of Emergency Restriction of Registration had been ordered and filed on January 14, 2014.

Ms. Jones, Esq., prosecutor for the Board, requested that these two cases be heard together.

Tanya S. Perez-Valledor, LMHC, Case No. 2014-09520

Ms. Perez-Valledor was not present nor represented by counsel. A two count administrative complaint filed October 15, 2014 alleged violations of s. 491.009(1)(w), F.S., through a violation of 456.072(1)(II), F.S., respondent pled guilty on August 22, 2013 to one count of conspiracy to commit health care fraud; and 491.009(1)(w), F.S., through a violation of s. 456.072(1)(kk), F.S., by being terminated from the Florida Medicaid program on June 14, 2014. Respondent failed to report the conviction within 30 days as required by law. Respondent is to serve 5 years of probation and restitution of \$5 million.

A Voluntary Relinquishment of License filed April 14, 2015 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. Douglas.

Vote: Unanimous.

William Terence Ganaway, Registered CSW Intern, Case No. 2012-09579

Ms. Gillespy, Vice-Chair, presided over the case.

Mr. Ganaway was not present nor represented by counsel. A three count administrative complaint filed February 21, 2013 alleged violations of s. 491.009(1)(e), F.S., of false, misleading, deceptive advertising by failing to disclose he is only a registered clinical social work intern; 491.009(1)(w), F.S., of violation of law requirement that interns remain under supervision until licensed; and s. 456.063, F.S., of sexual misconduct by engaging or attempting to engage in sexual activity with patient.

Ms. Buller and Ms. Douglas were recused due to service on the probable cause panel. A Voluntary Relinquishment of License filed June 12, 2015 was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Dr. Denny to accept the Voluntary Relinquishment.

Second: by Ms. Macomber.

Vote: Unanimous.

APPEARANCES

Stacy Linn, Registered MHC Intern Applicant

Ms. Linn was present and was not represented by counsel. Ms. Linn is appearing due to an affirmative response on the history section of the application. Ms. Linn asked if it was possible for the length of the PRN contract to be shortened and provided information to the Board indicating she would be able to be compliant with other aspects of the contract through other sources and at no cost. Ms. D'Aprix from PRN, provided the Board with additional information.

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

Motion: by Ms. Macomber to approve her application for MHC internship contingent on her signing the amended PRN contract.

Second: by Ms. Douglas.

Vote: Unanimous.

The amended contract would remain a five year contract with the provision to include reevaluation after completion of two years and termination of the contract at that time could be recommended if all other elements of the contract have been fulfilled by Ms. Linn. Additional amendments to the contract include one random drug screening per month at her place of employment, and weekly attendance in person at AA/NA meetings.

Anais Torres, Registered MHC Intern Applicant

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

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

Motion: by Ms. Gillespy to approve her application for MHC internship.

Second: by Dr. Denny.

Vote: Unanimous.

APPLICATION REVIEWS

Randi Frank, MHC Licensure Applicant

Ms. Frank was not present and was not represented by counsel. Ms. Frank's intern registration is currently on probation. She is applying for her MHC license.

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

Motion: by Ms. Macomber to require her to appear prior to the Board approving/denying her application for licensure.

Second: by Dr. Day.

Following further discussion, motion was withdrawn.

Motion: by Ms. Douglas to deny her application for licensure based on her prior discipline as a registered intern.

Second: by Dr. Denny.

Vote: Unanimous.

Carolyn M. Fisher, CSW Licensure Applicant

Ms. Fisher 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 her application for licensure contingent on her signing the amended PRN contract.

Second: by Ms. Douglas.

Vote: Unanimous.

The amended contract would remain a five year contract with the provision to include reevaluation after completion of two years and termination of the contract at that time could be recommended if all other elements of the contract have been fulfilled by Ms. Fisher. Additional amendments to the contract include one random drug screening per month for the first year, then quarterly until termination of the contract, and weekly attendance in person at AA/NA meetings. Drug screening at Ms. Fisher's place of employment was not approved.

Ms. Buller asked Ms. D'Aprix to relay to PRN that the Board would like PRN to reconsider some of their mental health contractual requirements when the applicant or licensee provides documentation that they are able to meet the same requirements at little or no cost through another source.

Marjorie Judith Levy, Registered CSW Intern Applicant

Ms. Levy 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 her application contingent on her obtaining a PRN evaluation and compliance with any PRN recommendation.

Second: by Dr. Day.

Vote: Unanimous.

Emmanuel Nzuzu, MHC Licensure Applicant

Mr. Nzuzu was not present and was not represented by counsel. Mr. Nzuzu's intern registration was suspended on August 27, 2012 and suspension lifted on October 10, 2012.

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

Motion: by Dr. Denny to deny his application for licensure due to his former discipline and obligations on his registered MHC internship.

Second: by Ms. Gillespy.

Vote: Unanimous.

The Board asked the Department to investigate whether or not Mr. Nzuzu is compliant with his PRN contract.

Miguel E. Cotes, MHC Licensure Applicant

Mr. Cotes was not present and was not represented by counsel. He holds a master's degree from Florida Christian University which is not regionally accredited.

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

Motion: by Ms. Douglas to deny the application as he didn't graduate from a regionally accredited university.

Second: by Dr. Cavitt.

Vote: Unanimous.

Loraine Morrison, CSW Licensure Applicant

Ms. Morrison was present and was not represented by counsel. Staff requests that Board review the documentation submitted regarding her education requirements. CSWE has determined that her degree is equivalent to a master's degree in social work. She is licensed in Illinois and has previously been licensed in two other states.

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

Motion: by Ms. Macomber to approve her application for licensure contingent on her completing a master's level course in psychopathology from a CSWE accredited school of social work.

Second: by Ms. Douglas.

Vote: Unanimous.

MISCELLANEOUS

Kara Frazier, Registered MHC Intern

Review of Alternative Verification of Supervised Experience

Ms. Frazier was not present and was not represented by counsel. She is requesting the Board's assistance with verification of her supervised experience. Attestation from Candice Rasa, Clinical Director at Unity Recovery Group and Ricardo Santiago, Clinical Director are included with her petition. She is requesting that her 78 weeks at Unity be accepted along with the 13 weeks of her previous supervisor and the 9 hours from her current supervisor be counted toward the 100 weeks requirement.

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

The Board requested that a letter be sent to the qualified supervisor requesting a copy of the supervisor's log regarding the supervised experience.

Debbie N. Goldberg, MHC Licensure Applicant

Review of Documentation of Substantially Equivalent Licensure Exam

Ms. Goldberg was not present and was not represented by counsel. Her application is before the Board to review whether her examination, the IC & RC AADC exams taken in 1999 and 2001 are substantially equivalent to the current exam.

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

Motion: by Dr. Denny that the IC & RC AADC exam is not equivalent to the NCMHCE.

Second: by Ms. Douglas.

Vote: Unanimous.

Rachael Dyson, MHC Licensure Applicant

Request to Withdraw Licensure Application

Ms. Dyson sent an email to Ms. McKenzie on June 24, 2015 requesting that her application for MHC licensure be withdrawn.

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

Motion: by Ms. Macomber to reverse the contingent approval of her license and accept the withdrawal application.

Second: by Dr. Denny.

Following further discussion, motion was withdrawn.

Motion: by Ms. Macomber to deny her request to withdraw her application for MHC licensure.
Second: by Dr. Day.
Vote: Unanimous.

**Forensic Training Institute, Board Approved CE Provider
NASW Temporarily Suspended Future CE Approval**

Board office staff has initiated an inquiry regarding this CE Provider following a complaint regarding one of its speakers. Information is included for the Board's review.

Motion: by Ms. Douglas that board counsel issue a notice of intent to rescind their CE provider status.
Second: by Ms. Gillespy.
Vote: Unanimous.

TOPIC DISCUSSIONS

National Accreditation vs. Regional Accreditation: Julie Hayden, Psy.D., Dean, Graduate School of Behavioral Sciences at Southern California Seminary: Request to Present This School and Accrediting Agency

Dr. Julie Hayden, Psy.D., Dean of The Graduate School of Behavioral Sciences at Southern California Seminary, was not present to discuss the college's national accreditation. Dr. Hayden was unable to attend due to last minute travel difficulties and asked Ben Buchmann, graduate of Southern California Seminary to speak to the Board about the accreditation concerns.

Following discussion, the Board reiterated that statute requires applicants to have graduated from a regionally accredited university. Since Southern California Seminary does not meet that requirement, graduates of the program do not meet statutory requirements for licensure.

Can clinical hours count as a case manager?

After discussion, the Board indicated that providing clinical services as a case manager is acceptable. Jim Akin, Executive Director for NASW, FL Chapter spoke to the issue. The Board discussed that case manager may be a classification or job title within an organization and the duties may include the provision of clinical services. The qualified supervisor has the obligation to ensure that the intern is providing clinical services as delineated in statute and rule.

RULES DISCUSSION

64B4-2.002, F.A.C.

The Board's intent in changing the rule language is to make the language more understandable. Jim, Akin, Executive Director of the FL Chapter of NASW, Robin Campbell, LMFT and President of the Tampa Bay Association for MFT and Michael Rhodes, LMFT spoke to the Board about the issue.

Following discussion, the Board asked board counsel to make additional changes to the language and bring the revised language back to the Board at the October 22nd board meeting.

64B4-2.0025, F.A.C.

Motion: by Ms. Macomber to notice the language for rule development. This would require qualified supervisors to complete a 4 hour supervisory training education course every 3rd biennium.

Second: by Ms. Gillespy.
Vote: Unanimous.

Motion: by Ms. Macomber that this will have no impact on small business and a SERC is not required.
Second: by Ms. Gillespy.
Vote: Unanimous.

64B4-6.004, F.A.C.

Motion: by Dr. Denny to notice the language for rule development.

Second: by Ms. Macomber.

Vote: Unanimous.

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

Second: by Dr. Denny.

Vote: Unanimous.

CE Requirement for Qualified Supervisors

This is the same topic as 64B4-2.0025, F.A.C., above and was already discussed by the Board.

64B4-3.002, F.A.C. Suggested for Repeal

Motion: by Ms. Macomber to approve the repeal.

Second: by Ms. Bolhouse.

Vote: Unanimous.

Motion: by Ms. Macomber that the repeal will have no impact on small business and a SERC is not required.

Second: by Ms. Douglas.

Vote: unanimous.

64B4-10.001, F.A.C., Suggested for Repeal

Motion: by Ms. Macomber to approve the repeal.

Second: by Ms. Bolhouse.

Vote: Unanimous.

Motion: by Ms. Macomber that the repeal will have no impact on small business and a SERC is not required.

Second: by Ms. Douglas.

Vote: unanimous.

64B4-11.009, F.A.C. Suggested for Repeal

Motion: by Ms. Macomber to approve the repeal.

Second: by Ms. Bolhouse.

Vote: Unanimous.

Motion: by Ms. Macomber that the repeal will have no impact on small business and a SERC is not required.

Second: by Ms. Bolhouse.

Vote: unanimous.

64B21.009, F.A.C. Suggested for Repeal

Motion: by Ms. Macomber to approve the repeal.

Second: by Ms. Bolhouse.

Vote: Unanimous.

Motion: by Ms. Macomber that the repeal will have no impact on small business and a SERC is not required.

Second: by Ms. Douglas.

Vote: unanimous.

64B4-31.009, F.A.C. Suggested for Repeal

Motion: by Ms. Macomber to approve the repeal.

Second: by Ms. Bolhouse.

Vote: Unanimous.

Motion: by Ms. Macomber that the repeal will have no impact on small business and a SERC is not required.

Second: by Ms. Douglas.

Vote: unanimous.

OTHER BUSINESS

Approved 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. Douglas.

Vote: Unanimous.

Exemption Applications

Motion: by Ms. Macomber to ratify the exemption applications.

Second: by Ms. Douglas.

Vote: Unanimous.

Licenses Ratified

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

Second: by Ms. Douglas.

Vote: Unanimous.

Application Denials

Motion: by Ms. Macomber to deny the list of applicants for the grounds listed, with the amendment to remove one applicant/Fallon, because they waived the 90 day requirement.

Second: by Ms. Douglas.

Vote: Unanimous.

REPORTS

Assistant General Counsel

Ms. Jones reported that as of July 28, 2015, the Prosecution Services Unit had 85 open disciplinary cases.

41 - under legal review

24 - Cases awaiting probable cause determination

19 - Cases where probable cause has been found

Cases prepared for board action 8 – 5 of which are on this agenda.

2009:	1
2010:	1
2011:	1
2012:	13
<u>2013:</u>	<u>17</u>
TOTAL:	37

Ms. Jones asked that the Board grant permission to continue working on the 37 cases that are over a year old.

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

Second: by Ms. Douglas.

Vote: Unanimous.

Assistant Attorney General's Report

The following rule was adopted on 06/10/2015 and became effective on 06/30/2015

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

The following rule language was board approved on 04/23/2015 and the Notice was published on 07/08/2015.

Rule 64B4-3.001 Application for Licensure for CSW, MFT and MHC Applicants.

Rule 64B4-3.003 Examination for Licensure.

Rule 64B4-3.009 Limited Licenses.

Rule 64B4-3.010 Marriage and Family Therapy Dual Licensure.

Rule 64B4-6.002 Approved Courses for Continuing Education.

Executive Director

Budget information was provided for the Board's review.

Strategic Planning – The executive director provided the Board with SWOT (strengths, weaknesses, opportunities and threats) Analysis information and asked for their input. The Board would like to see the following opportunities for improvement in the future: Fingerprinting and Background Checks for the applicants and licensees, limiting the number of years someone can remain a registered intern, require supervision of interns when they go into client's homes, require registered interns to document that they are continuing to receive supervision (as required by the laws and rules of FL) after they have completed the minimum supervision/experience requirement, and address portability issues. The Board has concerns about the public's understanding of services provided by unlicensed individuals such as life coaches, wellness coaches, social workers, therapists, counselors, etc., who are not licensed to offer those services and has identified the need to address issues related to on-line counseling.

FOR YOUR INFORMATION

Information from Amy Cober, FSU College of Medicine AHEC & Tobacco Free FL "Team Up To Quit"

AASCB Correspondence

Website Monthly Statistics

Chicago Tribune Article Regarding Former FL LMHC

CORE and CACREP Press Release

NBCC Affiliate Center for Credentialing & Education Announcement

Supreme Court Decision Addendum

64B4-3.0035, F.A.C., Notice of Change

64B4-4.0051, F.A.C., Technical Changes

64B4-4.013, F.A.C., Technical Changes

64B4-4.014, F.A.C., Technical Changes

64B4-4.015, F.A.C., Technical Changes

64B4-4.016, F.A.C., Technical Changes

ADJOURNMENT

Meeting adjourned at 3:00 p.m.