

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

October 22, 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, October 22, 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
Mary Macomber, Esq.
Denny Cecil-Van Den Heuvel, PhD, LMFT, LMHC
Lisa Bolhouse, LCSW
Helen Douglas, R.D.H.
Fabio Andrade

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:

William Day, PhD, LMHC, (excused)

WELCOME Consumers, Licensees, Students, Others

Ms. Buller welcomed students from the following universities: Rollins College and the University of South Florida.

REVIEW AND APPROVAL OF MINUTES

The minutes of the July 30, 2015 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. Gillespy.

Vote: Unanimous.

DISCIPLINARY PROCEEDINGS

Maria I. Ortiz, LMHC, Case No. 2014-10711

Ms. Ortiz was not present and was not represented by counsel. An administrative complaint filed March 18, 2015 alleged violations of s. 491.009(1)(p), F.S., of inability to practice with reasonable skill or competence as a result of any mental or physical condition or by reason of illness, drunkenness or excessive use of drugs, narcotics, chemicals.

Ms. Macomber and Dr. Cecil-Van Den Heuvel were recused due to service on the probable cause panel. A voluntary relinquishment of license filed October 14, 2015 was presented to the Board.

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

Motion: by Ms. Douglas to accept the voluntary relinquishment of license.
Second: by Ms. Gillespy.
Vote: Unanimous.

Jennifer K. Jansen, Registered MFT Intern, Case No. 2014-01859

Ms. Gillespy, Vice-Chair, presided over the case. Ms. Jansen was not present and was not represented by counsel. An administrative complaint filed May 21, 2015 alleged violations of s. 491.009(1)(w), F.S., and s. 491.0045(3), F.S., requiring a registered intern to remain under supervision until licensed. Respondent provided couples therapy and failed to remain under proper supervision as required by law.

A settlement agreement was presented to the Board with the following terms: reprimand, fine of \$500 to be paid within 180 days of the final order; costs not to exceed \$2500 payable within 180 days of the final order. Actual costs were \$1465.82.

Ms. Buller and Ms. Douglas 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 proceed without the respondent in attendance.
Second: by Dr. Denny.
Vote: Unanimous.

Motion: by Ms. Macomber to accept the settlement agreement as presented.
Second: by Dr. Denny.
Vote: Unanimous.

LICENSURE PROCEEDINGS

Emmanuel Nzuzu, MHC Licensure Applicant

Mr. Nzuzu was not present and was not represented by counsel. A notice of intent to deny his licensure application was filed August 20, 2015 and Mr. Nzuzu requested a review of the Board's decision. The status of Mr. Nzuzu's intern registration is currently "obligations, active" due to disciplinary action taken in August 2012. An administrative complaint filed April 24, 2012 involved pleas of nolo contendere to DUI's on December 16, 2011 and November 13, 2011. Applicant's mental health intern application was suspended until he obtained an evaluation through PRN and the suspension was lifted on October 10, 2012.

Dr. Martha Brown, Associate Medical Director of PRN spoke to the Board about the evaluation. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to reverse the denial of his application from a previous board meeting and approve his application for licensure pending Mr. Nzuzu signing the PRN contract.
Second: by Ms. Douglas.
Vote: Unanimous.

PETITION FOR VARIANCE/WAIVER OF RULE

Nicole Santana, Rule 64B4-3.003, F.A.C.

Ms. Santana was present and was not represented by counsel. A petition for variance and waiver filed September 9, 2015 requests waiver from taking the National Clinical Mental Health Counseling Examination (NCMHCE). She has met the education and experience requirements and is licensed in Oklahoma.

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

Motion: by Ms. Macomber to deny the petition due to the exam being offered two weeks in every month and that the NCE is not equivalent to the NCMHCE, and a substantial hardship was not demonstrated and application of the rule does not violate principles of fairness.

Second: by Dr. Denny.

Vote: Unanimous.

APPEARANCES

James Cordiano, Jr., Registered MHC Intern Applicant

This application was approved by a committee prior to the board meeting and ratified by the Board.

Jared Jacobs, Registered MHC Intern Applicant

Mr. Jacobs was not present nor represented by counsel. The Board has requested his appearance due to affirmative responses on the applicant history section of the application. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to require his appearance at one of the next two board meetings.

Second: by Ms. Douglas.

Vote: Unanimous.

Rebecca Potter, Approval of Probationary Supervisor

Ms. Potter's probationary supervisor was temporarily approved and she is requesting formal approval from the Board. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to approve Mr. Kerry Wallis as her probationary supervisor.

Second: by Ms. Douglas.

Vote: Unanimous.

James Lumberson

Mr. Lumberson was present and was not represented by counsel. He was previously granted extensions for payment on two separate occasions and he is requesting an additional extension or consideration to make minimum monthly payments. The Board requested his appearance for discussion of his extension request. Following discussion, the Board took the following action:

Motion: by Ms. Macomber to allow Mr. Lumberson to provide a minimum payment of \$50 per month.

Second: by Ms. Douglas.

Vote: Motion carries with Ms. Buller opposed.

APPLICATION REVIEWS

Ingrid Martin, MHC Licensure Applicant

Ms. Martin submitted a request to withdraw her application prior to the board meeting.

Dona Leith, MHC Licensure Applicant

Ms. Leith was present and was not represented by counsel. Also in attendance was Carolyn Krantz. Board staff has requested review of her application for a mental health counselor license to determine if she meets the statutory requirements.

Ms. Leith asked to withdraw her application and be allowed to read a statement to the Board about concerns that she has.

Motion: by Ms. Macomber to accept the withdrawal of her application.

Second: by Dr. Denny.

Vote: Unanimous.

The Board Chair expressed the Board's apology to Ms. Leith after hearing her concerns.

Cynthia Osborne, MHC Licensure Applicant

Ms. Osborne was not present and was not represented by counsel. Her file is being reviewed due to affirmative responses in the history sections of her application. Ms. Osborne's previous licensure application was denied on November 18, 2014. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to require her attendance at one of the next two board meetings.

Second: by Ms. Douglas.

Vote: Unanimous.

MISCELLANEOUS

Kara Frazier, Registered MHC Intern

Ms. Frazier was not present. She submitted alternative verification of supervised experience for the Board's review. Following review and discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to deny the hours requested.

Second: by Ms. Bolhouse.

Vote: Unanimous.

Trinity Kimble, MHC Licensure Applicant

Ms. Kimble was present. She submitted alternative verification of supervised experience due to the unexpected death of her qualified supervisor. The Board reviewed her supervised experience documentation and following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to require confirmation of her meetings with Dr. Charles English for review and approval by Dr. Denny, if the documentation is acceptable.

Second: by Ms. Gillespy.

Vote: Unanimous.

Jennyfer From, MHC Licensure Applicant

Ms. From was present. She submitted alternative verification of supervised experience due to the unexpected death of her qualified supervisor. The Board reviewed her supervised experience documentation and following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to accept 18 weeks from Dr. Charles English toward her experience requirement.

Second: by Ms. Gillespy.

Vote: Unanimous.

Charlene Mahan, Registered MHC Intern

Ms. Mahan was present. She submitted alternative verification of supervised experience due to the unexpected death of her qualified supervisor. The Board reviewed her supervised experience documentation and following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to approve the supervision provided by Dr. Charles English.

Second: by Ms. Douglas.

Vote: Unanimous.

Board staff will review the signed logs to determine the number of weeks.

Christine Tilelli, Registered MHC Intern Applicant

Ms. Tilelli was not present and was not represented by counsel. She is requesting that the Board assist her on her options regarding her PRN contract. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to require her appearance at one of the next two board meetings.
Second: by Ms. Gillespy.
Vote: Unanimous.

Carolyn Fisher, CSW Licensure Applicant

Ms. Fisher was present and was not represented by counsel. She is requesting to discuss concerns with the PRN contract. The Board continues to support the PRN provision for drug testing through PRN's usual process. The Board requested Dr. Brown to discuss with Dr. Zeigler if one meeting per week can be a meditation class the applicant currently attends. The Board asked PRN to provide a revised contract for two years with possible termination in one year, depending on Ms. Fisher's compliance with contract terms.

Jeannie Zbarsky, Registered MHC Intern

Ms. Zbarsky was not present. Dr. Cecil-Van Den Heuvel recused herself. Staff is requesting a review of her qualified supervisors' information and documentation of her supervised experience. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to deny her request to count her supervised experience.
Second: by Ms. Gillespy.
Vote: Unanimous.

TOPIC DISCUSSIONS

SWOT Analysis: Outcomes

This is information that was reviewed at the Board Chair/Vice Chair meeting on September 24 in Tallahassee. It was requested that this information be sent to all Boards for review and discussion. Ms. Buller commented that this Board had 100% participation on the SWOT survey. Ms. Buller also stated that she found it interesting that all boards agreed on the survey questions.

NC State Board of Dental Examiners vs. FTC

This is the Supreme Court decision regarding teeth whitening/bleaching services and the practice of dentistry. The PowerPoint presentation by Mr. Tellechea, Office of the Attorney General, shows the impact of this Supreme Court decision upon all of the boards.

Opportunities for Education

Information was provided regarding the Department's healthy weight initiative. Ms. Gillespy is the Board's healthy weight liaison and reported on the recent meeting she attended in Tallahassee. Ms. Gillespy discussed ways to get the word out to the public; talking to clients regarding weight, asking CE providers to help, ask associations to help get the information out, share information with the local boards, provide written materials at meetings.

RULES DISCUSSION

64B4-2.002, F.A.C.

Motion: by Ms. Macomber to accept the language as revised.
Second: by Ms. Douglas.
Vote: Unanimous.

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

64B4-3.002, F.A.C.

Motion: by Ms. Macomber to approve the draft language.
Second: by Ms. Douglas.
Vote: Unanimous.

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

64B4-5.007, F.A.C.

This rule will be reviewed at a future meeting along with the disciplinary guidelines.

64B4-6.003, F.A.C.

Motion: by Ms. Macomber to remove s. (3) in this rule.
Second: by Ms. Bolhouse.
Vote: Unanimous.

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

64B4-4.019, F.A.C.

This duplicate license fee rule was identified by OFARR for repeal. Following review and discussion, the following action was taken by the Board:

Motion: by Ms. Macomber that the Board does not want to repeal this rule.
Second: by Ms. Bolhouse.
Vote: Unanimous.

64B4-3.001, F.A.C. / Application for Licensure

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

Motion: by Ms. Macomber to approve the revised application.
Second: by Ms. Douglas.
Vote: Unanimous.

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

64B4-3.0085, F.A.C. / Intern Registration Application

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

Motion: by Ms. Macomber to approve the revised application.
Second: by Ms. Douglas.
Vote: Unanimous.

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

64B4-3.009, F.A.C. / Application for Limited Licensure

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

Motion: by Ms. Macomber to approve the revised application.

Second: by Ms. Douglas.

Vote: Unanimous.

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

Second: by Ms. Douglas.

Vote: Unanimous.

64B4-3.010, F.A.C. / MFT Dual Licensure Application

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

Motion: by Ms. Macomber to approve the revised application and add ARNP to the rule language.

Second: by Ms. Douglas.

Vote: Unanimous.

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

Second: by Ms. Douglas.

Vote: Unanimous.

OTHER BUSINESS

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.

License Ratification

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

Second: by Mr. Andrade.

Vote: Unanimous.

Application Denials

Motion: by Ms. Macomber to deny with the exception of M. Bogan for the grounds stated.

Second: by Mr. Andrade.

Vote: Unanimous.

REPORTS

Assistant General Counsel

Ms. Jones reported that as of October 19, 2015, the Prosecution Services Unit had 72 open disciplinary cases.

45 - Under legal review

9 - Cases awaiting probable cause determination

18 - Cases where probable cause has been found

3 - Cases Prepared for Board Action (2 at 10/22/15 Meeting)

2009:	1
2010:	1
2011:	2
2012:	3
2013:	11
<u>2014:</u>	<u>10</u>
Total:	28

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

Second: by Ms. Gillespy.

Vote: Unanimous.

Assistant Attorney General

The following rule was adopted on 9/10/2015 and became effective on 9/30/2015.

Rule 64B4-6.002 Approved Courses for Continuing Education.

The following rules were approved on 4/23/2015 and published for rule development on 6/17/15.

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

Rule 64B4-3.009 Limited Licenses.

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

Rule 64B4-6.003 Documentation of Continuing Education Credits.

The following rule was approved on 7/30/15 and published for rule development on 10/14/15.

Rule 64B4-6.0025 Approved Continuing Education Course for Supervisory Training.

The following rules were repealed (rule content was already in statute); effective 10/21/2015.

Rule 64B4-10.001 Findings of the Board.

Rule 64B4-11.009 Treatment by a Clinical Social Worker.

Rule 64B4-21.009 Treatment by a Marriage and Family Therapist.

Rule 64B4-31.009 Treatment by a Mental Health Counselor.

Executive Director

Budget information was provided for the Board's information. Ms. Foster provided information to the Board about future board agendas being available in the Cloud on their personal electronic device or a state issued laptop. Mr. Andrade asked Ms. Foster to find out if the board members used their personal devices to view the agenda, would it be possible for their personal electronic device to be audited.

It was also noted that Dee Ramer, Regulatory Supervisor for Clinical Social Work and Marriage and Family Therapy would be retiring at the end of the year and would be greatly missed. Also, Ms. Foster reported that she would be retiring at the end of February, 2016 and her successor, Ms. Jennifer Wenhold, MSW, would be working with her for a few months during this transitional period. Both expressed appreciation to the Board for the opportunity to serve the Board over the past 17 years. Board members expressed heartfelt appreciation to Mrs. Foster and Mrs. Ramer for their service, dedication, and support of the Board and the three professions over these many years. Both will be sorely missed.

Board Members

Ms. Macomber indicated she will be attending the ASWB meeting in Ft. Lauderdale in November and will be providing the welcome to the attendees.

Ms. Bolhouse reported that she had attended the ASWB new board member training and found it invaluable.

Michelle Bradham-Cousar, President of the Florida Counseling Association spoke to the board about proposing legislation for portability of licensure. Richard Chapman, LMHC, with the Florida Mental Health Counseling Association indicated that they were in favor of license portability. Jim Akin, Executive Director of the Florida Chapter of NASW spoke to the Board about the issue and indicated he is on the task force on portability with the Association of Social Work Boards. Mr. Akin brought House Bill 373 (2016 legislative session) to the Board's attention regarding limiting intern registration for five years. Larry Barlow, Executive Director of the Florida Association of Marriage and Family Therapy, along with the other association representatives asked the Board to provide copies of draft rules that are on the agenda for discussion.

FOR YOUR INFORMATION

Participant Costs in PRN and IPN
Correspondence Regarding Counselor Licensure Portability
Correspondence Regarding a Medicaid Hearing
Correspondence Regarding Applied Behavior Analysis Services
HB 137
Healthiest Weight
Executive Order to Better Coordinate Mental Healthcare
National Medicare Fraud Takedown
Website Statistics
Annual Regulatory Plan
SB 204

ADJOURNMENT

The meeting adjourned at 1:15 p.m.