

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

February 11, 2016 at 8:00 a.m.

**Buena Vista Suites
8203 World Center Drive
Orlando, FL 32821
(407) 238-8035**

CALL TO ORDER/ROLL CALL

The meeting was called to order on Thursday, February 11, 2016 at 8:00 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, PhD, LMHC
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
Jennifer Wenhold, Executive Director
Robin McKenzie, Program Administrator
Ashley Tranquille, Regulatory Supervisor
Court Reporter: American Court Reporting
407.896.1813

WELCOME Consumers, Licensees, Students, Others

Ms. Buller welcomed students from Rollins College and University of Florida. Board members also welcomed Jennifer Wenhold, Executive Director, and Ashley Tranquille, Regulatory Supervisor, to their first meeting.

REVIEW AND APPROVAL OF MINUTES

The minutes of the October 22, 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. Douglas.

Vote: unanimous.

DISCIPLINARY PROCEEDINGS

LeaAnn Rooney, LCSW, Case No. 2014-14455

Ms. Gillespy, Vice-Chair presided over this case. Ms. Rooney was present and was represented by Sabrina Dieguez, Esq. An administrative complaint filed October 14, 2015 alleged violation of s. 491.009(1)(p), F.S., of inability to practice the profession with reasonable skill or competence as a result of any mental or physical condition or by reason of illness or excessive use of drugs, narcotics, chemicals or other substance.

Ms. Buller and Ms. Douglas were recused due to service on the probable cause panel. A settlement agreement was presented to the Board with the following terms: costs not to exceed

\$2,500 payable within one year of filing of final order, restriction of practice while in compliance with the recommendations of the PRN-approved evaluator, continuation of 12-step program, continued contact with sponsor, continue in an intensive outpatient program, the Board reserves jurisdiction to impose additional terms and conditions, and lifting of emergency restriction after approval of settlement by the Board.

Actual costs are \$2,133.59. Ms. Jones called the Board's attention to a scrivener's error on page one of the settlement agreement. The first sentence under stipulated facts should show that respondent was a licensed clinical social worker. Dr. Martha Brown, Associate Medical Director of PRN spoke to the Board and stated that respondent was currently in compliance, but PRN would not support her practice until she completes the outpatient program.

Motion: by Ms. Macomber to reject the settlement agreement.

Second: by Dr. Denny.

Vote: unanimous.

Motion: by Ms. Macomber to offer a counter settlement agreement to include the current terms and add probation for one year when PRN supports practice, continue with PRN compliance and appear before the Board for termination of probation.

Second: by Dr. Denny.

Vote: unanimous.

Alina Fonts, Registered MHC Intern, Case No. 2013-11274

Ms. Gillespy, Vice-Chair presided over this case. Ms. Fonts was not present nor represented by counsel. An administrative complaint filed May 21, 2015 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. On or about February 27, 2015, respondent was adjudicated guilty of one count of conspiracy to commit health care fraud and two counts of health care fraud. Allegations include falsification and fraudulently fabricated medical records to support claims for services not medically necessary and not provided involved in a \$63 million Medicare fraud scam.

Ms. Buller and Ms. Douglas were recused due to service on the probable cause panel.

Motion: by Ms. Macomber to find that 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 Dr. Day.

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 Dr. Day.

Vote: unanimous.

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

Second: by Mr. Andrade.

Vote: unanimous.

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

Second: by Dr. Denny.

Vote: unanimous.

Department's recommendation: revocation.

Motion: by Ms. Macomber to accept the Department's recommendation of revocation.

Second: by Ms. Bolhouse.

Vote: unanimous.

A Motion to Assess Costs of \$131.36 was presented to the Board. Following discussion, the following action was taken by the Board:

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

Second: by Dr. Denny.

Vote: unanimous.

Steven Leroy Nelson, LCSW, Case No. 2015-08222

Mr. Nelson was present and was not represented by counsel. An administrative complaint filed August 12, 2015 alleges violation of s. 491.009(1)(w), F.S., of failure to perform any statutory or legal obligation, through a violation of s. 39.201(1)(c) and (d), F.S., of failure to report sexual abuse. Respondent performed a mental health exam on patient and evaluation revealed history of sexual abuse and this was not reported to the authorities.

Ms. Macomber was recused due to service on the probable cause panel.

Motion: by Ms. Douglas 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 Dr. Denny.

Vote: unanimous.

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

Second: by Dr. Denny.

Vote: unanimous.

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

Second: by Dr. Denny.

Vote: unanimous.

Motion: by Ms. Douglas to find respondent in violation of Florida Statutes as charged in the administrative complaint.
Second: by Dr. Day.
Vote: unanimous.

Department's recommendation: \$500 fine and reprimand.

Motion: by Ms. Bolhouse for a \$250 fine and three hours of continuing education in ethics that includes mandated reporting within one year of final order.
Second: by Ms. Douglas.
Vote: unanimous.

A Motion to Assess Costs of \$1,156.95 payable in six months was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Ms. Bolhouse to accept the motion.
Second: by Mr. Andrade.
Vote: unanimous.

Mildred M. Perreault, LCSW, Case No. 2015-26428

Ms. Perrault was not present, but was represented by Christopher Brown, Esq. Probable cause was waived and the alleged violations were of s. 491.009(1)(g), (i), (r), F.S., of aiding, assisting and permitting unauthorized practice, fraud, practice below peer standards, billing for services rendered by her husband.

A voluntary relinquishment of license form 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. Gillespy.
Vote: unanimous.

Thomas Malcolm Johnson, LMHC, Case No. 2015-07120

Mr. Johnson was not present, but was represented by George Indest, III, Esq. and Lenis L. Archer, Esq. Probable cause was waived and the alleged violation was of s. 491.009(1)(k), F.S., sexual misconduct.

A voluntary relinquishment of license form 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 Mr. Andrade.
Vote: unanimous.

MOTION TO VACATE FINAL ORDER

Vanja Beatriz Abreu, Case No. 2011-03047

Dr. Abreu was not present and was not represented by counsel. On February 28, 2013, a Final Order was entered permanently revoking respondent's license. Respondent had been convicted

of conspiracy to commit health care fraud. Ms. Abreu filed an appeal challenging the conviction, and on October 29, 2015 the Eleventh Circuit Court of Appeals issued the Mandate reversing the conviction, vacating her sentence and remanding to the district court that it enter a judgment of acquittal.

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

Motion: by Ms. Douglas to vacate the final order, dismiss the administrative complaint, and return her license to an inactive status.

Second: by Dr. Day.

Vote: unanimous.

EXEMPTION APPLICATION

David Burks

Request by applicant's counsel to remove from agenda.

APPEARANCES

Tammy Anderson, Registered MHC Intern

Ms. Anderson was present and was not represented by counsel. She is appearing for reinstatement of her suspended license. She has established a PRN contract on March 3, 2015. Dr. Martha Brown, Associate Medical Director of PRN spoke to the Board on Ms. Anderson's behalf and stated she was in total compliance with her PRN contract.

It was discussed that Ms. Anderson's registered mental health counselor intern registration is null and void. Therefore, no action was taken by the Board. Upon receipt of her application for licensure, it will be forwarded to Dr. Day for review.

Cynthia Osborne, MHC Licensure Applicant

Ms. Osborne was not present and her appearance was tabled to the next board meeting.

Christine Tilelli, Registered MHC Intern Applicant

Ms. Tilelli was not present and her appearance was tabled to the next board meeting.

Jared Ross Jacobs, Registered MHC Intern Applicant

Mr. Jacobs was not present and his appearance was tabled to the next board meeting.

Jennifer Lynn Husar, Registered MHC Intern Applicant

Ms. Husar was not present and her appearance was tabled to the next board meeting.

Amy Mariko Exum, Registered MHC Intern Applicant

Removed from the agenda.

Rachael Jerrell, Registered MHC Intern Applicant

Ms. Jerrell was not present and her appearance was tabled to the next board meeting.

Carly Washor, Registered CSW Intern Applicant

Ms. Washor was present and was not represented by counsel. Her appearance was requested due to affirmative responses to the applicant history section of the application.

Following discussion, the Board took the following action:

Motion: by Dr. Denny to approve her application for intern registration.

Second: by Ms. Douglas.

Vote: unanimous.

Dukens Eliacin, MFT Licensure Applicant

Mr. Eliacin was present and was represented by Christopher Brown, Esq. His appearance was requested due to an affirmative response on the discipline history section of the application.

Following discussion, the Board concluded that Mr. Eliacin's Tennessee license must be reinstated in order for him to qualify to apply for licensure, therefore no action was taken on his application. Mr. Eliacin verbally waived section 120.60, Florida Statutes.

APPLICATION REVIEWS

Norman "Lee" Gray II, Registered CSW Intern Applicant

Mr. Gray 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. Macomber to approve his application.

Second: by Ms. Douglas.

Vote: unanimous.

Sarah Ann Smith, MHC Licensure Applicant

Ms. Smith was not present nor represented by counsel. Her application is before the Board for review with the staff's recommendation to deny based on not meeting the statutory requirements for licensure.

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

Motion: by Ms. Macomber to deny this application due to the following deficiencies: total credit hours, 7 course content areas, practicum hours, and two years of experience.

Second: by Dr. Denny.

Vote: unanimous.

Hilda Sultan, MHC Licensure Applicant

Dr. Sultan was present and was not represented by counsel. Her application is being presented to the Board due to previous disciplinary action and voluntary relinquishment of her license on September 28, 2004. A copy of the administrative complaint filed November 26, 2003 was reviewed by the Board.

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

Motion: by Ms. Macomber to allow applicant to move forward with her application.

Motion dies due to lack of a second.

Motion: by Dr. Day to deny her application due to previous discipline.

Second: by Ms. Gillespy.

Vote: passed with Ms. Macomber and Dr. Denny opposed.

Tanner Michael, MHC Licensure Applicant

Ms. Michael was not present and was not represented by counsel. She has submitted her application and is requesting that the Board waive the additional practicum hours and accept her post-master's experience based on the documentation provided. She initially submitted an application for MHC for licensure by endorsement on July 31, 2001 as she was a Texas licensed psychological associate.

Following discussion, the Board took the following action:

Motion: by Dr. Denny to deny this application based on not meeting the statutory requirements for licensure.

Second: by Ms. Macomber.

Vote: unanimous.

Susanne Jenemann, MFT Licensure Applicant

Ms. Jenemann has requested that the Board review her coursework to determine if she meets the educational requirements for licensure.

Following discussion, the Board determined that the following course content areas were deficient: personality theory, psychosocial theory, substance abuse, diagnosis/appraisal/assessment/testing, and legal/ethical/professional standards issues. Staff will request syllabi and send to Dr. Denny for review.

MISCELLANEOUS

Latoya E. Oates, Registered MHC Intern

Ms. Oates is requesting that the Board review the letter from Ms. Linda Cole regarding verification of supervision provided by Ms. Oates' supervisor who passed away in November 2013.

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

Motion: by Ms. Gillespy to accept her alternative verification of post-master's experience.

Second: by Ms. Macomber.

Vote: unanimous.

RULE HEARING: 64B4-6.0025, F.A.C., Approved CE Course for Supervisory Training

Dr. Larry Barlow, Executive Director, Florida Division of the American Association for Marriage and Family Therapy was present and offered comments.

Following discussion the Board took the following action:

Motion: by Ms. Macomber to approve the rule draft with corrections to the references in paragraph one, changing the number of clock hours to 12, and the addition of the

following: include methods of electronic supervision in (3)(d); research and best practice, legislative and legal updates/issues, accountability, and relevant court decisions in (4).

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.

RULES DISCUSSION

64B4-2.002, Definition of “Supervision”

This rule was recently changed and staff is asking if electronic methods of supervision are used, does each hour of electronic supervision need to alternate with an hour of in-person face-to-face supervision.

Following discussion, the Board confirmed the in-person and electronic supervision hours do not need to alternate and no action was taken by the Board.

64B4-3.009, Limited Licenses

Board staff request review by the Board – Do board members want to update this rule to include CE? A copy of the rules for limited licensees for dentistry was provided for the Board’s review.

Following discussion, the Board concluded that changes to the rule are not indicated and no action was taken by the Board.

64B4-6.001, Renewal of Active License

The Board discussed inclusion of 4 hours of supervisory training every third biennium for qualified supervisors as is being added to 64B4-6.0025.

Following discussion, the Board asked counsel to bring a draft to the next meeting.

64B4-3.001, Application for Licensure

The word (optional) was added after the date of birth.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to approve the application and amended language.

Second: by Mr. Andrade.

Vote: unanimous.

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

Second: by Mr. Andrade.

Vote: unanimous.

64B4-3.0085 Intern Registration Application

The word (optional) was added after the date of birth. Following discussion, the Board took the following action:

Motion: by Ms. Macomber to approve the application and amended language.

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.

64B4-3.009 Limited Licensure Application

The word (optional) was added after the date of birth. Following discussion, the Board took the following action:

Motion: by Ms. Macomber to approve the application and amended language.

Second: by Mr. Andrade.

Vote: unanimous.

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

Second: by Mr. Andrade.

Vote: unanimous.

64B4-3.010 MFT Dual Licensure Application

The word (optional) was added after the date of birth. Following discussion, the Board took the following action:

Motion: by Ms. Macomber to approve the application and amended language.

Second: by Ms. Douglas.

Vote: passed with Ms. Gillespy opposed.

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.

TOPIC DISCUSSIONS

MHC Practicum Hour Requirement

Dr. Robert Cox, Director, Webster University, Melbourne Campus; Dr. Kristin Page, Director, Webster University, Orlando Metro; and Theresa Grant, Webster University, Melbourne Campus were present. Dr. Cox stated that the main campus should be CACREP approved in January and his correspondence discusses the various direct and indirect practicum hour requirements to meet the state's 1000 hour requirement.

Section 491.005(4)(b)1.c, F.S., states the equivalent, as determined by the Board, of at least 1000 hours of university-sponsored supervised clinical practicum, internship or field experience as required in the accrediting standards of the Council for Accreditation of Counseling and Related Educational Programs (CACREP). In 2009 CACREP changed their practicum/internship requirement to 700 hours.

Following discussion, no action was taken by the Board.

ANTI-TRUST TRAINING PRESENTATION

Deborah Loucks, Esq. with the Florida Office of the Attorney General presented a PowerPoint presentation of the U.S. Supreme Court Ruling in North Carolina State Board of Dental Examiners vs. the Federal Trade Commission for the Board's review and discussion.

OTHER BUSINESS

Approved Continuing Education Providers

Motion: by Ms. Macomber to ratify the list of approved CE providers.

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.

Exemption Applications

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

Second: by Dr. Day.

Vote: unanimous.

License Ratification

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

Second: by Ms. Gillespy.

Vote: unanimous.

Application Denials

Motion: by Ms. Macomber to deny the applications for the grounds listed.

Second: by Dr. Day.

Vote: unanimous.

Annual Renewal of Delegations

Motion: by Ms. Macomber to approve the renewal of delegations.

Second: by Ms. Douglas.

Vote: unanimous.

REPORTS

Assistant General Counsel

Ms. Jones reported that as of February 9, 2016 the Prosecution Services Unit had 90 open disciplinary cases.

56 - Cases under legal review
14 - Cases awaiting probable cause determination
20 - Cases where probable cause has been found

5 - Cases prepared for board action and presented at the 2/11/2016 meeting

2009: 1
2010: 1
2011: 1
2012: 3
2013: 8
2014: 18
2015: 1

Total: 33

Motion: by Ms. Macomber to allow the Department to continue the prosecution of the year old cases.

Second: by Ms. Douglas.

Vote: unanimous.

Assistant Attorney General

Ms. Loucks reviewed the rules report with the Board.

Executive Director

Ms. Wenhold provided budget information for the Board's review. Ms. Wenhold reported on WebiViewer, a secure web application that will be used to review computer-based board meeting agendas. She advised that two members of the project team would attend the May meeting to ensure a smooth transition from a paper agenda to WebiViewer. Board members may use their own device or be issued a Department of Health laptop.

Board Members

FOR YOUR INFORMATION

HB 1113

Letter from ND Board of Counselor Examiners

AASCB Letter Regarding Educational Requirements

DCF, UCF Team Up to Train Social Workers

CS/HB 373 – Mental Health Counseling Interns

SB 858 – CSW, MFT, & MHC Interns

Mental Health Counselor Week

ADJOURNMENT

The meeting was adjourned at 2:45 p.m.