

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

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

**Hyatt Regency Jacksonville Riverfront
225 E. Coastline Drive
Jacksonville, FL 32202
904.360.8690**

Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website. Please turn off all cell phones, pagers, and beepers during the meeting. Thank you.

CALL TO ORDER/ROLL CALL

The meeting was called to order on Thursday, August 11, 2016 at 8:15 a.m. by Ms. Gillespy, Chair. Those present for all or part of the meeting included the following:

Members present:

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

Staff present:

Deborah Loucks, Board Counsel
Elana Jones, Prosecutor
Cecilie Sykes, Prosecutor
Jennifer Wenhold, Executive Director
Robin McKenzie, Program Administrator
Court Reporter: Precision Court Reporting,
904.629.5310

WELCOME Consumers, Licensees, Students, Others

REVIEW OF MINUTES

The minutes of the May 5, 2016 general business meeting were reviewed and following review, the Board took the following action:

Motion: by Ms. Macomber to approve the minutes as presented.
Second: by Ms. Douglas.
Vote: unanimous.

DISCIPLINARY PROCEEDINGS

Adrian Roshan Sequeira, LMHC, Case No. 2013-19396

Mr. Sequeira was present and was represented by Christopher Brown, Esq. The two count amended administrative complaint filed on December 7, 2015 alleges violation of s. 491.009(1)(r), F.S., by failing to meet minimum standards by receiving massages from Patient L.S., meeting with patient to talk at hotel, at the beach, and inviting patient to play pool and having drinks with her; and s. 491.009(1)(k), F.S., through a violation of Rule 64B4-10.002(1), F.A.C., by allegedly engaging in sexual misconduct involving Patient L.S.

Ms. Gillespy was recused due to service on the probable cause panel; therefore, Dr. Cecil-Van Den Heuvel presided over this case. A settlement agreement was presented to the Board with the following terms: fine of \$6,000 within 18 months of final order; costs not to exceed \$28,000 within 18 months; indefinite suspension until Respondent can demonstrate the ability to practice

with reasonable skill and safety to include a PRN evaluation; jurisdiction for Board to impose additional terms and conditions, including probation, at the time of reinstatement; restriction of practice to mail patients; completion of the Professional Boundaries, Inc. (PBI) Professional Boundaries Course within one year of final order.

Following discussion, the Board took the following action:

Motion: by Mr. Andrade to reject the settlement agreement.
Motion died for lack of a second.

Motion: by Ms. Macomber to accept the settlement agreement.
Second: by Ms. Douglas.
Vote: passed with Mr. Andrade opposed.

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

Ms. Friedman was present and was represented by Richard H. Levenstein, Esq. Respondent filed a Verified Notice and/or Motion to Withdraw and Revoke Election of Rights and a Motion for Rehearing and/or Motion to Disqualify, executed on March 5, 2015.

Ms. Macomber and Dr. Day were recused due to service on the probable cause panel. Dr. Cecil-Van Den Heuvel recused herself. Following discussion, the Board took the following action:

Motion: by Ms. Buller to accept the petition to withdraw and revoke the election of rights.
Second: by Ms. Douglas.
Vote: passed with Ms. Gillespy and Ms. Bolhouse opposed.

Respondent withdrew the Motion for Rehearing and/or Motion to Disqualify.

Evan Harrison Hawes, LMFT, Case No. 2015-24424

Mr. Hawes was not present and was not represented by counsel. An administrative complaint filed April 6, 2016 alleges violation of s. 491.009(1)(w), F.S., through a violation of 456.072(1)(hh), F.S., by being terminated from a treatment program for impaired practitioners. A motion for determination of waiver and for final order by hearing not involving disputed issues of material fact was presented to the Board.

Ms. Buller and Ms. Bolhouse were recused due to service on the probable cause panel. Following discussion, the Board took the following action:

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 accept the findings of fact in the administrative complaint as the Board's findings of fact.
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 C and any addendum materials into evidence in this proceeding.

Second: by Ms. Douglas.

Vote: unanimous.

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

Second: by Ms. Douglas.

Vote: unanimous.

Department's recommendation: Suspension until compliant with the requirements of PRN.

Motion: by Ms. Macomber to accept the Department's recommendation with the addition that the Board retains jurisdiction to impose conditions at a later date.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

A motion to assess costs of \$546.74 within 90 days of the final order was presented to the Board. Following discussion, the Board took the following action:

Motion: by Ms. Douglas to grant the motion, but change the due date to one year after suspension is lifted.

Second: by Ms. Macomber.

Vote: unanimous.

PETITION FOR DECLARATORY STATEMENT

Mary Beth Ridderman, Registered MHC Intern: Section 491.003(9), F.S.

Ms. Ridderman was present and was not represented by counsel. Ms. Ridderman is requesting the Board to declare animal assisted therapy (AAT) or pet therapy to be included in the definition of the practice of mental health counseling. She stated that this omission is preventing her from obtaining professional liability insurance for AAT or pet therapy.

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

Motion: by Ms. Macomber to decline to answer because this is outside the scope of the Board's authority.

Second: by Ms. Buller.

Vote: unanimous.

Michael Holler, LMHC: Rule 64B4-7.006, F.A.C.

Mr. Holler was not present and was not represented by counsel. Mr. Holler is requesting that the Board render a statement that an LMHC may conduct testing using testing/instruments of a psychological nature, and that an LMHC must use testing/instruments of a psychological nature when appropriate, such as in, but not limited to, performing evaluations of minors for the purpose of addressing custody, residence, or visitation disputes.

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

Motion: by Ms. Macomber to decline to answer because the issue is already addressed in statute and rule.

Second: by Ms. Douglas.

Vote: unanimous.

PETITION FOR VARIANCE OR WAIVER OF RULE

James Fieser, CSW Licensure Applicant: Rule 64B4-11.007, F.A.C.

Mr. Fieser was not present and was not represented by counsel. Mr. Fieser has been living overseas since April 2004, which was less than two years after completing his MSW. Supervision received in the U.S was not enough to satisfy licensure requirements and his attempts to locate those supervisors have been unsuccessful. Mr. Fieser lived in England from August 2004 to March 2012 and has lived in the Cayman Islands since March 2012. Mr. Fieser stated that in the Cayman Islands there are no known LCSWs or LMFTs who could supervise him.

Mr. Fieser was supervised in the Cayman Islands by Donald Potkins, who is an AAMFT Approved Supervisor. Mr. Fieser is requesting that the rule requirement for “nine semester hours or twelve quarter hours of course work in social work theories and techniques ... from an accredited graduate school of social work” be varied or waived for Donald Potkins.

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

Motion: by Ms. Macomber to deny this petition as it does not conform to the petition requirements. The petitioner is not asking on behalf of self, but for his supervisor.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

APPEARANCES

Deborah Carter-Keyes, MHC Licensure Applicant

This item was removed from agenda.

Kelly Seurkamp, Registered MFT Intern Applicant

Ms. Seurkamp was present and was not represented by counsel. Her appearance was requested due to an affirmative response to an application history question.

Ms. Seurkamp verbally waived the 90 day requirement so no action was taken. Upon receipt of the second evaluation, Ms. Bolhouse will review.

Seher Jangda, Registered MHC Intern Applicant

This item was removed from the agenda.

Fayola Caines, Registered MHC Intern Applicant

Ms. Caines was present and was not represented by counsel. Her appearance was requested due to affirmative responses to application history questions.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to approve this application.

Second: by Ms. Douglas.

Vote: did not pass because the vote was split.

Following further discussion, the Board took the following action.

Motion: by Ms. Macomber to approve this application.

Second: by Ms. Douglas.

Vote: unanimous.

Ashley Busch, Registered MHC Intern Applicant

Ms. Busch was not present and was not represented by counsel. Her appearance was requested due to an affirmative response to an application history question.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to require Ms. Busch to appear at one of the next two meetings.

Second: by Ms. Douglas.

Vote: unanimous.

Kenneth White, Registered CSW Intern Applicant

Dr. White was present and was not represented by counsel. His appearance was requested due to an affirmative response to an application history question.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to approve his application pending receipt of an approved practicum.

Second: by Ms. Douglas.

Vote: unanimous.

APPLICATION REVIEWS

Christina Aggreh, MHC Licensure Applicant

Ms. Aggreh has requested that her application not be reviewed by the Board until it is complete.

ValJeanne Caster, MHC Licensure Applicant

Ms. Caster was present and was not represented by counsel. Ms. Caster's application is being presented to the Board for review due to an affirmative response to an application history question.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to approve her application.

Second: by Ms. Douglas.

Vote: passed with Ms. Bolhouse opposed.

Ingrid Martin, Registered MHC Intern Applicant

Ms. Martin was present and was not represented by counsel. Ms. Martin's application is being presented to the Board for review due to a Notice to Cease and Desist and an Unlicensed Activity Citation issued in 2015.

Following discussion, the Board took the following action:

Motion: by Ms. Douglas to approve her application.

Second: by Ms. Macomber.

Vote: unanimous.

Ellen D'Ambrosio, CSW Limited License Applicant

Ms. D'Ambrosio was not present and was not represented by counsel. Ms. D'Ambrosio's application is being presented to the Board for review to determine if she meets the statutory requirements for clinical social work limited licensure. Ms. D'Ambrosio was licensed in New York in the profession "Licensed Master Social Work."

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to deny this application due to not meeting the statutory requirements.

Second: by Ms. Douglas.

Vote: unanimous.

Dale McGee, CSW Licensure Applicant

Mr. McGee was not present and was not represented by counsel. Mr. McGee's application is being presented to the Board for review due to an affirmative response to an application history question.

Following discussion, the Board took the following action:

Motion: by Ms. Bolhouse to deny this application due to disciplinary action.

Second: by Ms. Douglas.

Vote: unanimous.

Stuart Caban-Siegel, MHC Licensure Applicant

Mr. Caban-Siegel was not present and was not represented by counsel. Mr. Caban-Siegel's application is being presented to the Board for review to determine if he meets the statutory requirements for licensure as a mental health counselor.

Following discussion, the Board took the following action:

Motion: by Ms. Buller to deny this application based on a lack of evidence as to meeting statutory requirements. Specifically, to required course work.

Second: by Ms. Macomber.

Vote: unanimous.

Brenda Sue Dorminey, MHC Licensure Applicant

Ms. Dorminey was present and was not represented by counsel. Ms. Dorminey's application is being presented to the Board for review due to an affirmative response to an application history question.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to approve this application.

Second: by Ms. Douglas.

Vote: unanimous.

Michael Maxwell, Registered CSW Intern Applicant

Mr. Maxwell was not present and was not represented by counsel. Mr. Maxwell's application is being presented to the Board for their review due to an affirmative response to an application history question.

Following discussion, the Board took the following action:

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

Second: by Ms. Macomber.

Vote: unanimous.

Carol Harrington, MHC Licensure Applicant

Ms. Harrington was not present and was not represented by counsel. Ms. Harrington's

application is being presented to the Board for review to determine if she meets the requirements for licensure as a mental health counselor.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to deny this application due to missing course work and the exam.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

RULES DISCUSSION

Rule 64B4-7.0081, F.A.C.

Dr. Donald Pake, LMHC, Licensed Psychologist, and a member of the Board of the Florida Association for the Treatment of Sexual Abusers, requested to address the Board regarding the experience requirement listed in this rule.

This rule was tabled to the next meeting. Dr. Pake will provide suggested changes to the rule for Board consideration.

Rule 64B4-6.001, F.A.C.

Draft language was reviewed by the Board and following discussion, the Board took the following action:

Motion: by Ms. Buller to approve the draft language.
Second: by Dr. Day.
Vote: unanimous.

The Board determined that the proposed rule amendments would not have an adverse impact on small business; would not be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida within one year of implementation of the rule. Therefore, a SERC is not required.

Rule 64B4-6.0025, F.A.C.

Draft language was presented to the Board listing the requirements for the 4 hours of supervisory training continuing education required of a qualified supervisor every third biennium. Following discussion, the Board took the following action:

Motion: by Ms. Macomber to approve the draft language with changes to 1) review changes to the laws and rules.
Second: by Ms. Douglas.
Vote: unanimous.

The Board determined that the proposed rule amendments would not have an adverse impact on small business; would not be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida within one year of implementation of the rule. Therefore, a SERC is not required.

Rule 64B4-6.009, F.A.C.

Draft language was presented to the Board deleting the requirement for a medical errors course for initial licensure. Following discussion, the Board took the following action:

Motion: by Ms. Macomber to approve the draft language for this rule.
Second: by Ms. Douglas.
Vote: unanimous.

The Board determined that the proposed rule amendments would not have an adverse impact on small business; would not be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida within one year of implementation of the rule. Therefore, a SERC is not required.

Rule 64B4-3.0015, F.A.C.

Board staff is requesting the Board approve changes to the Supervised Experience Attestation Form due to recent changes to Rule 64B4-2.002, F.A.C. Following discussion, the Board took the following action:

Motion: by Ms. Buller to approve the revised form.
Second: by Dr. Day.
Vote: unanimous.

Motion: by Dr. Day to approve revision of this rule.
Second: by Ms. Macomber.
Vote: unanimous.

The Board determined that the proposed rule amendments would not have an adverse impact on small business; would not be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida within one year of implementation of the rule. Therefore, a SERC is not required.

Rule 64B4-5.005, F.A.C.

Draft language was reviewed by the Board and following discussion, the Board took the following action:

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

The Board determined that the proposed rule amendments would not have an adverse impact on small business; would not be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida within one year of implementation of the rule. Therefore, a SERC is not required.

TOPIC DISCUSSIONS

MISCELLANEOUS

Patricia Bell, Review of Alternative Verification of Experience

Ms. Bell was not present and was not represented by counsel. Ms. Bell is requesting the Board accept her alternative documentation as verification that she meets the experience requirement for licensure as a mental health counselor. Following discussion, the Board took the following action:

Motion: by Ms. Macomber to approve this request and accept the alternative verification.
Second: by Ms. Douglas.
Vote: unanimous.

Ruth Prevor, Request to Vacate Denial and Withdraw Application

Dr. Prevor is requesting the Board to vacate her notice of intent to deny and allow her to withdraw her application for licensure. Dr. Prevor was licensed as a psychologist on November 16, 2015. Following discussion, the Board took the following action:

Motion: by Ms. Macomber to vacate the notice of intent to deny and allow Dr. Prevor to withdraw her application.

Second: by Ms. Douglas.

Vote: unanimous.

Christine Tilelli, Request to Withdraw Intern Registration Application

Ms. Tilelli has requested to withdraw her intern registration application. Following discussion, the Board took the following action:

Motion: by Ms. Douglas to allow Ms. Tilelli to withdraw her intern application.

Second: by Ms. Macomber.

Vote: unanimous.

Alan Goodwin, Ph.D. Correspondence Regarding S. FL Addiction Treatment

Dr. Goodwin submitted correspondence regarding the treatment of addiction in South Florida and the need for more quality treatment. He alleges patient brokering, insurance fraud and other illegal and unethical practices.

The Board recommended he use the established complaint process to elevate specific issues so that they can then be investigated and handled in the appropriate manner.

Deborah Jenks: Qualified Supervisor Request from Limited Licensee

Ms. Jenks was not present and was not represented by counsel. Ms. Jenks was issued a license as a mental health counselor limited licensee on February 22, 2016. She is requesting that the Board grant her the qualification of being a qualified supervisor for registered mental health counselor interns. Following discussion, the Board took the following action:

Motion: by Ms. Macomber to deny this request.

Second: by Ms. Douglas.

Vote: unanimous.

2017 Meeting Dates

The following dates for the 2017 board meetings were approved and recommended cities are Tampa, Orlando, Safety Harbor, Clearwater, Lake Mary, and Jacksonville.

February 9, 2017

May 11, 2017

August 10, 2017

November 2, 2017

OTHER BUSINESS

Exemption Applications

Motion: by Ms. Buller to ratify the exemption application.

Second: by Ms. Macomber.

Vote: unanimous.

Committee of One Actions

Motion: by Ms. Macomber to ratify the committee of one actions.

Second: by Ms. Buller.

Vote: unanimous.

License Ratification

Motion: by Ms. Macomber to ratify the license numbers presented.
Second: by Ms. Douglas.
Vote: unanimous.

Application Denials

Motion: by Ms. Macomber to deny the applications for the reasons stated.
Second: by Ms. Douglas.
Vote: unanimous.

Approved Continuing Education Providers

Motion: by Ms. Macomber to ratify the list of approved CE providers.
Second: by Ms. Douglas.
Vote: unanimous.

REPORTS

Assistant General Counsel

Ms. Jones reported that as of August 4, 2016 the Prosecution Services Unit had 101 open disciplinary cases.

48 - Cases under legal review
36 - Cases awaiting probable cause determination
17 - Cases where probable cause has been found

2 - Cases prepared for board action and presented at the August 11, 2016 meeting.

2009:	1
2010:	1
2011:	1
2012:	3
2013:	8
2014:	14
<u>2015:</u>	<u>14</u>

Total: 42

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 Report

Ms. Wenhold provided budget information for the Board's review. Ms. Wenhold asked if any board member would like to attend the Chair/Vice-Chair meeting scheduled for September 28 in Tallahassee. Ms. Bolhouse will check her schedule and advise Ms. Wenhold at a later date if she will be able to attend. Ms. Buller stated she thought it was important for a member to attend this meeting and will attend if Ms. Bolhouse is not able to.

Board Members

ASWB Delegate Assembly

Ms. Buller advised that the ASWB Delegate Assembly is being held in San Diego on November 18-20 and recommended Ms. Bolhouse to attend. Ms. Bolhouse will check her schedule and advise Ms. Wenhold

Election for Vice-Chair

Dr. Denny resigned as Vice-Chair.

Motion: by Ms. Macomber to elect Ms. Bolhouse as Vice-Chair.

Second: by Ms. Douglas.

Vote: unanimous.

FOR YOUR INFORMATION

Tobacco Information Packet May 2016

ASWB Bylaws and Resolutions

Website Report

NBCC Complaint

ADJOURNMENT

The meeting adjourned at 1:30 p.m.