

**BOARD OF CLINICAL SOCIAL WORK, MARRIAGE & FAMILY THERAPY,
AND MENTAL HEALTH COUNSELING**

GENERAL BUSINESS MEETING AGENDA

November 3, 2016 at 8:00 a.m.

**Orlando Airport Marriott
7499 Augusta National Drive
Orlando, Florida 32822
(407) 851-9000**

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, November 3, 2016 at 8:09 a.m. by Ms. Gillespy, Chair.

Those present for all or part of the meeting included the following:

Members present:

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

Staff present:

Deborah Loucks, Board Counsel
Elana Jones, Prosecutor
Jennifer Wenhold, Executive Director
Robin McKenzie, Program Administrator
Court Reporter: American Court Reporting
(407) 896-1813

Member absent:

Mr. Fabio Andrade

WELCOME Consumers, Licensees, Students, Others

REVIEW OF MINUTES

The minutes of the August 11, 2016 general business meeting were reviewed and following review, the Board took the following action:

Motion: by Ms. Macomber to approve the minutes.

Second: by Ms. Douglas.

Vote: unanimous.

DISCIPLINARY PROCEEDINGS

Katelynn Louise Schuette, LMHC, Case No. 2015-10265

Ms. Schuette was not present and was not represented by counsel. An administrative complaint filed on July 6, 2016 alleged violation of s. 491.009(1)(h), F.S., through a violation of s. 39.201(1)(a) and (d), F.S., by failing to report the allegations of physical abuse.

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

agreement was presented to the Board with the following terms: reprimand, fine of \$250 paid within one year of the final order, costs not to exceed \$3,600 paid within one year of the final order, three hours of continuing education in ethics and boundary issues within one year.

Current costs in this case are \$2,230.16. Following discussion, the Board took the following action:

Motion: by Dr. Day to waive respondent's appearance.
Second: by Ms. Douglas.
Vote: unanimous.

Motion: by Dr. Cecil-Van Den Heuvel to reject the settlement agreement.
Second: by Ms. Bolhouse.
Vote: unanimous.

Motion: by Dr. Cecil-Van Den Heuvel to offer a counter-stipulation to include a reprimand; \$1,000 fine and costs of \$2,230.16 to be paid within one year of final order; 3 hours of continuing education in ethics and boundary issues within one year; and one year of probation with supervision. Respondent is required to meet with her supervisor every other week and supervisor must submit quarterly reports to the department. Respondent is required to appear before the Board to terminate probation.
Second: by Dr. Day.
Vote: unanimous.

Dr. Day was appointed to approve the probation supervisor and review the quarterly reports.

William Holden Townsell, LMHC, Case No. 2015-11007

Mr. Townsell was present and was not represented by counsel. An administrative complaint filed July 7, 2016 alleged violation of s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(w), F.S., by failing to report to the Board pleas of guilty to driving with license revoked-habitual offender and operating an unregistered vehicle in writing within 30 days after he entered his pleas.

Ms. Macomber was recused due to service on the probable cause panel. Following discussion, the Board took the following action:

Motion: by Ms. Buller to find the material facts as alleged in the administrative complaint are not in dispute and to adopt the findings of fact as set forth in the administrative complaint as the Board's findings of fact in this proceeding.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

Motion: by Ms. Buller to adopt the allegations of law in the administrative complaint as the Board's conclusions of law.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

Motion: by Ms. Douglas to adopt the materials under Tab B and any addendum materials into evidence in this proceeding.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

Motion: by Ms. Douglas to find that the respondent is in violation of the Florida Statutes as charged in the administrative complaint.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

Department's recommendation: Fine of \$500 to be paid within 90 days of the final order and a reprimand.

Motion: by Ms. Buller to dismiss the administrative complaint given mitigating circumstances surrounding the incident, it is unrelated to the practice, and it occurred 10 years ago.
Second: by Ms. Douglas.
Vote: unanimous.

The Department withdrew their motion for costs.

LICENSURE PROCEEDINGS

Crystal Alfonso, Request for Reconsideration

Ms. Alfonso was present and was not represented by counsel. She requested reconsideration of a notice of intent to deny her application.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to reverse the denial and approve the application because applicant has been evaluated by PRN, is under a monitoring contract and demonstrates safety to practice while under PRN contract.
Second: by Ms. Douglas.
Vote: unanimous.

Dale W. McGee, Request for Reconsideration

Mr. McGee was present and was represented by Christopher E. Brown, Esq. The Board received a request for reconsideration of notice of intent to deny and alternative petition for formal hearing.

Following discussion and review of additional documentation, including many sterling reviews, the Board took the following action:

Motion: by Ms. Macomber to reverse the denial and approve the application.
Second: by Ms. Douglas.
Vote: motion passed with Ms. Buller and Ms. Bolhouse opposed.

Rose L. McGahee, Request to Permanently Surrender License

This was pulled from the agenda as it was handled in the Board office.

PETITIONS FOR VARIANCE OR WAIVER OF RULE

Jennifer Spinner, LCSW, Rule 64B4-6.001, F.A.C.

Ms. Spinner was not present and was not represented by counsel. She is requesting a variance to allow her to count continuing education completed 39 days prior to the beginning of the biennium.

Following discussion, the Board took the following action:

Motion: by Dr. Cecil-Van Den Heuvel to deny based on no substantial hardship demonstrated and does not meet the purpose of the underlying statute.

Second: by Ms. Douglas.

Vote: unanimous.

Kimberly Browne, LCSW, Rule 64B4-11.007, F.A.C.

Ms. Browne was present and was not represented by counsel. She is requesting the Board to consider a variance or waiver to the requirement for two years of experience earned post-licensure to serve as a qualified supervisor. Ms. Browne has a license in Florida and has been licensed in Arizona, New Jersey, and Pennsylvania.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to grant the petition because the purpose of the underlying statute has been achieved and petitioner demonstrated a substantial hardship.

Second: by Ms. Bolhouse.

Vote: unanimous.

Anissa Mitchell, LCSW, Rule 64B4-6.002, F.A.C.

Ms. Mitchell was not present and was not represented by counsel. She is requesting continuing education credit for her attendance at a triennial global conference, an event of the World Parkinson Coalition.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to grant the petition and approve 14 hours of continuing education because the purpose of the underlying statute has been achieved and petitioner demonstrated a substantial hardship. No credit for the poster session.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

APPEARANCES

Michael Maxwell, Registered CSW Intern Applicant

Mr. Maxwell was present and was not represented by counsel. His appearance was requested due to affirmative responses to history questions on his application.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to approve this application.

Second: by Ms. Douglas.

Vote: unanimous.

Alexis Johnson, Registered CSW Intern Applicant

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

Following discussion, the Board took the following action:

Motion: by Dr. Cecil-Van Den Heuvel to deny based on not demonstrating safety to practice.

Second: by Ms. Buller.

Vote: unanimous.

Ashley Busch, Registered MHC Intern Applicant

Ms. Busch submitted a request to withdraw her application.

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

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

APPLICATION REVIEWS

Shelley Droescher, CSW Licensure Applicant

Ms. Droescher was present and was not represented by counsel. This file is being presented to the Board for review due to affirmative responses to history questions on her application.

Following review, the Board took the following action:

Motion: by Ms. Macomber to accept the affirmative responses and find no grounds for discipline unless there is a change in the CA discipline.

Second: by Ms. Douglas.

Vote: motion passed with Ms. Bolhouse opposed.

Applicant will provide satisfactory documentation when California makes a final decision. If there is no change in the California discipline, the application process will move forward. If there is a change in the California Discipline, the application will return to the Board for review.

RULES DISCUSSION

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

The Florida Association for the Treatment of Sexual Abusers (FATSA) requested consideration of a rule amendment. Dr. Leo Cotter spoke to the Board regarding this request.

Following discussion, board counsel was asked to provide a rule draft for review at the next meeting.

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

Board staff is requesting review of an amended supervision form, which is incorporated in this rule.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to approve the amended supervision form.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

Motion: by Ms. Macomber to approve changes to the wording of the rule.

Second: by Ms. Douglas.

Vote: unanimous.

Motion: by Ms. Macomber 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 Statement of Estimated Regulatory Costs (SERC) is not required.

Second: by Ms. Bolhouse.

Vote: unanimous.

Rule 64B4-3.0075, F.A.C.

Board staff is requesting review of the amended provisional license application, which is incorporated in this rule.

Following discussion, the Board took the following action:

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

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

Motion: by Ms. Macomber to approve changes to the wording of the rule.

Second: by Ms. Douglas.

Vote: unanimous.

Motion: by Ms. Macomber 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.

Second: by Ms. Douglas.

Vote: unanimous.

Rule Reduction

Ms. Wenhold advised the Board that to reduce the regulatory burden we have been charged to review the rules for possible rules to repeal or possible repetitions.

MISCELLANEOUS

Unlicensed Activity Program Presentation

Sidronio "Chilo" Casas, J.D., Unlicensed Activity Liaison presented the Department's unlicensed activity program to the Board.

Margot Cioffi, Alternative Verification of Experience

Ms. Cioffi was not present and was not represented by counsel. She is requesting the Board accept her alternative documentation for one year of experience.

Following review, the Board took the following action:

Motion: by Dr. Cecil-Van Den Heuvel to deny this request.

Second: by Ms. Bolhouse.

Vote: unanimous.

Maryann Farrell-Williams, Alternative Verification of Experience

Ms. Farrell-Williams was not present and was not represented by counsel. She is requesting the Board review her Connecticut experience forms and accept them as verification that she meets the two years of experience requirement.

Following review, the Board took the following action:

Motion: by Ms. Buller to deny the alternative verification of experience as submitted for two supervisors on the CT forms and ask for the experience to be documented on the Florida form. The supervision under the licensed nurse is denied.

Second: by Ms. Macomber.

Vote: unanimous.

Megan Stevens, Alternative Verification of Experience

Ms. Stevens was not present and was not represented by counsel. Due to the untimely death of her supervisor, she is requesting the Board accept her alternative verification of experience.

Following review, the Board took the following action:

Motion: by Ms. Macomber to approve the experience under Ms. Donovan's supervision.

Second: by Ms. Douglas.

Vote: unanimous.

Carolyn Fisher, Review of Monitoring Contract

Ms. Fisher was present and was not represented by counsel. She is requesting the Board review her compliance and possibly terminate her monitoring contract.

Following review, the Board took the following action:

Motion: by Ms. Macomber to release Ms. Fisher from the contract.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

TOPIC DISCUSSIONS

AMFTRB Teletherapy Guidelines-Draft

The Board discussed promulgating rules/guidelines for teletherapy. Ms. Loucks will review to determine if the Board has the statutory authority for these rules and report to the Board at a future meeting.

License Portability

This was discussed with Teletherapy.

FMHCA Letter Regarding LMHC Licensure Title

Michael Holler, LMHC representing the Florida Mental Health Counselors Association (FMHCA) spoke to the Board regarding a proposal from the American Counseling Association to change the name of the profession to Licensed Professional Counselor. FMHCA strongly disagrees with changing the name of their profession and request that the title remain the same as it is now, Licensed Mental Health Counselor.

FMHCA Bill Draft Regarding MHC Qualified Supervisor

Corinne Mixon and Michael Holler, LMHC, representing the Florida Mental Health Counselors Association (FMHCA) spoke to the Board regarding the Association's proposed language relating to mental health counselor supervising. FMHCA may potentially seek bill sponsors for the upcoming legislative session that begins in March. The idea is to create a certification for qualified supervisor.

Ms. Mixon stated that this is a very rough draft and they already have a multitude of changes that they see need to be made. The proposed language would require a licensee to have a national or state clinical supervisor certification to be qualified to supervisor MHC interns, effective July 1, 2020. The bill would add the definition of a "Qualified Clinical Supervisor" to 491.003, F.S.

The Board was not supportive of the current draft language. Ms. Buller stated that it appears that a supervisor must be a MHC to supervisor MHC and that takes us back 20 years. This is a

collaborative board of three professions and all three professions can supervise anyone in those professions if they meet the current statutory and rule requirements. The Board believes that the current requirements meet the needs of the professions and should not be made more restrictive. Ms. Mixon agreed and said it was a mistake and not their intention to do that. This is a first draft of a new idea.

The Board asked if they had met with the Marriage and Family Therapy and Clinical Social Work Associations. Ms. Mixon said that she had talked to Jim Akin and Larry Barlow and let them know she would be sending a draft. Once the language is cleaned up, a draft will be sent.

Ms. Wenhold will work with Corrine and share drafts as FMHCA moves forward. Ms. Wenhold assured the Board that she will keep them well informed.

OTHER BUSINESS

Approved Continuing Education Providers

Motion: by Ms. Macomber to approve.
Second: by Ms. Bolhouse.
Vote: unanimous.

Committee of One Actions

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

Ratification of Applicants

Motion: by Ms. Macomber to approve.
Second: by Ms. Bolhouse.
Vote: unanimous.

Application Denials

Motion: by Ms. Macomber to deny for reasons listed.
Second: by Ms. Douglas.
Vote: unanimous.

Vacate Final Order

Motion: by Ms. Macomber to vacate the notice of intent to deny.
Second: by Ms. Bolhouse.
Vote: unanimous.

REPORTS

Assistant General Counsel

Ms. Jones reviewed her prosecutor's report and advised the Board that as of October 26, 2016 the Prosecution Services Unit had 85 open disciplinary cases.

- 43 - Cases under legal review
- 21 - Cases awaiting probable cause determination
- 16 - Cases where probable cause has been found
 - 1 - Emergency Action Case
 - 4 - Cases submitted for board review (2 on the November 3, 2016 meeting)
 - 1 - Case at DOAH

2009:	1
2010:	1
2011:	1
2012:	3
2013:	6 (2 transferred for next available PCP meeting)
2014:	10 (2 transferred for next available PCP meeting)
2015:	19 (4 transferred for next available PCO meeting)
Total:	41

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 discussed the 2016-2017 Annual Regulatory Plan with the Board and asked for their approval of the plan.

Motion: by Ms. Macomber to approve the 2016-2017 Annual Regulatory Plan.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

Ms. Loucks reviewed the October rules report with the Board. She then asked the Board to delegate authority to accept service of process to the Executive Director.

Motion: by Ms. Macomber to delegate to Jennifer Wenhold the authority to accept service of process on behalf of the Board.

Second: by Ms. Douglas.

Vote: unanimous.

Executive Director Report

Ms. Wenhold provided budget information for the Board's review. She asked the board members to give her a call if they had any questions.

Ms. Wenhold informed the board that committee meetings start the first week of December and she will keep them informed on Legislation. The Department of Health bill includes some 491 clean-up language.

FOR YOUR INFORMATION

Correspondence from Alan R. Goodwin, Ph.D.

ADJOURNMENT

The meeting adjourned at 1:30 p.m.