

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

GENERAL BUSINESS MEETING MINUTES

May 11, 2017 at 8:00 a.m.

**Springhill Suites Orlando Airport
5828 Hazeltine National Drive
Orlando, FL 32822
(407) 816-5533**

Participants in this public meeting should be aware that these proceedings are being recorded. 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, May 11, 2017 at 8:07 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.
Mr. Fabio Andrade

Staff present:

Deborah Loucks, Board Counsel
Elana Jones, Prosecutor
Jaquetta Johnson, Prosecutor
Jennifer Wenhold, Executive Director
Robin McKenzie, Program Administrator
Court Reporter: American Court Reporting
Suzette Bragg 407.896.1813

Member Absent:

Ms. Helen Douglas, R.D.H.

REVIEW OF MINUTES

The minutes of the February 9, 2017 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 Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

DISCIPLINARY PROCEEDINGS

Cristina Isabel Alonso, LCSW, Case No. 2015-19914

A continuance to the next board meeting was requested by the respondent's attorney and Ms. Gillespy approved the request.

Jeanne Ann Trudeau, LMHC, Case No. 2015-09274

Ms. Trudeau was not present nor represented by counsel at the meeting. A two count administrative complaint filed on December 7, 2016 alleged violations of s. 491.009(1)(r), F.S., by failing to meet minimum standards of performance by discharging patient due to respondent's attraction to patient and desire to see socially; and s. 491.009(1)(i), F.S., by willfully filing or making a false report or record by stating in case notes that patient was no longer interested in counseling, when the true reason for discharge was attraction to the patient.

Dr. Cecil-Van Den Heuvel was recused due to service on the probable cause panel. A voluntary relinquishment of license was presented to the Board. Following review, the Board took the following action:

Motion: by Ms. Macomber to accept the voluntary relinquishment of license.
Second: by Dr. Day.
Vote: unanimous.

Laurie Lynne Kidd, LMHC, Case No. 2016-18182

Ms. Kidd was not present and was not represented by counsel at the meeting. Possible violations of s. 491.009(1)(h), (l), (t), and (w), F.S.; and s. 456.072(1)(a), (k), (l), (m), and (dd), F.S. It is alleged that respondent hired an unqualified employee to provide therapy to residents of multiple assisted living facilities. It is also alleged that bills were submitted to Medicaid for services which were never rendered.

Probable cause was waived so no board members were recused. A voluntary relinquishment of license was presented to the Board. Following review, the Board took the following action:

Motion: by Ms. Macomber to accept the voluntary relinquishment of license.
Second: by Ms. Bolhouse.
Vote: unanimous.

Erin Nichole Davis, Registered CSW Intern, Case No. 2017-00850

Ms. Davis was not present nor represented by counsel at the meeting. Possible violations of s. 456.072(1)(k), (v), (dd), F.S.; s. 491.009(1)(h), (k), (r), (w), F.S.; s. 491.0111, F.S.; and s. 491.0112, F.S. It is alleged that respondent engaged in sexual misconduct with LH, while employed at North Tampa Behavioral Health.

Probable cause was waived so no board members were recused. A voluntary relinquishment of license was presented to the Board. Following review, the Board took the following action:

Motion: by Dr. Cecil-Van Den Heuvel to accept the voluntary relinquishment of license.
Second: by Ms. Macomber.
Vote: unanimous.

Shaw Lucas Eberhardt, LCSW, Case No. 2015, 23192

Mr. Eberhardt was not present and was not represented by counsel. An administrative complaint filed October 10, 2016 alleged violation of s. 491.009(1)(r), F.S., by failing to meet minimum standards of performance by posting a sexually inappropriate Facebook post and allowing his young children to run through the room where group sessions were in progress.

Ms. Gillespy was recused due to service on the probable cause panel; therefore, Ms. Bolhouse presided over this case. Following review, the Board took the following action:

Motion: by Ms. Macomber to find that the respondent was properly served and has waived his right to a formal hearing.
Second: by Ms. Buller.
Vote: unanimous.

Motion: by Ms. Macomber 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 findings of fact of the Board.

Second: by Dr. Day.
Vote: unanimous.

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

Second: by Mr. Andrade.
Vote: unanimous.

Motion: by Ms. Macomber to adopt the materials under Tab E and any addendum materials into evidence in this proceeding.

Second: by Ms. Buller.
Vote: unanimous.

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

Second: by Mr. Andrade.
Vote: unanimous.

The Department's recommendation is \$2,500 fine, reprimand, costs, 8 hours continuing education in ethics, 8 hours continuing education in boundaries, and one year of probation.

Motion: by Ms. Macomber to revoke the respondent's license.
Second: by Ms. Buller.
Vote: unanimous.

A motion to assess cost in the amount of \$1,058.41 due within 180 days of the final order was presented to the Board. Following discussion, the Board took the following action.

Motion: by Ms. Macomber to impose costs of \$1,058.41 payable within 180 days of the final order.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

Blanca Ruiz, Registered MHC Intern, Case No. 2013-11270

Ms. Ruiz was not present and was not represented by counsel. An administrative complaint filed July 5, 2016 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. The United States District Court found respondent guilty of one count of conspiracy to commit health care fraud and wire fraud.

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

Motion: by Ms. Buller to find the respondent was properly served and has waived her right to a formal hearing.

Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

Motion: by Ms. Buller that the material facts as alleged in the administrative complaint are not in dispute and to adopt the findings of fact as the Board's findings of fact.

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 laws.

Second: by Ms. Bolhouse.

Vote: unanimous.

Motion: by Ms. Buller to adopt the materials under Tab F and any addendum materials into evidence in this proceeding.

Second: by Ms. Bolhouse.

Vote: unanimous.

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

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

The Department's recommendation is revocation.

Motion: by Ms. Buller to accept the Department's recommendation and revoke the respondent's license.

Second: by Dr. Day.

Vote: unanimous.

A motion to assess cost in the amount of \$413.01 was presented to the Board. Following discussion, the Board took the following action.

Motion: by Ms. Buller to not impose costs.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

PROSECUTION REPORT: Elana Jones, Assistant General Counsel

Ms. Jones reviewed the prosecutor's report and advised the Board that as of May 4, 2017 the Prosecution Services Unit had 101 open disciplinary cases.

60 Cases under legal review

16 Cases awaiting probable cause determination

15 Cases where probable cause has been found

0 Emergency Action Case

9 Cases submitted for board review (5 on the May 11, 2017 agenda)

1 Case at DOAH

Cases older than one year.

2009: 1

2011: 1

2012: 3

2013: 5

2014: 6 (1 awaiting Recommended Order and Final Order)

2015: 22 (3 on 5/11/17 board agenda)

2016: 16

Total: 54

Motion: by Ms. Macomber to allow the Department to continue the prosecution of the cases older than one year.
Second: by Ms. Buller.
Vote: unanimous.

PETITION FOR VARIANCE OR WAIVER OF RULE

Allison Konovalova, Registered MFT Intern: Rule 64B4-21.007, F.A.C.

Ms. Konovalova was present and was not represented by counsel. She is requesting the Board approve her supervision under Bernadette Jasper, a licensed mental health counselor qualified to supervise registered mental health counselor interns since 2008. Ms. Konovalova is a registered marriage and family therapy intern.

Following review and discussion, the Board took the following action:

Motion: by Ms. Macomber to accept the supervision under Ms. Jasper.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

APPEARANCES

Krista McSweeney, Registered MHC Intern Applicant

This item was pulled from the agenda because the applicant requested to withdraw her application.

Ramani Rasile, Registered MHC Intern Applicant

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

Following review and discussion, the Board took the following action:

Motion: by Ms. Macomber to require an appearance before the Board.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

REVIEW OF APPLICATIONS

Hany Urdaneta, MHC Applicant for Licensure by Examination

Ms. Urdaneta was present and was not represented by counsel. This application is being presented to the Board due to an affirmative response to a history question concerning s. 456.0635, F.S.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to approve respondent's application, contingent on the law and experience forms being completed properly.
Second: by Dr. Day.
Vote: unanimous.

Robyn Kelly, CSW Applicant for Licensure by Endorsement

Ms. Kelly was not present and was not represented by counsel. This application is being presented to the Board due to an affirmative response to a professional history question.

Following discussion, the Board took the following action:

Motion: by Dr. Cecil-Van Den Heuvel to require an appearance before the Board and request applicant provide additional information from the Ohio Board.

Second: by Ms. Macomber.

Vote: unanimous.

RULES DISCUSSION

64B4-5.001 Disciplinary Guidelines

A letter was received from Marjorie C. Holladay with the Joint Administrative Procedures Committee in response to the proposed rule. Ms. Loucks provided a rule draft for the Board's consideration.

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

Motion: by Ms. Macomber to approve the amended draft language.

Second: by Ms. Buller.

Vote: unanimous.

64B4-3.009 Limited Licenses

Ms. Loucks will research statutory authority and bring a draft to the next meeting.

64B4-6.001 Renewal of Active License

A letter was received from Marjorie C. Holladay with the Joint Administrative Procedures Committee (JAPC) asking Ms. Loucks to provide the statutory authority for not requiring a licensee to complete continuing education for the first renewal of license.

Motion: by Ms. Macomber to authorize Ms. Loucks to respond to JAPC and allow the rule to continue through rule development.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

64B4-7.0081 Requirements to be a Qualified Practitioner for Completing Risk Assessments and Treatment of Sexual Offenders

A letter was received from Marjorie C. Holladay with the Joint Administrative Procedures Committee regarding this proposed rule. A letter was received from the Florida Association for the Treatment of Sexual Abusers (FATSA) regarding Ms. Holladay's letter. Leo P. Cotter, Ph.D., representing FATSA, was in attendance at the meeting to answer questions and provide information.

Motion: by Ms. Macomber to approve a change to this rule as discussed to remove subsections (1) and (4).

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

MISCELLANEOUS

Karina Flores, Review of Alternative Verification of Experience

Ms. Flores was present and was not represented by counsel. Following review and discussion, the Board took the following action:

Motion: by Dr. Cecil-Van Den Heuvel for applicant to request her supervisors complete the Florida Verification of Clinical Experience Form.
Second: by Ms. Macomber.
Vote: unanimous.

Tenisa Montgomery, Review of Alternative Verification of Experience

Ms. Montgomery was not present and was not represented by counsel. Following review and discussion, the Board took the following action:

Motion: by Dr. Cecil-Van Den Heuvel to deny this request.
Second: by Ms. Macomber.
Vote: unanimous.

TOPIC DISCUSSIONS

UNF New MSW Program

Tiffany D. Baffour, Ph.D., Director of the Master of Social Work Program at the University of North Florida (UNF) submitted correspondence regarding the UNF's plans to initiate a new MSW program in August 2017. The program is currently in pre-candidacy status through the Council on Social Work Education (CSWE). If everything goes as planned, the UNF would receive candidacy status from the CSWE in October 2017 and full accreditation as early as October 2019. Dr. Baffour asked how this would impact UNF students and their eligibility for licensure.

Motion: by Ms. Macomber that University of North Florida graduates may register as interns and take the clinical exam if the master's social work program they graduated from was in candidacy status and becomes fully accredited within 3 years of the applicant's graduation.
Second: by Ms. Buller.
Vote: unanimous.

CE Provider Offering a Course on Something Unethical

Motion: by Ms. Macomber to send a show cause order to the CE Provider.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

MHC Licensure Examination

Dr. Cecil-Van Den Heuvel discussed the pass/fail rate for Florida candidates taking the National Clinical Mental Health Counseling Examination (NCMHCE). A discussion ensued regarding the NCMHCE and the National Counselor Examination (NCE) and the possibility of accepting either the NCMHCE or the NCE for licensure as a mental health counselor. Ms. Loucks will research the issue of having a choice for the licensure examination. Ms. Wenhold will invite a representative from the National Board for Certified Counselors, Center for Credentialing and Education to the next board meeting to address issues with the exam.

LEGISLATION

SB 502: Florida Statutes

4/5/2017 - Approved by Governor.
Amends 491.0046 Provisional License; requirements.
Replaces incorrect cross-references/citations.

CS/CS/SB 876: Health Care Practitioners: 5/2/2017 - Laid on Table – refer to CS/CS/HB 229.

CS/SB 1756: Examination and Treatment of Individuals with Mental Illness

5/5/2017 - Indefinitely postponed and withdrawn from consideration.

CS/HB 7011: Health Care Access

5/5/2017 - Indefinitely postponed and withdrawn from consideration.

CS/CS/HB 229: Health Care Practitioner Licensure

5/3/2017 – Ordered enrolled.

Amends 456.0635, F.S., revising grounds for refusing to issue or renew a license in a health care profession.

OTHER BUSINESS

FY16/17 Fee Scenario

Motion: by Ms. Macomber to accept the Department's recommendation to reduce the active renewal fee to \$115.00 and the initial licensure fee to \$75.00.

Second: by Mr. Andrade.

Vote: unanimous.

Approved Continuing Education Providers

Motion: by Ms. Macomber to approve the list of continuing education providers.

Second: by Ms. Buller.

Vote: unanimous.

Committee of One Actions

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

Second: by Ms. Buller.

Vote: unanimous.

Ratification of Licenses

Motion: by Ms. Macomber to ratify the licenses issued.

Second: by Ms. Buller.

Vote: unanimous.

Election of Officers

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

Second: by Ms. Buller.

Vote: unanimous.

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

Second: by Dr. Day.

Vote: unanimous.

REPORTS

Board Counsel

Ms. Loucks provided monthly rule reports for the Board's review.

Executive Director

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.

Chair

Board Members

FOR YOUR INFORMATION

ASWB Examination Pass Rates

Renewals Statistical Report

Summary Admin. Outreach to Schools April 2017

LCSW Renewal Report

LMFT Renewal Report

LMHC Renewal Report

Certified Master Social Worker Renewal Report

ADJOURNMENT

The meeting was adjourned at 12:00 p.m.