

**Board of Clinical Social Work, Marriage & Family Therapy,  
and Mental Health Counseling**

**GENERAL BUSINESS MEETING MINUTES**

**August 10, 2017  
8:00 a.m.**

**Sheraton Tampa, East**  
10221 Princess Palm Avenue  
Tampa, Florida 33610  
(813) 246-7139

**CALL TO ORDER**

The meeting was called to order on Thursday, August 10, 2017 at 8:04 a.m. by Ms. Bolhouse, Chair.

**ROLL CALL**

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

**Members present:**

Ms. Lisa Bolhouse, LCSW, Chair  
Ms. Jamie Buller, LCSW, Vice-Chair  
Dr. Denny Cecil-Van Den Heuvel, PhD, LMFT  
Ms. Susan Gillespy, LMFT  
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: Integra Reporting Group, LLC  
Cynthia Cianciolo, 813-868-5130

Ms. Bolhouse welcomed students from Rollins College and Reformed Theological Seminary.

**I. APPROVAL OF MINUTES**

**A. May 11, 2017 General Business Meeting Minutes**

The minutes of the May 11, 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 Ms. Douglas.

Vote: unanimous.

**II. DISCIPLINARY PROCEEDINGS**

**Informal Hearing**

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

(PCP: Gillespy, Douglas, Gray)

Represented by Counsel

A continuance was granted to the next board meeting.

**Determination of Waiver - Informal Hearing**

**B. Piper Walsh, Registered MHC Intern, Case No. 2016-30466**

(PCP: Barlow, Cecil-Van Den Heuvel, Gray)

Pro Se

Ms. Walsh was present and was not represented by counsel. An administrative complaint filed on May 4, 2017 alleged violation of s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(aa), F.S., by testing positive for THC on an employer-ordered drug screen.

Dr. Cecil-Van Den Heuvel was recused due to participation on the probable cause panel. Following review, the Board took the following action:

Motion: by Dr. Day to find that the respondent was properly served and has waived her right to a formal hearing.

Second: by Ms. Gillespy.

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 as set forth in the administrative complaint as the findings of fact of the Board.

Second: by Ms. Douglas.

Vote: unanimous.

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

Second: by Ms. Gillespy.

Vote: unanimous.

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

Second: by Ms. Douglas.

Vote: unanimous.

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

Second: by Ms. Buller.

Vote: motion fails with a vote of 2 – 4 opposed; Ms. Bolhouse and Ms. Buller in favor.

Motion: by Ms. Macomber to dismiss the administrative complaint.

Second: by Ms. Douglas.

Vote: motion passes with a vote of 4 – 2 opposed; Ms. Bolhouse and Ms. Buller opposed.

The Department withdrew the motion for costs.

**C. Anna Maria Nylander, Registered MHC Intern, Case No. 2015-27824**

(PCP: Sherrard, Macomber, Roberts) Pro Se

Ms. Nylander was not present and was not represented by counsel. A two count administrative complaint filed February 24, 2017 alleged violations of s. 491.009(1)(r), F.S., by failing to meet minimum standards by becoming involved romantically and sexually with a client and s. 491.009(1)(k), F.S., by engaging in sexual misconduct.

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

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

Second: by Ms. Douglas.

Vote: unanimous.

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 findings of fact of the Board.

Second: by Ms. Douglas.

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 Ms. Douglas.

Vote: unanimous.

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

Second: by Ms. Douglas.

Vote: unanimous.

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

Second: by Ms. Buller.

Vote: unanimous.

The Department's recommendation is the maximum penalty, which is a \$6,000 fine payable within 180 days and revocation.

Motion: by Dr. Day to accept the Department's penalty recommendation.

Second: by Ms. Buller.

Vote: unanimous.

A motion to assess costs in the amount of \$2,161.08 payable within 180 days was presented to the Board. Following discussion, the Board took the following action.

Motion: by Ms. Buller to approve the Department's motion and assess costs.

Second: by Ms. Douglas.

Vote: unanimous.

**D. Amber Michelle Ray, Registered MHC Intern, Case No. 2016-19985**  
(PCP: Barlow, Day, Gray) Pro Se

Ms. Ray was not present nor represented by counsel. An administrative complaint filed September 16, 2016 alleged violation of s. 491.009(1)(p), F.S., by being unable to practice with reasonable skill and competence due to severe alcohol use disorder, moderate opioid use disorder, moderate stimulant use disorder, mild cannabis and cocaine use disorder, and/or type I bipolar affective disorder.

Dr. Day was recused due to participation on the probable cause panel. Following review, the Board took the following action:

Motion: by Ms. Macomber to find that the respondent was properly served and has waived her 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 adopt the findings of fact as set forth in the administrative complaint as the findings of fact of the Board.

Second: by Ms. Gillespy.

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 Ms. Douglas.

Vote: unanimous.

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

Second: by Ms. Gillespy.

Vote: unanimous.

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

Second: by Ms. Gillespy.

Vote: unanimous.

The Department's recommendation is \$1,000 fine payable within 180 days, suspension until she appears before the Board and is able to demonstrate safety to practice, followed by probation.

Motion: by Ms. Gillespy to accept the Department's recommendation.

Second: by Ms. Macomber.

Vote: motion fails with all opposed.

Motion: by Ms. Macomber to revoke her license due to a continuing issue with alcohol and drugs, no response to recommendation that she seek an evaluation through PRN, documented substance use while in treatment, and a DUI arrest in 2016.

Second: by Ms. Buller.

Vote: unanimous.

A motion to assess costs in the amount of \$972.10 was presented to the Board. Following discussion, Ms. Jones requested to bifurcate the costs motion and bring the motion back at the next meeting.

**E. Anthony H. Conti, Jr., LMHC, Case No. 2016-24511**

(PCP: Day, Barlow) Pro Se

Mr. Conti was not present and was not represented by counsel. A three count administrative complaint alleged violations of s. 491.009(1)(w), F.S., by violating s. 456.072(1)(v), F.S., by using his counselor-patient relationship to induce and/or attempt to induce patient N.B. to

engage in verbal and/or physical sexual activity; and by using his counselor-patient relationship to induce and/or attempt to induce patient D.Q. to engage in verbal and/or physical sexual activity.

Dr. Day was recused due to participation on the probable cause panel. 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. 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 adopt the findings of fact as set forth in the administrative complaint as the findings of fact of the Board.

Second: by Ms. Douglas.

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 Ms. Douglas.

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. Douglas.

Vote: unanimous.

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

Second: by Ms. Douglas.

Vote: unanimous.

The Department's recommendation is \$1,000 fine payable within 180 days and revocation.

Motion: by Ms. Macomber to accept the Department's recommended penalty.

Second: by Ms. Douglas.

Vote: unanimous.

A motion to assess costs in the amount of \$2,577.77 payable within 180 days was presented to the Board. Following discussion, the Board took the following action.

Motion: by Ms. Macomber to approve the motion to assess costs.

Second: by Ms. Gillespy.

Vote: unanimous.

### **Voluntary Relinquishment**

#### **F. Jessica Marie Bauerle, Registered MHC Intern, Case No. 2017-09166** (Probable Cause Waived) Pro Se

Ms. Bauerle was not present nor represented by counsel.

Possible violations of s. 491.009(1)(h)(k)(p), F.S., due to being accused of inappropriately touching and abusing two children.

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.  
Second: by Ms. Gillespy.  
Vote: unanimous.

**G. Leaann Rooney, LCSW, Case No. 2017-05277**  
(Probable Cause Waived) Pro Se

Ms. Rooney was not present and was not represented by counsel. Possible violations of s. 491.009(1)(p)(w), F.S., by being unable to practice with reasonable skill or competence as a result of mental or physical condition or by reason of illness, drunkenness, or excessive use of drugs, or any other substance.

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. Day to accept the voluntary relinquishment.  
Second: by Ms. Macomber.  
Vote: unanimous.

**H. Emmanuel Nwaogbo, LMHC, Case No. 2016-13180**  
Voluntary Relinquishment (PCP: Gillespy, Douglas, Gray)  
Pro Se

Mr. Nwaogbo was not present and was not represented by counsel. An administrative complaint filed October 10, 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.

Ms. Gillespy and Ms. Douglas were recused due to their participation on the probable cause panel. Following review, the Board took the following action:

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

**III. RECOMMENDED ORDER**

**A. Kathryn Lee Friedman, LMHC, DOAH Case No. 16-6322PL**  
**DOH Case No. 2014-08875** (PCP: Macomber, Day, Sherrard)

Kathryn Friedman was not present and was represented by Richard H. Levenstein, Esquire. Mr. Levenstein requested a continuance to the next meeting because Ms. Friedman had a health emergency and left to go to the emergency room. Mr. Levenstein verbally waived the 90 requirement for a final order. Following discussion, the Board took the following action:

Motion: by Ms. Gillespy to grant a continuance to the next meeting.  
Second: by Ms. Buller.  
Vote: unanimous.

**IV. PROSECUTION SERVICES REPORT**

**A. Elana Jones, Assistant General Counsel**

Ms. Jones reviewed the prosecutor's report and advised the Board that as of August 4, 2017 the Prosecution Services Unit had 107 open disciplinary cases.

- 1 Status 50 case; refer to legal
- 58 Cases under legal review
- 22 Cases awaiting probable cause determination
- 13 Cases where probable cause has been found
- 0 Emergency Action Case
- 12 Cases submitted for board review (9 on the August 10 2017 agenda)
- 1 On Appeal

Cases older than one year.

2009:	1
2011:	1
2012:	3
2013:	3
2014:	6 (1 on 8/10/17 Board Agenda)
2015:	18 (2 on 8/10/17 Board Agenda)
<u>2016:</u>	<u>19 (2 on 8/10/17 Board Agenda)</u>
<b>Total:</b>	<b>51</b>

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

Second: by Ms. Buller.

Vote: unanimous.

**V. PETITION FOR VARIANCE OR WAIVER OF RULE**

**A. Kathleen Pracht, LMHC, Rule 64B4-31.007, F.A.C.**

Ms. Pracht was present and was not represented by counsel. She has filed a petition seeking a variance of the requirement for the supervision training to be completed subsequent to licensure as a mental health counselor. Ms. Pracht is requesting the Board to accept her completion of a supervisory course she completed in her doctoral program prior to licensure as a mental health counselor.

After discussion, the Board took the following action:

Motion: by Ms. Macomber to deny the petition because neither a substantial hardship nor a violation of principles of fairness was demonstrated.

Second: by Ms. Douglas.

Vote: unanimous.

**B. Patrick Yewell, Registered CSW Intern + CSW License Applicant by Exam**  
Rules 64B4-2.001 and 64B4-2.002, F.A.C.

Mr. Yewell was present and was not represented by counsel. He has filed a petition seeking a variance to the requirement regarding the documentation of 100 weeks of supervised experience. Mr. Yewell provided confirmation that he has received the required supervision.

After discussion, the Board took the following action:

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

Second: by Ms. Douglas.

Vote: unanimous.

## **VI. APPEARANCES**

### **A. Alexander Gianikas, CSW License Applicant by Examination**

Mr. Gianikas has requested to withdraw his application because he has moved out of state.

After discussion, the Board took the following action:

Motion: by Ms. Macomber to accept the request to withdraw.

Second: by Ms. Douglas.

Vote: unanimous.

### **B. Norman Levitan, Registered MFT Intern Applicant**

Mr. Levitan was not present. His appearance was requested due to affirmative responses to history questions on the application.

Following discussion, the Board took the following action:

Motion: by Ms. Buller to require an appearance at one of the next two board meetings, with a PRN evaluation. When the written evaluation is received, it will be reviewed by one of the MFT board members. That board member will make a recommendation as to whether or not his application can be approved based on the evaluation, or if he would need to come to one of the board meetings.

Second: by Ms. Macomber.

Vote: unanimous.

### **C. Wayne Kossman, Registered MHC Intern Applicant**

Mr. Kossman was not present. His appearance was requested due to an affirmative response to a history question on the application. Dr. Alexis Polles, Medical Director, Professionals Resource Network (PRN) provided the Board with updated information. She stated that on August 7 PRN was notified that Mr. Kossman sent his evaluator a text message at 2:00 a.m. the night prior to his evaluation that he was going to cancel and he was retracting his application.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to require an appearance at one of the next two board meetings. If a written evaluation is received from PRN, it will be reviewed by one of the MHC board members. That board member will make a recommendation as to whether or not his application can be approved based on the evaluation, or if he would need to come to one of the board meetings.

Second: by Ms. Douglas.

Vote: unanimous.

### **D. Ramani Rasile, Registered MHC Intern Applicant**

Ms. Rasile was present and was represented by Carole Schriefer, Esquire, with The Health Law Firm. The Board was provided with a petition to withdraw application. Ms. Schriefer asked that the Board grant the petition and they are present to answer any questions the Board may have.

Motion: by Ms. Macomber to approve the petition to withdraw the application.  
Second: by Dr. Cecil-Van Den Heuvel.  
Vote: unanimous.

**E. Linda Wolfe, MHC License Applicant by Examination**

Ms. Wolfe was present. She requested to appear before the Board to request the provisional MHC license granted in November 2015 be extended another two years.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to deny the request based on the statutory requirements.  
Second: by Ms. Douglas.  
Vote: unanimous.

**F. Robyn Kelly, CSW License Applicant by Endorsement**

An order was issued requiring her appearance at one of the next two board meetings. An email was received from Ms. Kelly advising that she would be unable to attend this meeting, but she would be at the next meeting. Therefore, her appearance was tabled to the next meeting.

**VII. REVIEW OF APPLICATIONS**

**A. Cynthia Shannon, Registered CSW Intern Applicant**

Ms. Shannon was present and was not presented by counsel. This application is being presented to the Board for review due to affirmative responses to history questions on the application. Ms. Buller advised the Board that as a committee of one she reviewed the application and mental health report and asked for Ms. Shannon to come to the board meeting today. While Ms. Shannon has taken some positive steps in her recovery, with a substance abuse hospital stay just 2 years ago, her previous diagnosis, as well as her evaluator's recommendations, Ms. Buller thought it best for the application to be reviewed by the entire Board.

Ms. Buller stated that it was a good evaluation, however it failed to indicate that she could practice with reasonable skill and safety. With the recommendations in the report, there is no way for the Board to have any kind of oversight to ensure that she continues to take those positive steps.

After discussion, the following action was taken by the Board.

Motion: by Ms. Macomber to request a PRN evaluation and recommendation. The Board strongly encouraged PRN to use the existing mental status report as a basis for the evaluation before determining if an additional evaluation is needed to make a recommendation as to safety to practice.  
Second: by Ms. Buller.  
Vote: unanimous.

Ms. Bolhouse appointed Ms. Buller to review the PRN recommendation.

**B. Lathosha Teresa Alexander, CSW License Applicant by Examination**

Ms. Alexander was present. This application is being presented to the Board for review due to affirmative responses to history questions on the application.

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

**C. Amy S. Wagner, Registered MFT & MHC Intern Applicant**

Ms. Wagner was present. These applications are being presented to the Board for review due to an affirmative response to a history question on the applications.

After discussion, the Board took the following action:

Motion: by Ms. Macomber to approve her applications.  
Second: by Dr. Cecil-Van Den Heuvel.  
Vote: unanimous.

**VIII. EXAMINATION EQUIVALENCY DETERMINATION**

**A. Nancy R.F. Miller, MFT & MHC License Applicant**

Dr. Miller was not present. She has requested the Board to accept the NBCC Virginia Licensed Professional Counselor Examination (LPCE) as equivalent to the licensure examination for marriage and family therapy (AMFTRB) and the licensure examination for mental health counseling (NCMHCE).

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

Motion: by Ms. Macomber to deny because the LPCE is not equivalent to either the MFT exam or the MHC exam.  
Second: by Ms. Gillespy.  
Vote: unanimous.

**IX. DISCUSSION**

**A. Southeastern University New MSW Program**

Correspondence was received from Erica Sirriner, Ph.D., LCSW, Dean of the College of Behavioral and Social Sciences, Southeastern University. She stated that Southeastern University is launching a new MSW program. The program is currently in pre-candidacy status with the CSWE (Council on Social Work Education) and is expected to attain candidacy in February 2018 and full accreditation in February 2020. Dr. Sirriner asked if Southeastern University MSW graduates will be permitted to register as clinical interns once the MSW program is granted candidacy by the CSWE.

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

Motion: by Ms. Buller that Southeastern University graduates may register as interns and take the clinical exam if the master's social work program they graduated from was in candidacy status with the CSWE.  
Second: by Dr. Day.  
Vote: unanimous.

**B. Capella University New MSW Program**

Correspondence was received from Kris Maul, JD, Principal Licensure Consultant for Capella University regarding graduates from Master of Social Work (MSW) programs in candidacy status with the Council on Social Work Education (CSWE). The first class of MSW students

enrolled in October 2015 and he advised that the CSWE accreditation process takes a minimum of three years. In February 2016 their program was granted candidacy status and in June 2017, the CSWE granted a second year of candidacy. Mr. Maul stated that they are working towards achieving accreditation in late 2018. He asked that the Board confirm acceptance of their graduates who apply for clinical social work intern registration while their program is in candidacy status.

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

Motion: by Ms. Buller that Capella University graduates may register as interns and take the clinical exam if the master's social work program they graduated from was in candidacy status with the CSWE.

Second: by Ms. Gillespy.

Vote: unanimous.

### **C. Telehealth**

Ms. Bolhouse attended a phone conference with the National Association of Social Workers (NASW) that talked about jurisdiction guidelines for both where you provide therapy and where the client is located. The NASW guidelines provide that if the client is in another state, the clinician must adhere to the laws and rules in both states. They suggested that clinicians check with the other state's regulatory board and ask about a temporary license. The Board was provided with the NASW, CSWE, & CSWA Standards for Technology in Social Work Practice.

Ms. Gillespy recently attended an Association of Marital and Family Therapy Regulatory Boards (AMFTRB) conference and provided information from the conference in the agenda materials regarding license portability. She stated that teletherapy and license portability go hand-in-hand.

The AMFTRB developed a one-page form that could be included with the application. If the individual wants to practice somewhere else, this would determine minimum competency for portability. The form would let the other state know this person has a clear active license, they passed an exam, received supervision, and asks the other state to look at minimum competency to keep the public safe.

Ms. Gillespy informed the Board that the federal government is also looking at portability and met in late July. They are looking at making occupational licensing portability easier from state to state. The different disciplines, CSW, MFT, MHC, are trying to get ahead of this and develop the guidelines and jurisdiction for their professions rather than depending on the federal government to take charge of this matter.

Richard P. Long, Ph.D., representing the Florida Association for Marriage and Family Therapy (FAMFT), spoke to the Board regarding telehealth and license portability. He provided each board member with a packet that included articles, legislation, and a Report of the Online Therapy Workgroup regarding best practices in online practice.

Dr. Long briefly discussed the information he provided to the board members. The FAMFT supports telemental health education. He suggested the Board consider requiring continuing education in telehealth and outlining the course content. He also suggested that the Board look at requiring telemental health education in the supervisory context. The FAMFT would be strongly against a specialized license in telemental health.

Dr. Long spent last year as an interested party on the Governor's telehealth advisory panel where the State Surgeon General has emphasized this as a priority. He said that they were moving in the portability direction every meeting he attended and eliminating licensure barriers. The national associations are all advocating for portability. Whatever it takes to get portability going, the FAMFT will support. He stated that portability might start with inter-state compacts, such as FL, GA, AL, and maybe SC.

Jim Akin, Executive Director, NASW, Florida Chapter, spoke to the Board regarding questions they receive on a weekly basis regarding telehealth and if LCSWs can do telehealth in Florida. He wanted to verify they are providing the correct information:

- To see a client in FL, you need a license in FL
- If seeing a client in another state, contact the regulatory board in that state and ask about their requirements for seeing a client in their state
- Ensure the technology protects confidentiality
- Use the highest level of technology
- Maintain what the law says as far as client records
- Follow any technology standards the association has

Ms. Loucks responded that this Board does not have any authority for specific rules on telehealth. She advised that as long as they are complying with the standard of care, what Mr. Akin said is correct. She advised that if the client is in another state they would be subject to the laws in that state. Ms. Loucks stated that:

- The therapist needs to maintain confidentiality and ensure HIPAA compliance
- The therapist needs to make sure that services are being provided to a client located in Florida at the time that the service is provided
- If the therapist provides services to someone in another state, the therapist is subject to the laws of that other state
- Yes, the therapist would need to keep records because that is part of the standard of care

Dr. Day stated that in Arkansas you need a certificate from their board to do telehealth and maybe we need to look at what Arkansas requires.

Ms. Bolhouse stated that she would continue to research and keep in touch with Ms. Wenhold. She asked the Board to consider if continuing education should be required if a licensee is doing telehealth. Following further discussion, Dr. Day, Ms. Gillespy, and Dr. Cecil-Van Den Heuvel volunteered for a task force to explore telehealth, discuss/review guidelines and share information and documents.

#### **D. Supervision Guidelines**

Ms. Bolhouse discussed her concern with the number of interns coming before the Board for discipline and that supervisors do not have some sort of accountability. Could the prosecutor send a copy of the filed administrative complaint (AC) to the supervisor? Could the Board request the supervisor attend the board meeting when his or her intern is before the Board for discipline?

Ms. Jones stated that the Department has concerns with sending the AC to the supervisor. If we send them the AC, we make them aware and they would probably speak to their supervisee

about the issues surrounding the AC. If the intern makes disclosures or admissions to the supervisor, there is nothing in the statutes that provides any privilege between supervisors and supervisees.

Ms. Loucks advised the Board that they do not have the authority to request a supervisor attend the board meeting when his or her intern is brought before the Board for discipline. The law requires the intern to work under supervision and the Board defines supervision in rule. Ms. Loucks suggested they may want to look at amending the rule that defines supervision. The rule requires the supervisor to evaluate the performance of the intern and language could be added requiring the intern to advise his or her supervisor if they have discipline pending.

Ms. Loucks suggested that the number of intern coming before the Board may drop with the change in the intern law to five years.

Ms. Buller asked when an intern is disciplined, could we include in the disciplinary action some kind of requirement to specifically address whatever the issue was with their supervisor. Ms. Loucks suggested this could be added in any probationary terms the Board stipulates.

The supervisor has an obligation to report any violation of which he or she has knowledge. If there is a problem/issue with the supervisor, the Department could open a case against the supervisor. It was suggested that if a complaint is investigated against an intern, the investigator should verify that the intern is under supervision and find out if the supervisor had knowledge of the violation.

In the report Ms. Jones provides at the November meeting, she will include the Department's response regarding the investigator inquiring if the intern is under supervision and if the qualified supervisor was aware of the underlying situation.

**E. License Portability**

Portability was discussed with Telehealth.

**X. CONTINUING EDUCATION PROVIDER ISSUES**

**A. Milestone Behavioral Health Systems, LLC**

Correspondence was received regarding possible violations of copyright and trademark infringement laws. No action was taken because this is a civil matter and not for the Board's jurisdiction.

**B. PESI, Inc.**

Documentation was received regarding a course taken from board approved continuing education provider PESI, Inc. No action was taken. The licensee should take up the matter with the provider through their grievance policy.

**XI. OTHER BUSINESS**

**A. Ratification of Approved Continuing Education Providers**

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

Second: by Ms. Gillespy.

Vote: unanimous.

**B. Ratification of Committee of One Actions**

Motion: by Ms. Buller to ratify the committee of one actions.  
Second: by Ms. Gillespy.  
Vote: unanimous.

**C. Ratification of Licenses Issued**

Motion: by Ms. Buller to ratify the licenses issued.  
Second: by Dr. Cecil-Van Den Heuvel.  
Vote: unanimous.

**XII. REPORTS**

**A. Deborah Loucks, Board Counsel**

**1. Rules Reports**

Ms. Loucks provided monthly rules reports for May, June, July and August for the board members' review.

**2. Anti-Trust Update**

Ms. Loucks provided information on a federal bill that would grant antitrust immunity to boards for reforms. S.B. 1649, the Restoring Board Immunity Act, would exempt state boards from antitrust liability on the condition that they enact professional licensing reforms.

Ms. Loucks provided a copy of the speech given by Maureen K. Ohlhausen, Acting Chairman, U.S. Federal Trade Commission on February 23, 2017 titled Advancing Economic Liberty at the George Mason Law Review's 20<sup>th</sup> Annual Antitrust Symposium.

**B. Jennifer Wenhold, Executive Director**

**1. Amended Delegations of Authority**

Motion: by Ms. Buller to approve the amended delegations of authority.  
Second: by Dr. Cecil-Van Den Heuvel  
Vote: unanimous.

**2. Budget Report**

Ms. Wenhold provided budget information for the Board's review.

Ms. Wenhold reported on a multi-board workgroup she is a part of. The State Surgeon General asked for this workgroup to discuss certain topics: wrong site surgery, controlled substances prescribing, the opioid crisis, and anesthesia. The workgroup includes members from the Boards of Medicine, Osteopathic Medicine, Dentistry, Pharmacy, and Nursing.

During the discussion on controlled substances prescribing, the State Surgeon General asked for a subgroup to talk specifically about the opioid crisis, what we can be doing. A meeting has been scheduled for November 3 in Orlando. They asked if any of the allied professions want to come to talk about how you can impact alternatives to prescribing or what you have seen. Ms. Wenhold asked if anyone is interested in attending this meeting, to let her know.

**C. Lisa Bolhouse, Chair**

**D. Board Members**

**XIII. FOR YOUR INFORMATION**

**ADJOURNMENT**