

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

May 24, 2018

8:00 a.m. ET

**Rosen Plaza
9700 International Drive
Orlando, Florida 32819
(407) 996-9700**

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.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order on Thursday, May 24, 2018 at 8:04 a.m. by Ms. Lisa Bolhouse, Chair. Roll call was conducted by Ms. Jennifer Wenhold, Executive Director. Those present for all or part of the meeting included the following:

MEMBERS PRESENT

Lisa Bolhouse, Chair
Jamie Buller, LCSW, Vice-Chair
Denny Cecil-Van Den Heuvel, PhD, LMFT
Helen Douglas, RDH
William Day, PhD, LMHC

STAFF PRESENT

Jennifer Wenhold, Executive Director
Ashleigh Irving, Program Administrator

MEMBERS ABSENT

Susan Gillespy, LMFT (excused)

BOARD COUNSEL

Deborah Loucks, Esq.
Assistant Attorney General

COURT REPORTER

Heather Howard, American Court Reporting

PROSECUTING ATTORNEY

John Wilson, Esq.
Asst. General Counsel, PSU

Ms. Bolhouse reminded everyone that the proceedings were being recorded and would later be posted on the Board's website. Ms. Bolhouse asked everyone to turn off all electronic devices and welcomed all students present.

II. DISCIPLINARY PROCEEDINGS

A. Voluntary Relinquishment

- i. Lynn W. Eichler, LCSW, Case No. 2017-23690
(PCP – Waived) Pro Se

Ms. Eichler was not present nor represented by counsel. John Wilson presented the case before the board which includes the following allegations: Section 456.072(1)(k)(z)(dd)(hh), Florida Statutes and Section 491.009(1)(p)(t)(w), Florida Statutes. There was no administrative

complaint. Allegations were taken from Investigative Report.

Probable Cause was waived. 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. Buller to accept the Voluntary Relinquishment.
 Second: by Ms. Douglas
 Vote: unanimous

III. PROSECUTION REPORT

A. John Wilson, Assistant General Counsel

Mr. Wilson presented the following report to the Board:

Inventory of Cases as of May 8, 2018	
Cases in Hold Status	2
Cases under legal review (60 status):	37
Cases awaiting probable cause Determination (70 Status):	40
Total Cases where PC has been found (80 Status):	16
Cases Submitted for Board Review)(100 Status):	8
+	
Total Cases open/active in PSU:	103

Total Number of Cases Older Than One Year:	
2009:	1
2011:	1
2012:	4
2013:	3
2014:	3
2015:	12
2016:	24
2017:	5
Total:	53

Motion: by Ms. Douglas to allow prosecution to continue prosecuting a year or older cases.
Second: by Ms. Buller
Vote: unanimous

A sample of the intern supervision cases are in field offices with investigation services. The cases should be in Mr. Wilson's office before the next meeting.

Mr. McBurrows, Assistant General Counsel, PSU, will be introduced at the next Board meeting.

IV. REQUEST FOR FORMAL APPROVAL OF MONITOR

A. Joe M. Lynn, LMHC, MH 7243

Mr. Lynn was present and sworn in by the court reporter. He was not represented by counsel. Mr. Lynn was accompanied by his monitor, Luis Hines, who was also sworn in by the court reporter. Mr. Lynn has petitioned to come before the Board for formal approval of monitor.

After discussion, the following action was taken:

Motion: by Dr. Cecil-Van Den Heuvel to approve Luis Hines as monitor for Joe Lynn.
Second: by Ms. Douglas
Vote: unanimous

V. REQUEST TO TERMINATE PROBATION

A. John August Moser, LMHC, MH 187

Mr. Moser was present and sworn in by the court reporter. He was not represented by counsel. Mr. Moser was accompanied by his supervisor Patricia Ann Rutledge-Capers who was also sworn in by the court reporter. Mr. Moser is requesting the Board terminate his probation.

After discussion, the following action was taken:

Motion: by Dr. Cecil-Van Den Heuvel that Mr. Moser continues meeting with his supervisor every two weeks until the end of his probation August 17, 2018. He will not need to appear before the Board to have probation terminated.
Second: by Ms. Buller
Vote: unanimous

VI. PETITION FOR VARIANCE OR WAIVER OF RULE

A. Michael Maxwell, ISW 11185

Mr. Maxwell was present and sworn in by the court reporter. He filed a petition seeking a variance of the rule 64B4-11.007, Florida Administrative Code, which provides the definition of a qualified supervisor. Mr. Maxwell is asking that his former university professor, Robert Donofrio, a Florida licensed Psychiatric ARNP, is approved as his qualified supervisor. Mr. Donofrio's license is currently in Delinquent, Active status.

After discussion, the following action was taken:

Motion: by Ms. Buller to deny the petition for variance or waiver on the basis of not demonstrating purpose of underlying statutes. Mr. Donofrio does not meet the statutory qualifications.
Second: by Dr. Cecil-Van Den Heuvel
Vote: unanimous

VII. REVIEW OF APPLICATIONS

A. Application for MHC Intern

i. Jason Wynn – Request to Withdraw

Mr. Wynn was not present and not represented by counsel. Mr. Wynn requested that his application be withdrawn from consideration.

After discussion, the following action was taken:

Motion: by Dr. Cecil-Van Den Heuvel to accept withdrawal.
Second: by Ms. Buller
Vote: unanimous

ii. Christine Fancher

Ms. Fancher was present and sworn in by the court reporter. She was not represented by counsel. Mr. Fancher was accompanied by Dr. Martha Brown, Associate Medical Director for PRN. Her application was brought before the Board because she answered "yes" to a Health History question. She was required to appear at one of the next two board meetings.

After discussion, the following action was taken:

Motion: by Dr. Day to approve intern registration contingent on qualified supervisor letter and education being certified complete.
Second: by Ms. Douglas

Vote: unanimous

iii. Drucilla Warren

Ms. Warren was present and sworn in by the court reporter. She was not represented by counsel. Her application was brought before the Board because she answered “yes” to the General Criminal History question. She has been convicted of, or entered a plea of guilty or nolo contendere to several crimes.

After discussion, the following action was taken:

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

B. Application for Mental Health Counselor

i. Kimberly Ann Abanathy

Ms. Abanathy was present and sworn in by the court reporter. She was not represented by counsel. Her application was brought before the Board because she answered “yes” to a Health History question.

After discussion, the following action was taken:

Motion: by Ms. Douglas to accept the application
Second: by Dr. Cecil-Van Den Heuvel
Vote: unanimous

ii. Kimberly Ann Johnston

Ms. Johnston was present and sworn in by the court reporter. She was not represented by counsel. She has asked that the board review her supervised experience that was completed before becoming a registered intern.

Ms. Johnston requested to withdraw her application. After discussion, the Board took the following action :

Motion: by Ms. Douglas to accept the withdrawal.
Second: by Dr. Cecil-Van Den Heuvel
Vote: unanimous

iii. Ted Liberty

Mr. Liberty was not present. He was not represented by counsel. He has asked that the board review his application for exam equivalency. He took the NCE in 1986 for licensure in Georgia. He has provided documentation to show the exam is substantially equal.

After discussion, the following action was taken:

Motion: by Dr. Day that the examinations are not substantially equivalent.

Second: there was no second, motion failed.

Motion: by Dr. Day to accept the NCE exam as substantially equivalent and approve Mr. Liberty's application by endorsement.

Second: by Dr. Cecil-Van Den Heuvel

Vote: unanimous

C. Application for CSW Intern

i. Ebony Tenisha Greene

Ms. Greene was not present. She was not represented by counsel. Ms. Greene has asked the board to review her supervision plan. Her master's program in social work did not emphasize direct patient or client services. She is submitting a supervision plan pursuant to s. 491.0045(2)(b)2, Florida Statutes.

After discussion, the following action was taken:

Motion: by Ms. Bolhouse to approve the supervision plan contingent on the following revisions: expand the laws and rules section to include: social work code of ethics, information and training on Baker Act and mandatory reporting statutes; add the frequency of meetings which must be held at a minimum of weekly on an individual basis with Ms. Greene's supervisor; disclosure of Ms. Greene and Ms. Mill's place of employment and job description. The revised plan must be reviewed and approved by Ms. Bolhouse.

Second: by Ms. Buller

Vote: unanimous

D. Applicant for CSW Licensure

i. Sara Abadie

Ms. Abadie was not present. She was not represented by counsel. She has asked the board to review her application for exam equivalency. She took the California state constructed written and clinical vignette examination.

After discussion, the following action was taken:

Motion: by Ms. Douglas to accept that the California state constructed written and clinical vignette exam is substantially equivalent.
Second: by Dr. Day
Vote: unanimous

E. Applicant for MFT Licensure by Examination

i. Adam Taveras

Mr. Taveras was present and sworn in by the court reporter. He was not represented by counsel. Mr. Taveras waived the fifteen (15) day requirement to act on the application after resolution of investigation of his California licensure. He took the AMFTRB exam on May 17, 2018.

After discussion, the following action was taken:

Motion: by Ms. Buller to approve application contingent on completion of outstanding application requirements by May 24, 2019.
Second: by Ms. Douglas
Vote: unanimous

F. Application for Exemption for Disqualification from Employment

i. Denise M. Bilder, ISW 11646

Ms. Bilder was present and sworn in by the court reporter. She was not represented by counsel. Ms. Bilder has been asked to appear to discuss her application for exemption. She plead nolo contendere to grand theft in the 3rd Degree. Her record has been sealed, per court documents, all fees have been paid. Documents were reviewed by a committee of one.

After discussion, the following action was taken:

Motion: by Dr. Day to approve the exemption contingent on positive recommendation from past qualified supervisor.
Second: by Ms. Douglas
Vote: unanimous

VIII. REPORTS

A. Board Counsel

i. Rules Report

Deborah Loucks, Esq provided an overview of the rules currently in progress.

ii. 64B4-2, F.A.C. JAPC Correspondence

This was provided as informational. Deborah Loucks, Esq provided her correspondence to JAPC.

iii. Antitrust Opinion

This was provided as informational. Deborah Loucks, Esq opened the floor for questions.

B. Executive Director

i. Financial Reports

Ms. Wenhold presented the quarterly budget reports to the Board which included a cash analysis, and report of revenues and expenditures of the Board. This was provided as informational.

ii. 2018 Legislation

Ms. Wenhold informed the Board that none of the Legislation effecting the Board passed. She is currently working on legislation for 2019 based on the direction from the Board from the mobility workgroup.

C. Chair

i. Workgroup on Mobility and Telehealth Overview

Ms. Bolhouse thanked the Board members for donating another day to discuss mobility and telehealth for the profession. Direction was given to the Executive Director to pursue legislative changes to increase mobility of practitioners and to amend the continuing education rule to include a course on the use of technology and telehealth in practice.

ii. Board Chairs/Vice Chairs Annual Meeting Overview

The Board Chair, Executive Director, Program Administrator, and Board Counsel attended the Annual Board Chair/Vice Chair Annual Meeting. They reviewed the strategic plan, mobility, telehealth, the nursing compact and unlicensed activity.

iii. Conferences

Jennifer Wenhold and Lisa Bolhouse will attend a Chair/Executive Director Forum hosted by ASWB Thursday, May 31, 2018 in Arlington, VA.

Lisa Bolhouse attended a meeting hosted by ASWB on mobility in Nova Scotia May 18-20, 2018 which was discussed during the Board's workgroup on mobility.

D. Board Members

Dr. Cecil-Van Den Heuvel will attend the NBCC conference in Minneapolis in September on behalf of the Board.

IX. RULE DISCUSSION

- A. 64B4-3.001 Application for Licensure for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants
- B. 64B4-3.0075 Provisional Licensure
- C. 64B4-3.0085 Intern Registration
- D. 64B4-3.009 Limited Licenses
- E. 64B4-3.010 Marriage and Family Therapy Dual Licensure
- F. 64B4-4.002 Application, Examination and Initial Active Status License Fee for Licensure by Examination
- G. 64B4-4.005 Biennial Licensure Fee
- H. 64B4-4.013 Initial Licensure Fee

At the previous Board meeting, Ms. Loucks provided a rule draft with corresponding amended application for licensure for the Board's consideration and provided an overview of the amendments to the Board. Ms. Loucks did not ask the Board about minor violations and after discussion, the Board took the following action:

Motion: by Ms. Buller that no part of the rules listed in A-H or a violation of this rule should be designated as a minor violation.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous

X. DISCUSSION

A. Qualified Supervisor Limitations

Ms. Bolhouse questioned limiting the number of interns a Qualified Supervisor can have. Deborah Loucks, Esq. advised that making such determination would require a rule change. Board members discussed the quality of supervision and what would be possible to provide as a qualified supervisor. Ms. Wenhold offered to provide additional data for the total number of interns and qualified supervisors. Jim Aiken, for NASW questioned the number of current interns. Ms. Wenhold provided a breakdown of over 10,000 interns currently instate clear, active. Lisa Bolhouse questioned how Psychologist became qualified supervisors for Mental Health Counselor Interns. Jennifer Wenhold offered to follow up with data on the number of Psychologist who are Qualified Supervisors. Jennifer Wenhold suggested providing additional education and awareness efforts to the current qualified supervisor's regarding the now-required continuing education. Follow up to this discussion

at the Board's August 2018 full board meeting.

B. Title for Registered Intern Mental Health Counselor

Dr. Cecil-Van Den Heuvel proposed changing the name from "Registered Intern" as used in Chapter 491, Florida Statutes, to "Associate Mental Health Counselor". Ms. Wenhold offered to research other titles used by other states and report back to the Board in August. Changes to titles would require a legislative change.

C. Ch. 491.0045, F.S., Intern Registration

Ms. Wenhold requested the Board's interpretation of registered intern applicants whose intern licensure status went null and void prior to March 31, 2017 and would they be able to reapply based on the language of the statute. Ms. Loucks clarified that they would be able to apply because the applicant does not have a license if their intern licensure status is null and void and the applicant would then fall within the parameters of the new statute allowing for a 5-year registration.

D. Laws and Rules Requirement for Intern Registrations

Ms. Bolhouse suggested that interns be required to take the 8-hour laws and rules course prior to becoming a registered intern. Ms. Loucks advised that adding the 8-hour laws and rules course to the licensure requirements for becoming a registered intern would require a statutory change. Ms. Loucks and Ms. Wenhold agreed to work on proposed changes to s. 491.0045, Florida Statutes.

XI. NEW BUSINESS

A. PRN Changes

Dr. Martha Brown, Associate Medical Director PRN, provided the Board with an update to the policy for the handling of sexual misconduct cases. Dr. Brown indicated that sexual misconduct cases alone could not be monitored with a life-long contract. Additionally, most sexual misconduct cases must be monitored with an impairing condition such as substance dependency, substance use, or psychiatric disorder.

B. Revised Annual Delegations

After discussion, Ms. Wenhold will revise annual delegations with suggestions from the Board and Board Counsel. She will also present the criminal history matrix for the August Board Meeting.

C. Election of Officers

After discussion, the following action was taken:

Motion: by Dr. Cecil-Van Den Heuvel to extend current chair and vice-chair term and

have elections in November 2018.

Second: by Dr. Day

Vote: unanimous

D. Eliminating the HIV/AIDS continuing education

Ms. Bolhouse suggested we eliminate the requirement for the HIV/AIDS continuing education courses as a condition for initial licensure. This would be consistent with recent legislation eliminating this continuing education course for other professions. This would require a repeal of s. 491.0065, Florida Statutes,

XII. OLD BUSINESS

A. Review of Minutes – February 22, 2018

After discussion, the following action was taken:

Motion: by Ms. Douglas to approve the minutes of the February 22, 2108 meeting.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous

XIII. FOR YOUR INFORMATION

A. ASWB Exam Statistics

The Board requested that the Board Office send out the pass rates for all professions to all Florida Schools.

B. NBCC Leadership Change

C. Florida State Health Improvement Plan

D. Correspondence from the Society of Counseling Psychology

XIV. ADJOURNMENT

After no further discussion, the following action was made by the Board:

Motion: by Dr. Cecil-Van Den Heuvel.to adjourn the meeting.

Second: by Ms. Buller

Vote: Unanimous.

The meeting was adjourned at 12:47 p.m. ET.