

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

**February 9, 2012 at 2:00 p.m.  
February 10, 2012 at 8:30 a.m.**

**DoubleTree by Hilton Tampa Airport Westshore  
4500 West Cypress Street  
Tampa, FL 33607  
(813) 879-4800**

**CALL TO ORDER/ROLL CALL**

The meeting was called to order on Thursday, February 9, 2012 at 2:00 p.m. by Mr. Roberts, Chair, and recessed at 6:30 p.m. The meeting was called back to order on Friday, February 10, 2012 at 8:30 a.m. and adjourned at 12:45 p.m. Those present for all or part of the meeting included the following:

**Members present:**

Frank Roberts, Chair  
Mary Bridgman, Esq., Vice-Chair  
William Day, Ph.D., LMHC  
Sue White, LCSW  
Mary Macomber, Esq.  
Helen Douglas, RDH  
Sandra Barlow, Ph.D., LCSW  
Susan Gillespy, LMFT

**Staff present:**

Deborah Loucks, Board Counsel  
Manshi Shah, Prosecuting Attorney  
Cecilie Sykes, Prosecuting Attorney  
Sue Foster, Executive Director  
Robin McKenzie, Program Administrator  
Dee Ramer, Regulatory Supervisor  
Court Reporter: Berryhill & Associates  
813.229.8225

**REVIEW AND APPROVAL OF MINUTES**

The minutes of the October 13-14, 2011 general business meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Ms. Macomber to approve.  
Second: by Ms. White.  
Vote: Unanimous.

The minutes of the December 1, 2011 general business meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Ms. Macomber to approve.  
Second: by Ms. White.  
Vote: Unanimous.

**DISCIPLINARY PROCEEDINGS**

**Deborah G. Burgess, LMHC, Case No. 2008-23536** (PCP: Sherrard, White, Adejokun-Ojo)  
Ms. Burgess was present and was represented by Brian Bursa, Esq. A two count administrative complaint filed August 13, 2009 alleged violations of s. 491.009(1)(w), F.S., concerning respondent's counseling records that did not include basic information such as address, phone number, consent to all aspects of treatment, authorization to release information to third party, records access notice or letters from patient requesting copy of records; and s. 491.009(1)(r), F.S., of failure to meet minimum standards by failure to

confirm who had authority to consent to treatment, to obtain consent to treat, recommend to court that visitation should remain at no more than 4 consecutive days until child is older, not conducting a full fact-finding process, failure to report which statements were self-report and which were impressions, not advocating that court request full child custody evaluation.

A settlement agreement was presented to the board with the following terms: appearance; fine of \$1,000 and actual costs of \$4,446 to be paid within one year; continuing education to include 6 hours of record keeping, 6 hours in laws and rules and 3 hours in ethics within one year; and a laws and rules affidavit within 30 days.

Ms. White was recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Dr. Barlow to accept the settlement agreement as presented.

Second: by Ms. Douglas.

Vote: Motion passed with Ms. Macomber opposed.

**Mervin Allen Span, Jr., LCSW, Case No. 2011-03370** (PCP: Buller, Macomber, Sherrard)

Mr. Span was present and was represented by Lars Soreide, Esq. A two count administrative complaint filed September 19, 2011 alleged violations of s. 456.072(1)(v), F.S., of engaging or attempting to engage in sexual misconduct; and s. 491.009(1)(r), F.S., of failure to meet minimum standards by entering into a sexual relationship with an immediate family member of the patient.

A settlement agreement was presented to the Board with the following terms: appearance; reprimand; fine of \$2,000 payable within 90 days; costs not to exceed \$7,000 payable within 12 months; suspension of license until appearance before board with PRN evaluation; 2 years of probation with terms of supervision and reporting requirements; and a laws and rules affidavit.

Ms. Macomber and Ms. Douglas were recused due to service on the probable cause panel. Actual costs are \$5,839.08. Following discussion, the following action was taken by the Board:

Motion: by Ms. Bridgman to accept the settlement agreement as presented.

Second: by Ms. Gillespy.

Vote: Motion failed with Dr. Day, Mr. Roberts and Ms. White opposed.

Motion: by Ms. White to reject the settlement agreement as presented.

Second: by Dr. Day.

Vote: Motion passed with Ms. Gillespy and Ms. Bridgman opposed.

Motion: by Ms. White offer a counter settlement to revoke the license.

Second: by Dr. Day.

Vote: Motion passed with Ms. Gillespy and Ms. Bridgman opposed.

Dr. Day took a moment to acknowledge students in the audience from Nova University and the University of Florida along with their professor, Dr. Peter Sherrard.

**John R. Allison, Registered MHC Intern, Case No. 2009-09020** (PCP: Bridgman, Day, Otis)

Mr. Allison was not present and was not represented by counsel. A three count amended administrative complaint filed December 20, 2011 alleged violations of s. 491.0149(2)(b), F.S., concerning business cards that did not include the words "registered mental health counselor intern"; s. 456.072(1)(m), F.S., making deceptive, untrue or fraudulent representations by using the words "counseling psychology" on

business cards; and s. 491.009(1)(r), F.S., of failure to meet minimum standards by performing a psychosexual evaluation that he was not qualified to conduct.

A settlement agreement was presented to the Board with the following terms: appearance; fine of \$250 and costs of \$2,135.66 payable within 3 years of final order; reprimand; and a laws and rules affidavit.

Ms. Bridgman and Dr. Day were recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to ratify the chair's decision to waive the respondent's appearance.

Second: by Ms. Gillespy.

Vote: Unanimous.

Motion: by Ms. Macomber to reject the settlement agreement as presented.

Second: by Dr. Barlow.

Vote: Unanimous.

Motion: by Ms. Macomber to include the terms of the previous settlement agreement with the addition of: probation for a year in which Mr. Allison and the probation supervisor will provide quarterly reports, with a 25% review of records provided in the supervisor's quarterly report; an 8 hour laws and rules course to be completed within one year, and Mr. Allison must submit the name of a new qualified supervisor which a board member will approve. Mr. Allison must petition to terminate the probation and he and the supervisor must appear before the board before the termination of the probation. Dr. Day will approve the supervisor and review the quarterly reports.

Second: by Ms. Douglas.

Vote: Unanimous.

**Moses A. Maylor, Registered MHC Intern, Case No. 2011-03710** (PCP: Bridgman, Day, Otis)

Mr. Maylor was present and was not represented by counsel. An administrative complaint filed October 28, 2011 alleged violations of s. 456.072(1)(c), F.S., and s. 491.009(1)(w), F.S., concerning being convicted or found guilty or entering a plea of nolo contendere to a crime in any jurisdiction. Respondent pled no contest to one count of misdemeanor possession of cannabis.

A settlement agreement was presented to the Board with the following terms: appearance; fine of \$1,000 and costs not to exceed \$2,000 payable within 90 days; PRN evaluation; probation for 2 years with supervision terms and reporting requirements; and a laws and rules affidavit.

Ms. Bridgman and Dr. Day were recused due to service on the probable cause panel. Actual costs are \$636.73. Following discussion, the following action was taken by the Board:

Motion: by Dr. Barlow to reject the settlement agreement as presented.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Dr. Barlow to dismiss the administrative complaint.

Second: by Ms. Gillespy.

Vote: Unanimous.

**James Jean, Registered CSW Intern, Case No. 2010-19380** (PCP: Bridgman, Day, Otis)

Mr. Jean was present and was not represented by counsel. An administrative complaint filed October 28, 2011 alleged violation of s. 491.009(1)(i), F.S., of willfully filing a false report or failing to file a report

required by law. Respondent submitted signed invoices stating he spent more time for his therapy sessions than he actually did.

A settlement agreement was presented to the Board with the following terms: appearance; fine of \$500 and costs not to exceed \$4,000 within 90 days; reprimand; and a laws and rules affidavit.

Ms. Bridgman and Dr. Day were recused due to service on the probable cause panel. Actual costs are \$2,655.64. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to reject the settlement agreement.

Second: by Dr. Barlow.

Vote: Unanimous.

Motion: by Ms. White to accept the settlement agreement as presented with the following changes: exclude the word reprimand, remove the costs and include probation for one year with a board approved supervisor in which Mr. Jean and the supervisor will provide quarterly reports, the supervisor will include a 25% review of records provided in the quarterly report, and Mr. Jean and his supervisor must come before the board before terminating the probation. Ms. White will approve the supervisor and review the quarterly reports.

Second: by Ms. Gillespy.

Vote: Unanimous.

**Richard I. Portnoy, LMHC, Case No. 2008-15867** (PCP: Shyers, White, Macomber)

Mr. Portnoy was not present and was not represented by counsel. A four count administrative complaint filed on December 21, 2009 alleged violations of s. 491.009(1)(w), F.S., by violating Rule 64B4-9.002(2), F.A.C., of failure to appropriately and accurately maintain records; s. 491.009(1)(u), F.S., failure to maintain in confidence and disclosing a client communication; s. 491.009(1)(l), F.S., by making misleading, deceptive, untrue, or fraudulent representations in the practice; and s. 491.009(1)(r), F.S., failure to meet minimum standards.

A settlement agreement was presented to the Board with the following terms: appearance; reprimand; fine of \$2,500 and actual costs of \$7,696.98 to be paid within 4 years; completion of an 8 hour laws and rules course and 6 additional hours of continuing education, with 3 hours in professional ethics and 3 hours in record keeping within one year; a laws and rules affidavit; and probation with indirect supervision for one year, quarterly reports by supervisor and respondent, supervisory review of 25% of respondent's records once monthly, and required appearance of respondent and supervisor at the first meeting following commencement of probation and at the last meeting prior to termination of probation.

Ms. White and Ms. Macomber were recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. Douglas to accept the settlement agreement as presented.

Second: by Ms. Bridgman.

Vote: Unanimous.

**Laurie M. Emery, LMHC, Case No. 2008-17909** (PCP: Bridgman, Day, Otis)

**Laurie M. Emery, LMHC, Case No. 2008-21991** (PCP: Bridgman, Day, Otis)

Dr. Emery was not present and was not represented by counsel. A two count administrative complaint for case no. 2008-17909 filed October 28, 2011 alleged violations of s. 491.009(1)(r), F.S., of failing to meet minimum standards involving the "barter situation" where respondent hired patient to clean house; and s. 491.009(1)(w), F.S., by violating s. 491.0148, F.S., and Rule 64B4-9.002(2), F.A.C., regarding the

requirement to maintain patient records. Respondent provided psychotherapy services but did not maintain those records for 7 years after the last date of contact.

A two count administrative complaint for case no. 2008-21991 filed October 28, 2011 alleged violations of s. 456.072(1)(m), F.S., by making deceptive, untrue or fraudulent representations. Respondent referred to herself as a psychologist and indicated that she practiced psychology in several publications; and s. 491.009(1)(r), F.S., of failure to meet minimum standards by engaging in an employer/employee relationship with a client.

A settlement agreement was presented to the Board with the following terms: appearance; fine of \$500 and costs of \$4,800 to be paid within three years of final order; reprimand; and a laws and rules affidavit.

Ms. Bridgman and Dr. Day were recused due to service on the probable cause panels. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to require Dr. Emery's appearance.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber to continue the cases.

Second: by Ms. White.

Vote: Unanimous.

Ms. White indicated to the board that the information about Summit Education, Inc. shown in the addendum is relevant to Dr. Emery's cases.

### **Jolyn Caplan-Steier aka Joelee Steier, LMHC, Case No. 2010-08292**

(PCP: Sherrard, Macomber, White)

Ms. Caplan-Steier was present and not represented by counsel. A three count administrative complaint filed October 20, 2010 alleged violations of s. 456.072 (1)(hh), F.S., of termination from an impaired practitioner treatment program (PRN); s. 491.009(1)(p), F.S., of inability to practice with reasonable skill due to mental, physical condition or excessive use of drugs, alcohol; and s. 456.072 (1)(c), F.S., of being convicted or found guilty, regardless of adjudication, or having entered a plea of nolo contendere to a crime relating to the practice of the profession.

A Motion for Determination of Waiver and Entry of Final Order Following Hearing was presented to the board.

Ms. Macomber and Ms. White were recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

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

Motion fails due to lack of a second.

The prosecuting attorney had not received an election of rights from Ms. Caplan-Steier, but the respondent had one with her. The respondent was provided a copy of the administrative complaint and the board tabled the discussion while Ms. Caplan-Steier reviewed the administrative complaint. When they reconvened the case Ms. Caplan-Steier did dispute some of the allegations of fact in the administrative complaint.

Motion: by Ms. White to terminate the proceeding today. The case will go to the Division of Administrative Hearing (DOAH) for an administrative hearing.

Second: by Ms. Douglas.

Vote: Unanimous.

**Cynthia A. Delaney, LMFT, Case No. 2010-08682** (PCP: Buller, Macomber, Sherrard)

Ms. Delaney was not present nor represented by counsel. An amended three count administrative complaint filed September 20, 2011 alleged violations of s. 491.009(1)(b), F.S., of having a license to practice a comparable profession suspended or otherwise acted against by another state concerning the Virginia board suspending her marriage and family therapy license for alleged substance abuse; s. 491.009(1)(p), F.S., of inability to practice with reasonable skill and safety by reason of illness, or substance abuse; and s. 456.072(1)(q), F.S., of violation of a lawful order of the board by failure to comply with an order compelling an examination.

A Motion for Determination of Waiver and Entry of Final Order Following Hearing was presented to the board.

Ms. Macomber and Ms. Douglas were recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

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

Second: by Dr. Day.

Vote: Unanimous.

Motion: by Ms. White to find that the material facts as alleged in the administrative complaint are not in dispute and to adopt the allegations of fact in the administrative complaint as the Board's conclusions of fact in this proceeding.

Second: by Ms. Bridgman.

Vote: Unanimous.

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

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. White to adopt the material under Tab I and any addendum materials under Tab I as evidence in this proceeding.

Second: by Ms. Bridgman.

Vote: Unanimous.

The Department's recommendation is a reprimand on her license; suspension until Respondent obtains a PRN evaluation that indicates she is safe to practice and compliance with any PRN recommendation; and a \$1,000 fine to be paid within 365 days.

Motion: by Dr. Day to revoke her license.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. White to assess costs of \$1,545.84 payable within 365 days.

Second: by Dr. Day.

Vote: Unanimous.

**David B. Bollet, LMHC, Case No. 2011-04169** (PCP: Buller, Macomber, Sherrard)

Mr. Bollet was not present nor represented by counsel. A two count administrative complaint filed September 19, 2011 alleged violations of s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(c), F.S., concerning respondent's plea of nolo contendere to one felony count of possession of cocaine; and s. 491.009(1)(p), F.S., of inability to practice due to mental or physical condition – excessive use of narcotics. An Order of Emergency Suspension of License was filed August 30, 2011.

A Motion for Final Order by Voluntary Relinquishment of License was presented to the board.

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

Motion: by Ms. Douglas to accept the voluntary relinquishment of license.

Second: by Ms. White.

Vote: Unanimous.

**Robert E. Klemish, Registered MHC Intern, Case No. 2010-03737** (Waived Probable Cause)

Mr. Klemish was not present nor represented by counsel. Allegations are possible violations of s. 491.009(1)(d), F.S., of false misleading advertising; and s. 491.009(1)(r), F.S., failing to meet minimum standard of care.

A Motion for Final Order by Voluntary Relinquishment of License was presented to the board. Following discussion, the following action was taken by the Board.

Motion: by Ms. Macomber to accept the voluntary relinquishment.

Second: by Ms. White.

Vote: Unanimous.

**Sandra V. Miller, Registered CSW Intern, Case No. 2010-08954** (Waived Probable Cause)

Ms. Miller was not present nor represented by counsel. Allegations are possible violations of s. 491.009(1)(c), F.S., concerning a plea of nolo contendere to grand theft on April 21, 2010, relinquishment of Medicaid provider number; and s. 491.009(1)(r), F.S., failing to meet minimum standard of care.

A Motion for Final Order by Voluntary Relinquishment of License was presented to the board. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to accept the voluntary relinquishment.

Second: by Ms. Douglas.

Vote: Unanimous.

**Matthew R. Reimer, LCSW, Case No. 2011-01429** (PCP: Bridgman, Day, Otis)

Mr. Reimer was present and was not represented by counsel. An administrative complaint filed October 28, 2011 alleged violation of s. 491.009(1)(c), F.S., of plea of guilty to one count of felony possession of morphine and one count of misdemeanor possession of drug paraphernalia. Debra Troupe from PRN spoke to the issue and indicated Mr. Reimer signed a voluntary withdrawal from practice.

A Motion for Final Order by Voluntary Relinquishment of License was presented to the board.

Ms. Bridgman and Dr. Day were recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to not accept the voluntary relinquishment.  
Second: by Ms. Macomber.  
Vote: Unanimous.

**Roxanne L. Altrui, Registered MHC Intern, Case No. 2009-12372** (PCP: Buller, Day, Mallery)  
Ms. Altrui was not present nor represented by counsel. A seven count second amended administrative complaint filed March 3, 2011 alleged violations of s. 491.009(1)(a), F.S., concerning giving false information that she had never had a license acted against in another state, license to sell real estate in Vermont was revoked; s. 491.009(1)(w), F.S., of failure to maintain patient records; s. 491.009(1)(w), F.S., of violation of rule that she must remain under supervision; s. 456.072(1)(f), F.S., by having a license to practice any regulated profession acted against, Vermont real estate license; s. 491.009(1)(r), F.S., failure to meet minimum standards of practice with personal relationship with client, accepting laptop computer and money from patient, by asking patient to co-sign \$10,000 loan; s. 456.072(1)(a), F.S., of misrepresenting supervised experience; and s. 456.072(1)(o), F.S., of practice beyond the scope of the license.

A Motion for Final Order by Voluntary Relinquishment of License was presented to the board.

Dr. Day and Mr. Roberts were recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to accept the voluntary relinquishment.  
Second: by Ms. Macomber.  
Vote: Unanimous.

**Arthur Henry Mencher, LMHC, Case No. 2009-16602** (PCP: Shyers, Bridgman, Gillespy)  
Mr. Mencher was present and was represented by Patrick Dahl, Esq. A two count administrative complaint filed June 22, 2011 alleged violations of s. 491.009(1)(w), F.S., by violating Rule 64B4-9.002(2), F.A.C., concerning inadequate records – no dates of therapy sessions, treatment plan, consent form, financial transaction record; and s. 491.009(1)(r), F.S., failure to meet minimum standards by engaging in personal relationship with patient, putting two clients in contact with each other, failure to return patient's personal belongings left at respondent's home.

A settlement agreement was presented to the Board with the following terms: appearance; reprimand; fine of \$1000 and costs of \$5803 payable within 4 years; 12 hours of continuing education with a minimum of 6 hours in boundaries and 6 hours in professional ethics taken within one year of final order; and a laws and rules affidavit.

Ms. Bridgman and Ms. Gillespy were recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to reject the settlement agreement.  
Second: by Ms. White.  
Vote: Unanimous.

Motion: by Ms. White to accept the original settlement agreement with the following changes and additions: replace the continuing education with the 24 hour "Maintaining Proper Boundaries" course through Professional Boundaries, Incorporated; Mr. Mencher's license will be suspended until the coursework is completed; probation for one year following completion of the previously mentioned course with a board approved supervisor in which Respondent and supervisor will provide quarterly reports, with 25% of the cases reviewed and provided in the

quarterly reports by the supervisor. Dr. Day will approve the supervisor and review the quarterly reports.

Second: by Ms. Douglas.

Vote: Unanimous.

During discussion of the counter offer, Mr. Roberts excused himself from the meeting and stated that Ms. Bridgman, Vice-Chair was recused in this case so he asked Ms. Macomber, former Chair to continue with the case. Following the conclusion of this case, Mr. Roberts asked Ms. Bridgman to preside over the remainder of the meeting.

Following this proceeding, Ms. Macomber turned the meeting over to Ms. Bridgman, Vice-Chair and Ms. Bridgman presided over the Jason Hamilton case and appearance of applicant Ms. Heiss.

**Jason S. Hamilton, Registered MHC Intern, Case No. 2011-17317** (Waived Probable Cause)

Dr. Hamilton was not present nor represented by counsel. Allegations are violations of s. 491.009(1)(p), F.S., and s. 456.072(1)(hh), F.S., of inability to practice with reasonable skill and safety by reason of illness or substance abuse and being terminated from a treatment program for impaired practitioners.

A Motion for Final Order Based upon a Voluntary Relinquishment of License was presented to the board. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to accept the voluntary relinquishment.

Second: by Ms. Douglas.

Vote: Unanimous.

**APPLICATION REVIEW**

**Roxanne Altrui, MHC Licensure Applicant**

Ms. Altrui withdrew her application for licensure prior to the board meeting.

**APPEARANCE**

**Bronwyn Heiss, Registered MHC Intern Applicant**

Ms. Heiss was present and was not represented by counsel. She is appearing due to an affirmative response on the applicant history section of the application. Debra Troupe, from PRN spoke to this issue. No action taken by the Board.

**MANDATORY REPORTING OF CHILD ABUSE**

**Lisa Mayrose, Director of Family & Community Services, DCF**

Ms. Mayrose was present to discuss the mandatory reporting requirement for child abuse. She stated that the hotline receives about 140,000 calls per year. Ms. Mayrose provided a handout and was available for questions from the board. She also provided information about the Florida Abuse Hotline 1-800-96-ABUSE and the services it provides.

**RULES HEARING**

**64B4-7.0081, Florida Administrative Code**

A draft rule regarding requirements to be a qualified practitioner for completing risk assessments and treatment of sexual offenders was presented to the Board. Board counsel had received inquiries from staff at the Department of Corrections. Dean Aufderheide, PhD, Director of Mental Health Services and Kim Riley, Bureau Chief of Substance Abuse and Treatment Services of the Department of Corrections; Larry Barlow, PhD, Executive Director of the Association of Marriage and Family Therapy, Florida Division;

and Stephen Giunta, PhD, Past President of the Florida Mental Health Counselors Association spoke to the board and provided demographic information regarding the cost of supervision. Leo Cotter, PhD, Past President of the Florida Association for the Treatment of Sexual Abusers, (FATSA) spoke to the cost issue and indicated the 2000 hours were experience hours, not supervised experience.

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

Motion: by Ms. Macomber to approve the draft language with the Department of Corrections changes and changes suggested by the board members.

Second: by Ms. White.

Vote: Unanimous.

### **PETITION FOR VARIANCE OR WAIVER OF RULE**

#### **Shirley St. Amour, Rule 64B4-3.0085(4)**

Ms. St. Amour was not present and was not represented by counsel. She is requesting that her supervised experience between the dates of June 27, 2011 and November 4, 2011 be accepted toward her experience requirement. She has stated hardships including financial and marital.

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

Motion: by Ms. Macomber to deny the petition for variance or waiver of the rule due to inability to document a substantial hardship.

Second: by Dr. Day.

Vote: Unanimous.

### **APPEARANCES**

#### **Ailyn Penate, Registered MHC Intern, Termination of Probation**

Ms. Penate and Gloria M. Montes de Oca, PhD, qualified supervisor were present. Ms. Penate is appearing to terminate her probation.

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

Motion: by Ms. Douglas to approve termination of probation.

Second: by Ms. Macomber.

Vote: Unanimous.

#### **Leah Krummé, Registered MHC Intern Applicant**

Ms. Krummé was present and was not represented by counsel. Ms. Krumme is appearing due to an affirmative response on the applicant history section of the application. Debra Troupe, PRN was present and indicated that Ms. Krummé has signed a PRN contract.

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

Motion: by Ms. White to approve her registered intern mental health counseling application.

Second: by Ms. Gillespy.

Vote: Unanimous.

#### **Jeremy Cannon, Registered MHC Intern Applicant**

Mr. Cannon was present and was not represented by counsel. He is appearing due to an affirmative response on the applicant history section of the application. Debra Troupe, PRN was present and indicated that Mr. Cannon has signed a PRN contract.

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

Motion: by Ms. White to approve his registered intern mental health counseling application.

Second: by Ms. Douglas.

Vote: Unanimous.

### **REVIEW OF APPLICATIONS**

#### **Maria Zamudio, MHC Licensure Applicant**

Ms. Zamudio was present and was represented by Jonathan Torres, Esq. The Supervised Experience Attestation Form had indicated that the applicant had not met the minimum standards of performance, and as such the supervisory hours would not be counted.

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

Motion: by Ms. Macomber to deny the 35 weeks of supervised experience because the board was unable to determine if she met the supervised experience requirement based on the documents received.

Second: by Dr. Day.

Vote: Motion passed with Ms. White opposing.

#### **Dorene Mathews, CSW Licensure Applicant**

Ms. Mathews withdrew her application for licensure prior to the board meeting.

#### **Keeley Bremer, Registered CSW Intern Applicant**

Ms. Bremer was present and was not represented by counsel. She is appearing due to an affirmative response on the applicant history section of the application. Ms. Bremer waived the 90 day requirement.

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

Motion: by Dr. Day to approve her registered clinical social work intern application.

Second: by Ms. Douglas.

Vote: Unanimous.

#### **Bobby Coates, MHC Licensure Applicant**

Mr. Coates was present and was not represented by counsel. He is appearing due to an affirmative response on the applicant history section of his application. In addition, board staff has not been able to determine that Mr. Coates has met the educational requirements for licensure as a mental health counselor.

Following discussion, Mr. Coates requested to withdraw his application for mental health counselor licensure.

Motion: by Ms. White to accept the withdrawal of his application for licensure.

Second: by Ms. Douglas.

Vote: Unanimous.

#### **Irene Acosta, Registered MHC Intern Applicant**

#### **Amended Emergency Motion to Reinstate Licensed Mental Health Counselor Intern License or For Alternative Relief**

Ms. Acosta was present and was represented by Howard Hochman, Esq. Ms. Acosta is applying for MHC intern status and waived the 90 day requirement.

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

Motion: by Ms. Macomber to deny the reinstatement of her previous registered mental health counselor intern license.

Second: by Dr. Day.

Vote: Motion passed with Ms. Gillespy, Dr. Barlow, and Ms. White opposed.

## **OTHER BUSINESS**

### **Sandra Harrison, LCSW: Formal Approval of Supervisor**

Ms. Harrison was not present and not represented by counsel. She is requesting formal approval of her supervisor. Ms. White has given temporary approval as board monitor.

Following discussion, the Board took the following action:

Motion: by Ms. Bridgman to ratify and approve her supervisor.

Second: by Ms. Macomber.

Vote: Unanimous.

### **Experience Requirements for Qualified Supervisors**

Randall Crouch sent an email dated October 20, 2011 regarding the number of years of experience required before one can become a qualified supervisor. He is asking the Board to make the years of experience the same for all three professions. Dr. Barlow, Executive Director of the Association of Marriage and Family Therapy, Florida division, Dr. Stephen Giunta, Past President of the Florida Mental Health Counselors Association and Jim Akin, Executive Director of the National Association of Social Workers, Florida Chapter spoke to the issue.

Following discussion, Ms. McKenzie offered to research other states' requirements and bring it before the board at the next meeting.

### **Requirements for Probationary Reports**

Copies of Probationary Report forms were provided from the Compliance Unit and reviewed and approved by the Board.

### **Ratification of Continuing Education Providers**

Motion: by Ms. Macomber to ratify the revised list of providers from Academy for Addiction Professionals through Personal Enrichment through Mental Health Services (PEMHS).

Second: by Ms. Douglas.

Vote: Unanimous.

### **Committee of One Actions**

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

Second: by Ms. Douglas.

Vote: Unanimous.

### **Application Denials**

Motion: by Ms. Macomber to deny Gold through Ross.

Second: by Ms. Douglas.

Vote: Unanimous.

## **REPORTS**

### **Assistant Attorney General**

Ms. Loucks provided a draft of Rule 64B4-5.001, F.A.C., based on comments received from JAPC.

Motion: by Ms. Macomber to approve the rule draft for Rule 64B4-5.001, Florida Administrative Code.  
Second: by Ms. Douglas.  
Vote: Unanimous.

The Board stated that a statement of estimated regulatory costs was not needed.

Motion: by Ms. Macomber that the changes to Rule 64B4-7.0081, F.A.C., will have no impact on small business and no SERC is required.  
Second: by Ms. White.  
Vote: Unanimous.

The following rules were approved by the Board on 07/14/2011 and the notice was published on 10/14/2011.

Rule 64B4-5.001 Disciplinary Guidelines  
Rule 64B4-7.0081 Requirements to be a Qualified Practitioner for completing Risk Assessments and Treatment of Sexual Offenders.

The following rule was adopted on 11/17/2011 and became effective on 12/07/2011.

Rule 64B4-7.002 Qualifications Necessary for Clinical Social Workers, Marriage and Family Therapist and Mental Health counselors to Practice hypnosis.

### **Prosecuting Attorney**

Ms. Shah reported that as of February 6, 2012, the Prosecution Services Unit had 101 open disciplinary cases. Of the 101 cases, 29 are under legal review, 26 are pre-probable cause, 31 are public cases where probable cause has been found (of the 31 cases, 6 have been filed with DOAH) 4 cases are awaiting supplemental material, 6 cases are awaiting expert review and 5 cases are priority one. 46 cases are over one year old. Ms. Shah requested that the board grant permission to continue working on the year old cases.

Motion: by Ms. Macomber to grant permission to continue working on cases older than a year.  
Second: by Ms. White.  
Vote: Unanimous.

### **Executive Director**

Budget information was provided for the Board's information. Ms. Foster announced that there will be a budget meeting on February 20, 2012 and Mr. Roberts will be attending.

**Average Number of Days to Issue an Initial License** Statistics provided for information.

### **INFORMATIONAL ONLY – NO ACTION TAKEN**

Executive Order Number 11-211

Mary Macomber is appointed as a Public Member of the Board of the National Commission for Certifying Agencies (NCCA)

Correspondence from the AMHCA

Correspondence from the ACA

Correspondence from Rev. Dr. R. Mack Pumphrey

Summit Education, Inc.

### **ADJOURNMENT**

The meeting adjourned at 12:45 p.m.