

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

GENERAL BUSINESS MEETING MINUTES

February 7, 2013 at 2:00 p.m.

February 8, 2013 at 8:30 a.m.

Holiday Inn I-295 and Baymeadows

11083 Nurseryfields Drive

Jacksonville, FL 32256

(904) 854-8000

CALL TO ORDER/ROLL CALL

The meeting was called to order on Thursday, February 7, 2013 at 2:00 p.m. by Mr. Roberts, Chair, and recessed at 5:45 p.m. The meeting was called back to order on Friday, February 8, 2013 at 8:30 a.m. and adjourned at 10:30 a.m. Those present for all or part of the meeting included the following:

Members present:

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

Staff present:

Deborah Loucks, Board Counsel
Lealand McCharen, Prosecuting Attorney
Sue Foster, Executive Director
Robin McKenzie, Program Administrator
Dee Ramer, Regulatory Supervisor
Court Reporter: Statewide Reporting
904-353-7706

REVIEW AND APPROVAL OF MINUTES

The minutes of the October 25-26, 2012 general business meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Ms. Macomber to approve the minutes as presented.

Second: by Ms. White.

Vote: Unanimous.

DISCIPLINARY PROCEEDINGS

Miriam S. Acosta, LCSW, Case No. 2011-10720 (PCP: Buller, Douglas)

Case was withdrawn from the agenda due to medical reasons.

Frankie Lynn Meyers, LCSW, Case No. 2011-04736 (PCP: Sherrard, Gillespy, Roberts)

Mr. Roberts and Ms. Gillespy were recused due to service on the probable cause panel. Ms. Bridgman, Vice-Chair, presided over the case.

Ms. Meyers was present and was represented by Stephanie Pidermann, Esq. An administrative complaint filed August 30, 2012 alleged violation of s. 491.009(1)(r), F.S., of failure to meet minimum standards of practice involving hiring patient to run errands and work with billing records. A settlement agreement was presented to the Board with the following terms: reprimand, fine of \$250, costs not to exceed \$4,500 payable within 90 days; 8 hours of continuing education in the laws and rules, and a laws and rules affidavit.

The current costs of the case are \$3,531.48. Following discussion, the following action was taken by the Board:

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

Motion: by Ms. Macomber to revoke her license.
Motion failed for lack of a second.

Motion: by Dr. Day to make a counter-offer to include all terms of original settlement agreement with the following additions/changes: immediate suspension of the license pending an evaluation by PRN; requiring Ms. Meyers appearance before the Board with the PRN report; and an increase of the fine to \$1,000. Additionally, the Board retains jurisdiction to take further action.
Second: by Ms. Macomber.
Vote: Unanimous.

Rafael Alalu, LMHC, Case No. 2012-13165 (PCP: Shyers, Day, Macomber)

Mr. Alalu will be signing a Voluntary Relinquishment of his license. Case withdrawn by Prosecution Services Unit.

Motion: by Ms. White to continue the case.
Second: by Ms. Gillespy.
Vote: Unanimous.

Vanja Beatriz Abreu, LMHC, Case No. 2011-03047 (PCP: Shyers, Day, Macomber)

Ms. Abreu was not present and was not represented by counsel. A three count administrative complaint filed October 11, 2012 alleged violations of s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(ll), F.S., of being convicted of a crime related to health care fraud; s. 456.072(1)(c), F.S., by being convicted of a crime which relates to the practice of mental health counseling by being convicted guilty of conspiracy to commit health care fraud; and s. 456.072(1)(x), F.S., of failure to report within 30 days a conviction of conspiracy to commit health care fraud. On or about June 1, 2012 respondent was convicted of one count of conspiracy to commit health care fraud involving fraudulent Medicare billing.

Dr. Day 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. White to find that the respondent was properly served and waived her right to a formal hearing.
Second: by Ms. Gillespy.
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 findings 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. Bridgman to move the investigative report with exhibits into evidence to establish a prima facie case for violations of the Florida Statutes and Florida Administrative Code alleged in the Administrative Complaint.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. White to revoke Ms. Abreu's license.

Second: by Dr. Barlow.

Vote: Unanimous.

A Motion to Assess Costs of \$1,066.63 was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Ms. Bridgman to waive the costs.

Second: by Ms. Douglas.

Vote: Unanimous.

Ms. Macomber and the Board welcomed Dr. Lesley Hull and marriage and family therapy students from the University of Florida who were in the audience.

RECOMMENDED ORDER HEARING

Irene Acosta, DOAH Case No. 12-1207

Continued to the May Board Meeting.

APPLICATION REVIEW

Irene Acosta, Registered MHC Intern Applicant

Continued to the May Board Meeting.

APPEARANCES

Sandra Harrison, Termination of Probation

Ms. Harrison was present and was not represented by counsel. She is appearing to request termination of her probation as is required by her final order issued on October 26, 2011. She has complied with all other terms of her order. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to approve her request for termination of probation.

Second: by Ms. Macomber.

Vote: Unanimous.

Jennifer Lagrotte, Petition for Reinstatement

Dr. Lagrotte was present and was represented by Brian Wisniewski, Esq. The Board imposed a final order dated December 8, 2008, suspending her mental health counselor and marriage and family therapy licenses until June 25, 2013 for filing false reports, fraudulent billing. Prior to termination of her suspension, she must appear before the Board. She has paid her \$2,000 fine; costs were discharged with bankruptcy filing. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber for Dr. Lagrotte to return to a board meeting with her supervisor prior to her suspension being lifted. The supervisor will need to provide the Board a CV and her or his philosophy of clinical work work and supervision. Dr. Lagrotte and her supervisor will be required to appear before the Board after one year of probation and prior to termination of probation. Dr. Lagrotte must complete an in person 8 hour laws and rules course before she practices again. She will be placed on probation for two years with terms, and must complete 6 hours of continuing education in ethics (3 hours from an approved provider in each discipline).

Second: by Ms. White.
Vote: Unanimous.

Ms. Gillespy was appointed to serve as the Board's monitor.

Bonnie Whitehurst, Commencement of Probation

Ms. Whitehurst was present and was not represented by counsel. Ms. Whitehurst is requesting approval of Thomas Garcia as both her supervising psychotherapist and indirect supervisor. Compliance officer's comments show that Mr. Garcia was approved as supervising psychotherapist on 7/5/12 and as indirect on 10/1/12. Her license was placed on probation for 1 year for practice below peer standards – acceptance of gifts from patients. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to approve Mr. Garcia as her qualified supervisor.
Second: by Ms. Macomber.
Vote: Unanimous.

Christine Kurz, Registered MHC Intern Applicant

Ms. Kurz was not present and was not represented by counsel. She was to appear due to an affirmative response on the applicant history section of the application. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to deny her application due to failure to provide documentation that she is safe to practice.
Second: by Ms. White.
Vote: Unanimous.

Brian Russman, Registered CSW Intern Applicant

Mr. Russman was not present and was not represented by counsel. His application is before the Board due to an affirmative response on the applicant history section of his application. Debbie Troupe, LMHC and Chief Compliance Officer for Professionals Resource Network (PRN) spoke to the Board about the issue. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to approve his application.
Second: by Ms. Gillespy.
Vote: Unanimous.

APPLICATION REVIEW

Elizabeth Wright, Registered MHC Intern Applicant

Ms. Wright was not present and was not represented by counsel. She is appearing due to an affirmative response on the applicant history section of her application. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to deny her application as the university she graduated from does not meet statutory requirements as it is not regionally accredited.
Second: by Ms. Bridgman.
Vote: Unanimous.

Anthony Snyder, Registered CSW Intern Applicant

Mr. Snyder was present and was not represented by counsel. He is appearing due to an affirmative response on the applicant history section of his application. Following discussion, the following action was taken by the Board:

Mr. Snyder requested to withdraw his application.

Motion: by Ms. Bridgman to accept the withdrawal of his application.

Second: by Ms. Macomber.

Vote: Unanimous.

Norma Llera, Registered MHC Intern Applicant

Ms. Llera was not present and was not represented by counsel. A Josef Silny evaluation of her academic credentials shows her to have the equivalent of a bachelor's degree in psychology and a master's degree in health psychology. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to deny her application because her education doesn't meet statutory requirements.

Section: by Dr. Barlow.

Vote: Unanimous.

Pamela Holsinger, Review of Substantially Equivalent Examination

Ms. Holsinger was present and was not represented by counsel. She is appearing to discuss the substantially equivalent exam taken for licensure. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber that the advanced generalist exam is not equivalent to the clinical level exam developed by the Association of Social Work Boards (ASWB).

Section: by Ms. White.

Vote: Unanimous.

Melissa Sorensen, Registered MHC Intern Applicant

Ms. Sorensen was present and was represented by Eric Roberson, Esq. This is a request for hearing/reconsideration of the Notice of Intent to Approve Licensure with Conditions filed on December 5, 2012. Debbie Troupe, LMHC and Chief Compliance Officer for Professionals Resource Network (PRN) spoke to the Board. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to deny the request to remove the conditions.

Second: by Ms. Gillespy.

Vote: Unanimous.

Valeria Frescino, Registered CSW Intern Applicant

Ms. Frescino was not present and was not represented by counsel. Ms. Frescino graduated from a CSWE school of social work that was in candidacy, Southern Adventist University, Collegedale, Tennessee. Jim Akins, Executive Director of the FL Chapter of NASW spoke to the Board. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to approve her registered clinical social work intern application. She will need to complete a graduate level course in psychopathology from a CSWE accredited school of social work before her education can be certified.

Second: by Ms. Douglas.

Vote: Unanimous.

Benjamin Lopez, Registered CSW Intern Applicant

Mr. Lopez was not present and was not represented by counsel. Mr. Lopez graduated from a CSWE school of social work that was in candidacy, Universidad del Este, Carolina, Puerto Rico. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to approve Mr. Lopez's registered clinical social work intern application.
Second: by Ms. Gillespy.
Vote: Unanimous.

Jeffrey Goebeler, CSW Applicant

Mr. Goebeler was present and was not represented by counsel. He has requested that the Board review his post-master's supervised experience and whether he has completed the 2 years of post-master's supervised experience under the supervision of a LCSW. Dr. Barlow recused herself.

Mr. Goebeler spoke to the Board regarding his post-master's supervised experience in Georgia. At this time, he cannot document two years of post-master's supervised experience by a LCSW. Mr. Goebeler will contact the board office at a later date regarding his intent to pursue licensure.

PETITION FOR VARIANCE OR WAIVER OF RULE

Aron Marisa Lewis, Registered MFT Intern

Ms. Lewis was present and is requesting a variance or waiver to rule 64B5-2.002, F.A.C. Supervision is face to face and supervisee must be physically in the same room as supervisor. Petitioner has moved to another city, financial hardship and health concerns. Dr. Larry Barlow, LMFT and her current supervisor, spoke to the issue. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to grant the petition for variance or waiver of rule and it will be permanent and retroactive.
Second: by Ms. Macomber.
Vote: Motion carried with Mr. Roberts and Ms. Gillespy opposed.

Lisa Baker, Registered CSW Intern

Ms. Baker is requesting a variance or waiver to rule 64B4-3.0085, F.A.C. She is requesting that 7 hours of supervision provided by Ms. Greene before the supervisory letter was sent to the Board be retroactively approved – November 7, 2012 thru January 9, 2013. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to deny the petition for variance or waiver because Ms. Baker was unable to document that this created a financial hardship or violated principles of fairness.
Second: by Dr. Day.
Vote: Unanimous.

PETITION FOR DECLARATORY STATEMENT

Joseph Sansone

Mr. Sansone was not present nor represented by counsel. He is certified as an advanced clinical hypnotist in New Jersey and is seeking clarification on the scope of practice of a LMHC before he pursues a master's degree in Mental Health Counseling. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to decline to respond. Board Counsel suggested Mr. Sansone refer to Chapter 485.003(3) and Chapter 485.004, Florida Statutes.
Section: by Ms. Gillespy.
Vote: Unanimous.

TOPIC DISCUSSIONS

Joyce Glasser, LMHC Correspondence Regarding CE Requirements

Dr. Glasser is requesting that the Board review the CE requirements and not continue to require ethics and boundaries and domestic violence. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to keep the continuing education requirements as they are. Board staff will provide minutes from a previous board meeting where the Board made suggestions of what the different areas of ethics and boundary issues that might be included in a three hour course. Board staff will include a list of providers who have indicated they are offering the course.

Section: by Ms. White.

Vote: Unanimous.

Diane Phinney, CSW Applicant, Regarding S. 456.029, F.S.

Ms. Phinney is requesting that the Board review this statute in reference to her lacking of a course in psychopathology from her graduate coursework. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber that the statute isn't under the purview of the Board and she is required to take the course in psychopathology.

Section: by Ms. White.

Vote: Unanimous.

Amended Application for Licensure 64B4-3.001

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

Motion: by Ms. White to approve the rule draft and amended application.

Second: by Ms. Macomber.

Vote: Unanimous.

Motion: by Ms. Macomber that this will have no impact on small business and a SERC is not required.

Second: by Ms. Bridgman.

Vote: Unanimous.

Amended Intern Registration Application 64B4 -3.0085

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

Motion: by Ms. Macomber to approve the rule draft and the amended application.

Second: by Ms. White.

Vote: Unanimous

Motion: by Ms. Macomber that this will have no impact on small business and a SERC is not required.

Second: by Ms. Bridgman.

Vote: Unanimous.

OTHER BUSINESS

Ratification of Continuing Education Providers

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

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

Second: by Ms. Douglas.

Vote: Unanimous.

Committee of One Actions

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

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

Second: by Ms. Bridgman.

Vote: Unanimous.

Exemption Applications

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

Motion: by Ms. Macomber to ratify the exemptions.

Section: by Ms. Bridgman.

Vote: Unanimous.

Order to Vacate

Beth Ann Wolfe withdrew her request for hearing and is currently enrolled in school to obtain missing coursework. Following discussion, the following action was taken by the Board:

Motion: by Ms. Bridgman to vacate the order.

Second: by Ms. White.

Vote: Unanimous.

Application Denials

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

Motion: by Ms. Macomber to deny applicants listed for the reasons stated.

Second: by Ms. Douglas.

Vote: Unanimous.

Ratification of Applicants

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

Motion: by Ms. Macomber to ratify the approval of license numbers as listed in the Board members' file.

Second: by Ms. Douglas.

Vote: Unanimous.

REPORTS

Prosecuting Attorney

Mr. McCharen reviewed the prosecutor's report with the Board. As of February 6, 2013, the Prosecution Services Unit had 56 open disciplinary cases. Of the 56 cases, 21 are under legal review, 18 are pre-probable cause and 4 cases are priority one. Two cases will be heard at this Board meeting, 6 are awaiting proper service/diligent search, 2 have been filed with DOAH, 2 have requested an appeal and 1 is continued. Mr. McCharen asked that the Board grant permission to continue working on the 13 cases that are over one year old.

Motion: by Ms. Macomber to grant request to continue working on year old cases.

Second: by Ms. Gillespy.

Vote: Unanimous.

Mr. McCharen also stated that the Department was in need of experts to review cases in all areas: child custody cases, boundary issues, ethics, client abuse, etc. and anyone interested should contact the Department.

Assistant Attorney General

Ms. Loucks reviewed her rules report with the Board.

The following rule was adopted on 1/28/2013 and will become effective on 2/17/2013.

Rule 64B4-6.001 Renewal of Active License.

The following rules were approved on 8/9/12 and published for rule development on 12/11/12.

Rule 64B4-3.001 Application for Licensure for Clinical Social Work, Marriage and Family Therapy and Mental Health counseling Applicants.

Rule 64B4-3.0085 Intern Registration

Rule 64B4-4.003 Application Fee for Licensure by Endorsement.

Executive Director

Ms. Foster provided budget information for the Board's review. She also discussed a trial for the May meeting using an electronic agenda.

Board Members

Ms. White will be on a Professional Development Panel at Florida International University and will be presenting information about becoming licensed in the mental health professions.

FOR YOUR INFORMATION

CACREP Correspondence

Professional Boundaries, Inc. Correspondence

HB 317, An Act Relating to Mental Health

Jim Akins, Executive Director of the FL Chapter of NASW and Larry Barlow, Executive Director of The Association for Marriage and Family Therapy, Florida Division spoke to the issue. They also discussed proposed legislation to expand the Baker Act to ARNP's and PA's, discussed the funding for mental health licensees in the Affordable Health Care Act; mentioned that a bill to limit the number of years of internship should be in bill drafting with sponsors: Baxley, Ring and Thompson; Stephen Giunta represented the Florida Mental Health Counseling Association through an e-mail to the Board concerning HB 317.

Motion: by Ms. Macomber to support an amendment to HB 317 to include the 491 Board.

Second: by Dr. Day .

Vote: Unanimous.

ADJOURNMENT

The meeting recessed at 5:45 p.m. on Thursday and adjourned at 10:30 a.m. on Friday.