

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

**October 24, 2013 at 2:00 p.m.
October 25, 2013 at 8:30 a.m.**

**St. Petersburg Marriott
12600 Roosevelt Boulevard, North
St. Petersburg, FL 33716
(727) 572-7800**

CALL TO ORDER/ROLL CALL

The meeting was called to order on Thursday, October 24, 2013 at 2:00 p.m. by Ms. Bridgman, Chair and recessed at 6:15 p.m. The meeting was called back to order on Friday, October 25, 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:

Mary Bridgman, Esq., Chair
William Day, Ph.D., LMHC
Sandra Barlow, Ph.D., LCSW
Susan Gillespy, LMFT
Mary Macomber, Esq.
Jamie Buller, LCSW
William Cavitt, Ed.D. LMHC
Denny Cecil-Van Den Heuvel, Ph.D., LMFT, LMHC

Member absent:

Helen Douglas, R.D.H. excused

Staff present:

Deborah Loucks, Board Counsel
Elana Jones, Prosecuting Attorney
Sue Foster, Executive Director
Robin McKenzie, Program Administrator
Dee Ramer, Regulatory Supervisor
Court Reporter Dempster Berryhill
(813) 229-8225

Ms. Bridgman thanked Mr. Frank Roberts and Ms. Sue White for their service on the Board, welcomed new members: Ms. Jamie Buller, Dr. Denise Cecil-Van Den Heuvel and Dr. William Cavitt to the Board and students from Rollins College attending the board meeting.

REVIEW AND APPROVAL OF MINUTES

The minutes of the August 1-2, 2013 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. Gillespy.

Vote: Unanimous.

VICE-CHAIR election:

Sue White's term ended and she was serving as the vice-chair. The Board needed to elect a vice-chair for this meeting. Following discussion, the following action was taken by the Board:

Motion: by Dr. Day nominating Ms. Buller for vice-chair.

Second: by Dr. Barlow.

Vote: Unanimous.

DISCIPLINARY PROCEEDINGS

Tammy D. Anderson, Registered MHC Intern, Case No. 2013-03613

This case was continued to the next meeting.

Lydia A. Ward, LMHC, Case No. 2011-03037 (PCP: Buller, Douglas, Otis)

Ms. Ward was not present nor represented by counsel. An administrative complaint filed February 21, 2013 alleged violation of s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(II), F.S., of being convicted or entering a plea of guilty or nolo contendere to one count of conspiracy to commit health care fraud. Respondent was sentenced to state prison and restitution of \$34,144,816 involving Medicare fraud and false claims, fraudulent billing.

Ms. Buller was recused due to service on the probable cause panel and Ms. Douglas did not attend this meeting. Following discussion, the following action was taken by the Board:

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

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 in this proceeding.

Second: by Dr. Day

Vote: Unanimous.

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

Second: by Ms. Gillespy.

Vote: Unanimous.

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

Second: by Dr. Cecil-Van Den Heuvel.

Vote: Unanimous.

The Department recommended revocation.

Motion: by Ms. Macomber to revoke her license.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: Unanimous.

A Motion to Assess Costs of \$1,304.60 was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to waive the costs.

Second: by Ms. Gillespy.

Vote: Unanimous.

Jordan Seth Needell, LMHC, Case No. 2012-13438

This case was continued to the next meeting.

Monel Herard, Registered CSW Intern, Case No. 2012-18219 & 2013-02648

(PCP: Roberts, Bridgman, Otis)

Mr. Herard was not present nor represented by counsel. An administrative complaint filed May 7, 2013 alleged violation of s. 491.009(1)(w), F.S., through a violation of s. 491.0111, F.S., of sexual misconduct. Respondent was terminated from employment with the Institute for Child and Family Health for inappropriate comments on Facebook. No response was received from Mr. Herard to the administrative complaint.

Ms. Bridgman was recused due to service on the probable cause panel and Ms. Buller, vice chair, presided over this case. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to find that respondent was properly served and has waived his 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 allegations of fact in the administrative complaint as the Board's conclusions of fact in this proceeding.

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 in this proceeding.

Second: by Dr. Denise Cecil-Van Den Heuvel

Vote: Unanimous.

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

Second: by Dr. Denise Cecil-Van Den Heuvel

Vote: Unanimous.

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

Second: by Dr. Day.

Vote: Unanimous.

Department's recommendation for penalty: \$1,000 fine and revocation. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to revoke respondent's license and waive the fine of \$1000.

Second: by Dr. Denise Cecil-Van Den Heuvel.

Vote: Unanimous.

A Motion to Assess Costs of \$873.96 was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to waive the costs.

Second: by Dr. Denise Cecil-Van Den Heuvel.

Vote: Unanimous.

Martin Ludwig, LCSW, Case No. 2013-03571 (Waived Probable Cause.)

Mr. Ludwig was not present nor represented by counsel. A complaint was received alleging that Mr.

Ludwig was practicing on a suspended license. His license had been suspended by the Board due to non-compliance with the requirements of DOH Citation Final Order 2011-09906, relating to payment of fines and costs and documenting continuing education courses. Mr. Ludwig's license was suspended on November 2012 by a Final Order in case 2012-01683.

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

Motion: by Ms. Macomber to accept voluntary relinquishment of license.

Second: by Ms. Buller.

Vote: Unanimous.

Daisy Miller, LCSW, Case No. 2013-10523 (PCP: Roberts, Gillespy, Szuch)

Ms. Miller was not present nor represented by counsel. An administrative complaint filed August 27, 2013 alleged violations of s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(II), F.S., of being convicted or entering a plea of guilty or nolo contendere to a crime relating to conviction of one count of conspiracy to commit health care fraud and one count of conspiracy to defraud the U.S. and pay and receive kickbacks in connection with federal health care benefit program - Medicare.

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

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

Second: by Dr. Barlow.

Vote: Unanimous.

Rose L. McGahee, LMHC, Case No. 2012-12793 (PCP: Buller, Douglas, Otis)

Ms. McGahee was present and was not represented by counsel. An administrative complaint filed February 21, 2013 alleged violation of s. 491.009(1)(p), F.S., of inability to practice with reasonable skill or competence due to excessive use of alcohol or narcotics. No response was received from Ms. McGahee to the administrative complaint.

Ms. Buller was recused due to service on the probable cause panel and Ms. Douglas did not attend this meeting. Following discussion, the following action was taken by the Board:

Ms. McGahee stated on the record that she had submitted a response to the administrative complaint and she did not dispute the material facts. The Board proceeded with a hearing not involving disputed issues of material fact.

Motion: by Ms. Macomber 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 Dr. Barlow.

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 Dr. Barlow.

Vote: Unanimous.

Motion: by Dr. Cavitt to adopt the materials under Tab G, which include the investigative file and any addendum materials into evidence in this proceeding.

Second: by Dr. Barlow.

Vote: Unanimous.

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

Second: by Dr. Barlow.

Vote: Unanimous.

The Department recommended entering PRN and suspension of her license until PRN can state that she can practice with reasonable skill and safety plus \$1,000 fine. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to suspend her license and require a PRN evaluation and compliance with any PRN recommendations; continue suspension of license until PRN states she can practice with reasonable skill and safety. A fine is not recommended.

Second: by Dr. Day.

Vote: Unanimous.

A Motion to Assess Costs of \$520.20 was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to waive the costs.

Second: by Dr. Day.

Vote: Unanimous.

Debra Troupe asked to speak to the Board at which time she indicated she had resigned her position from PRN and Martha Brown would be taking her place. The Board thanked her for her service.

MOTION TO VACATE FINAL ORDER

Jolyn Caplan-Steier, LMHC, Case No. 2010-01974

Ms. Caplan-Steier was present and was not represented by counsel. A Motion to Vacate Final Order on above-cited case was presented to the Board by Ms. Jones, Assistant General Counsel as Respondent disputes some of the material facts contained in the administrative complaint.

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

Motion: by Ms. Macomber to vacate the Final Order.

Second: by Dr. Barlow.

Vote: Unanimous.

APPEARANCES

Hany Urdaneta, Registered MHC Intern Applicant

Ms. Urdaneta was present and was not represented by counsel. She is appearing due to an affirmative response on the applicant history section of the licensure application.

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

Motion: by Ms. Macomber to approve her registered intern application contingent on her signing the PRN contract.

Second: by Dr. Day.

Vote: Unanimous.

David Russell Burks, Registered CSW Intern Applicant

Mr. Burks was present and was not represented by counsel. He is appearing due to an affirmative response on the applicant history section of the licensure application.

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

Motion: by Ms. Macomber to approve his registered internship once he has obtained a PRN report and complies with any PRN recommendations. The report is to be reviewed by a Committee of one (Dr. Barlow).

Second: by Ms. Buller.

Vote: Motion carries with Dr. Day opposed.

Michelle Gould, Registered MHC Intern Applicant

Continued to the next board meeting.

LICENSURE HEARING

Marion Joseph Gwizdala, Registered MHC Intern Applicant

Mr. Gwizdala was present and was not represented by counsel. Mr. Gwizdala appeared at the August, 2013 meeting and was denied licensure as a registered mental health counselor intern by the Board. His denial was due to previous arrests and the notice of intent to deny was received on August 29, 2013. He is appealing that decision with additional information not considered by the Board, such as results of a mental health examination from a forensic psychiatrist; results of a drug screening; a polygraph test; and several reference letters.

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

Motion: by Ms. Macomber to reverse the order of intent to deny and approve the intern registration application with the conditions that he enter into a license long boundary PRN monitoring contract to include a supervisor in the workplace; once a month reports; his clients limited to adults; and an appearance before the Board prior to full licensure.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: Motion resulted in a tie; motion fails with Dr. Barlow, Ms. Bridgman, Ms. Buller and Ms. Gillespy opposed.

HEARING / REVIEW OF ORDER DENYING PETITION FOR VARIANCE AND WAIVER AND DENYING HOURS

Sarah Winnig, Rule 64B4-3.0085(4), F.A.C.

Ms. Winnig was present and was not represented by counsel. She is requesting a review of the Petition for Variance and Waiver of Rule 64B4-3.0085(4), F.A.C. She received notice of the denial on September 3, 2013 and is disputing this denial of supervision hours from October 26, 2011 through May 16, 2013 under supervisor Louisa Etheredge, who had not received prior approval to supervise prior to commencement of supervision. The supervisor had also checked that respondent did not meet minimum requirements for licensure.

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

Motion: by Ms. Gillespy to uphold the denial of her disputed supervision hours.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: Unanimous.

APPLICATION REVIEW

Doni Lee Kuntz, Registered MHC Intern Applicant

Ms. Kuntz was present and was not represented by counsel. She is appearing 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 accept the withdrawal of her application.
Second: by Ms. Gillespy.
Vote: Unanimous.

Martin Jules Merceret, Registered CSW Intern Applicant

Mr. Merceret was present and was not represented by counsel. He is appearing 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. Buller to approve his registered clinical social work application.
Second: by Dr. Cavitt.
Vote: Unanimous.

Matthew Robert Reimer, CSW Licensure Applicant

Mr. Reimer was present and was represented by Allen R. Grossman, esq. He is appearing due to affirmative responses on the applicant history sections of the application. Mr. Reimer was previously licensed as a CSW in Florida in 1995. An administrative complaint was filed October 28, 2011 for violation of s. 491.009(1)(c), F.S., for plea of guilty to one count of felony possession of morphine and one count of misdemeanor possession of drug paraphernalia. A Final Order was filed on May 22, 2012 suspending his license concurrent with the duration of his PRN monitoring contract. In addition, renewal of Mr. Reimer's license was denied as a result of the new provisions of s. 456.0635, F.S.

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

Motion: by Ms. Buller to approve his clinical social work license application.
Second: by Dr. Day.
Vote: Unanimous.

Julie Lynn Johnson, CSW Licensure Applicant

Ms. Johnson was not present and was not represented by counsel. Her application is being presented to the Board 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 the application based on not meeting the educational requirements and discipline in another state.
Second: by Dr. Barlow.
Vote: Unanimous.

Motion: by Ms. Macomber to reconsider the motion.
Second: by Dr. Barlow.
Vote: Unanimous.

Motion: by Ms. Macomber to deny based on discipline in another state.
Second: by Dr. Barlow.
Following discussion Ms. Macomber withdrew her motion,

Motion: by Ms. Macomber to require her appearance at one of the next two board meetings to answer questions regarding her application.
Second: by Dr. Barlow.
Vote: Unanimous.

Rick S. Cullen, Registered CSW Intern Applicant

Mr. Cullen was not present and was not represented by counsel. He is appearing 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 Dr. Cavitt to approve his registered internship.
Motion dies for lack of second.

Motion: by Ms. Macomber to request an appearance at one of the next two board meetings.
Second: by Dr. Cavitt.
Vote: Unanimous.

Melba Jackson, Registered MHC Intern Applicant

Ms. Jackson was not present and was not represented by counsel. Failure to meet statutory requirements as listed in staff letter dated August 30, 2013, that there is no evidence of completion of 60 semester hours or 80 quarter hours of graduate level coursework; no evidence of 3 semester or 4 quarter hours in the content area of diagnosis and treatment of psychopathology; and no evidence of 1000 hours of supervised clinical practicum.

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

Motion: by Dr. Barlow to deny the application based on findings of staff's review.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: Unanimous.

Alice Aronson, MHC Licensure Applicant

Ms. Aronson was not present and was not represented by counsel. She was sent a letter from board staff dated September 24, 2013 concerning deficiencies in the course content areas of psychopathology, social and cultural foundations, human sexuality and legal, ethical and professional standards issues in the practice of mental health counseling.

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

Motion: by Dr. Cavitt to deny on grounds that she failed to obtain requisite coursework.
Second: by Dr. Day.
Vote: Unanimous.

TOPIC DISCUSSIONS

Potential Registered CSW Intern Applicant, Luris Coll

Ms. Coll was present along with Rafael Garcia, interpreter. She is requesting information from the Board regarding her master's degree from Pontificia Universidad Catolica de Puerto Rico, accreditation received June 2012. Ms. Coll began her studies in 2007-08. Following discussion, the Board indicated to her that her master's degree meets Florida's current requirements for education for license registration.

Betty Ann Badger

Dr. Badger, adjunct professor of mental health counseling at Nova Southeastern University, was present to discuss a letter that she had submitted to the Board in August 2012 concerning interns acquiring hours of supervision by making home visits with no supervisor on premises and schools combining mental health training with guidance and counseling training. She requests that the Board make changes in requirements for licensure by requiring supervision at all times and ensuring clinical practice. The Board determined that a statutory change would be needed and suggested Dr. Badger work with the appropriate professional associations and legislators.

CS for CS for SB 50

This legislation on public meetings became effective on October 1, 2013. A draft rule on page 1256 requires that the Board determine the number of minutes that the public may speak on an issue and the number of persons in a group that is representing an issue.

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

Motion: by Ms. Macomber to determine the number of minutes as five and the persons in a group that is presented as five.

Second: by Dr. Day.

Vote: Unanimous.

The Board determined that this would not impact small businesses, no statement of estimated revenue needed.

Email from Omaira Caruso

Ms. Caruso was present and was not represented by counsel. She has requested an appearance before the Board concerning the national Marriage and Family Therapy Exam. The Board thanked her for her thoughts and concerns about the exam.

OTHER BUSINESS

Budget Liaison

Each board designates a budget liaison that receives email budget information from the Department and at times is requested to attend a budget meeting in Tallahassee. Dr. Barlow volunteered to be the designated budget liaison for the Board.

Healthy Weight Liaison

It has been requested by the Department that each board designate a healthy weight liaison to serve as the Board's liaison for any future meetings. Ms. Gillespy volunteered to serve in this capacity.

Ratification of Continuing Education Providers

Motion: by Ms. Macomber to ratify the CE Providers Switchboard of Miami through Dr. Jenn Pereira.

Second: by Dr. Day.

Vote: Unanimous.

Committee of One Actions

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

Second: by Dr. Barlow.

Vote: Unanimous.

Application Denials

Motion: by Ms. Macomber to deny the lists of applicants from Christian Healing Ministries through Continuing Education Services and Seminars for the grounds listed.

Second: by Ms. Gillespy.

Vote: Unanimous.

Ratification of Applicants

Motion: by Ms. Macomber to ratify the approval of the license numbers listed.

Second: by Dr. Barlow.

Vote: Unanimous.

REPORTS

Prosecuting Attorney

Ms. Jones reported that as of October 22, 2013, the Prosecution Services Unit had 63 open disciplinary cases. Of the 63 cases, 28 are under legal review, 6 are pre-probable cause and 29 are priority one. One case was heard at this board meeting and 1 is in litigation or at DOAH. Ms. Jones asked that the Board grant permission to continue working on the 22 cases that are over a year old.

Motion by Ms. Macomber to grant permission for the Department to continue working on cases older than one year.

Second: by Ms. Gillespy.

Vote: Unanimous.

Assistant Attorney General

Ms. Loucks reviewed her rules report with the Board.

Rule 64B4-6.0046 Course Content Requirement of Continuing Education Courses for Renewal Laws and Rules Course was reviewed by the Joint Administrative Procedures Committee (JAPC) on September 11, 2013, requesting minor changes be made. The Board made changes to allow those licensed by the Florida Bar to also be permitted to teach the laws and rules course.

Motion: by Ms. Macomber to approve the language and this does not have an adverse effect on small businesses.

Second: by Dr. Barlow.

Vote: Unanimous.

Executive Director

The Expenditures by Function Report for period ending June 30, 2013 and the Cash Balance Report for 12 months ending June 30, 2013 were presented for Board review.

Board Members

INFORMATIONAL ONLY-NO ACTION TAKEN

2014 - SB 240

First District Court of Appeal, Case No. 1D12-3889

NCC Application Requirements Changes

CACREP Position Statement on Licensure Portability

Carlos P. Zalaquet, Ph.D., LMHC and current president of the FMHCA, spoke to the Board about military personnel and the difficulty they have as registered interns since they are often deployed out of state prior to meeting the minimum two years of supervision requirement.

ADJOURNMENT

The meeting recessed at 6:15 p.m. on Thursday and adjourned at 10:30 a.m. on Friday.