

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

GENERAL BUSINESS MEETING MINUTES

October 23, 2014 at 12:00 Noon

October 24, 2014 at 8:30 a.m.

**Tampa Marriott Westshore
1001 North Westshore Boulevard
Tampa, FL 33607
(813) 287-2555**

CALL TO ORDER/ROLL CALL

The meeting was called to order on Thursday, October 23, 2014 at 12:00 p.m. by Dr. Barlow, Chair and recessed at 5:30 p.m. The meeting was called back to order on Friday, October 24, 2014 at 8:30 a.m. and adjourned at 11:30 a.m. Those present for all or part of the meeting included the following:

Members present:

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

Staff present:

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

REVIEW AND APPROVAL OF MINUTES

The minutes of the July 31-August 1, 2014 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. Douglas.

Vote: Unanimous.

DISCIPLINARY PROCEEDINGS

Arthur H. Mencher, LMHC, Case No. 2009-16602

Mr. Mencher was not 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 violation of rule 64B4-9.009(2), F.A.C., and s. 491.009(1)(r), F.S., regarding records that do not reflect dates of sessions, treatment plan, financial transactions, lack of reporting patient to DCF due to addictions; respondent engaged in personal relationship with patient; failure to meet minimum standards.

A settlement agreement was presented to the Board with the following terms: letter of concern, fine of \$1,000.00 payable within 4 years of order; costs of \$5,803.00 payable within 4 years; completion of the PBI Professional Boundaries Course within one year; probation for one year; appearance at first meeting after probation commences and last meeting preceding termination of probation. Practice under indirect supervision with probationary terms.

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 Dr. Denny.
Vote: Unanimous.

Motion: by Ms. Macomber to make a counter offer to accept the terms of the settlement agreement with the following additions. Complete teleconference seminars through the University of California at Irvine (UCI) School of Medicine, MAS-12 Professional Boundaries & Ethics: Maintenance & Accountability Seminars. Complete teleconference-based seminar The PBI Primer-16, Professional Boundaries & Boundary Violations: A Primer. Respondent must practice outside of a home environment in a secure location for confidentiality purposes. Five years of probation with probationary terms and probation will be tolled until completion of the courses/seminars, approval of a probation supervisor, and actually practicing as a LMHC. If the probation supervisor is not in the same practice location as the respondent, a licensed mental health professional is required to be on site when the respondent is practicing.

Second: by Dr. Denny.
Vote: Unanimous.

Rhonda C. Grant, Registered CSW Intern, Case No. 2013-11022

Ms. Grant was not present and was not represented by counsel. An administrative complaint filed August 20, 2014 alleged violations of s. 491.009(1)(w) and s. 491.0045(3), F.S., regarding respondent not supervised by a Department approved supervisor since at least 2009.

A settlement agreement was presented to the Board with the following terms: reprimand, fine of \$500.00 payable within 6 months of the final order, costs not to exceed \$4,289.64 to be paid within 180 days of the order. Actual costs in this case are \$3,003.74.

Ms. Buller 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 waive respondent's appearance.
Second: by Ms. Gillespy.
Vote: Unanimous.

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

Motion: by Ms. Macomber to make a counter offer accepting the terms of the settlement agreement with the following additions: to suspend Ms. Grant's license until she appears before the Board with her qualified supervisor and completes an 8 hour laws and rules course, at which time she will be under probation until she is fully licensed.

Second: by Ms. Bridgman.
Vote: Unanimous.

Following this proceeding, Dr. Barlow turned the meeting over to Ms. Buller, Vice-Chair and Ms. Buller presided over the following two cases.

Syberina Faye Wynn, Registered MHC Intern, Case No. 2012-17603

Ms. Wynn was present and was not represented by counsel. An administrative complaint filed May 22, 2014 alleged violations of s. 491.009(1)(w), F.S., through violation of s. 456.072(1)(II), F.S., by being convicted on August 29, 2013 of a crime related to health care fraud involving plea of nolo contendere and adjudication of guilt to one count of organized fraud of \$50,000.00 or more and one count of making

or causing to be made any false statement or representation of material fact in Medicaid claim greater than \$1,000.00.

Dr. Barlow 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 find that the respondent was properly served and requested an informal hearing.

Second: by Ms. Douglas.

Vote: Unanimous.

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

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Dr. Cavitt to adopt the conclusions of law set forth in the administrative complaint as the Board's conclusions of law.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. Macomber to adopt the agenda materials under tab C and any addendum materials into evidence in this proceeding.

Second: by Ms. Douglas.

Vote: Unanimous.

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

Second: by Ms. Douglas.

Vote: Unanimous.

Department's recommendation: revocation.

Motion: by Ms. Macomber to accept the Department's recommendation of revocation.

Second: by Ms. Gillespy.

Vote: Unanimous.

A Motion to Assess Costs of \$397.38 was presented to the Board and following discussion, the following action was taken:

Motion: by Ms. Macomber to deny the Department's motion for costs.

Second: by Ms. Douglas.

Vote: Unanimous.

Debora De Jesus, LMHC, Case No. 2011-14978

Ms. De Jesus was not present nor represented by counsel. An administrative complaint filed December 20, 2012 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 nolo contendere to one count of health care fraud. On or about September 18, 2012 in the U.S. District Court, Southern District of Florida, Case 11-201587-CR-SCOLA-8; respondent pled guilty and was adjudicated guilty of one count of conspiracy to commit health care fraud. Respondent was sentenced to 24 months in prison, supervised release for 3 years, and restitution of \$5,466,933.00.

Ms. Macomber and Dr. Barlow 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 find that respondent was properly served and has waived her right to a formal hearing.

Second: by Dr. Day.

Vote: Unanimous.

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

Second: by Ms. Gillespy.

Vote: Unanimous.

Motion: by Ms. Bridgman to adopt the allegations of law set forth in the administrative complaint as the Board's conclusions of law.

Second: by Dr. Denny.

Vote: Unanimous.

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

Second: by Dr. Day.

Vote: Unanimous.

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

Second: by Ms. Gillespy.

Vote: Unanimous.

Department's recommendation: revocation.

Motion: by Ms. Bridgman to accept the Department's recommendation of revocation.

Second: by Dr. Denny.

Vote: Unanimous.

A Motion to Assess Costs of \$418.56 was presented to the Board and following discussion, the following action was taken:

Motion: by Ms. Bridgman to deny the Department's motion for costs.

Second: by Dr. Denny.

Vote: Unanimous.

Dr. Day welcomed students in the audience from Hillsborough Community College.

RECONSIDERATION OF ORDER DENYING EXEMPTION

Caridad Hernandez

Ms. Hernandez was not present and was not represented by counsel. She is requesting reconsideration and withdrawal of her request for exemption.

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

Motion: by Ms. Macomber to deny the request for withdrawal of her exemption application.

Second: by Ms. Douglas.
Vote: Unanimous.

APPEARANCES

Karen Simmons, Registered MHC Intern Applicant

Ms. Simmons was present and was not represented by counsel. She is appearing due to an affirmative response on the applicant history section of the application. Penelope Ziegler, M.D., Medical Director and CEO of Professionals Resource Network (PRN) spoke to the Board.

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

Motion: by Ms. Macomber to approve her registered intern application once Ms. Simmons signs a one year contract with PRN. If PRN feels at the end of the year that Ms. Simmons is not safe to practice without extending the monitoring contract, Ms. Simmons and a representative from PRN will come before the Board at that time.

Second: by Ms. Douglas.
Vote: Unanimous.

Anthony Jerrido, Registered MHC Intern Applicant

Mr. Jerrido 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. Macomber to approve Mr. Jerrido's intern application contingent on him providing the Board copies of the work evaluations for the last five years and a letter of recommendation from his current supervisors, all of which will be reviewed by Dr. Day.

Second: by Ms. Buller.
Vote: Unanimous.

Lisa Ann Dominguez, Registered MHC Intern Applicant

Ms. Dominguez will attend the board meeting in January 2015.

Dawn Meredith, Registered CSW Intern Applicant

Ms. Meredith 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 approve her application as a registered clinical social work intern.
Second: by Ms. Bridgman.
Vote: Unanimous.

Adrienn Nagy, CSW Licensure Applicant

Ms. Nagy 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 approve her application for licensure as a clinical social worker.
Second: by Ms. Gillespy.
Vote: Unanimous.

Casey Brannigan, Registered MHC Intern Applicant

Mr. Brannigan 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. Macomber to approve his application to become a registered mental health counselor intern if he signs a one year contract with PRN and the contract provides for a six month review with the possibility of terminating the contract at that time if PRN believes he is safe to practice.

Second: by Dr. Denny.

Vote: Unanimous.

Christine Tilelli, Registered MHC Intern Applicant

Ms. Tilelli 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 Dr. Day to require Ms. Tilelli to obtain a PRN evaluation. Dr. Day will review the PRN mental health status report and contract (if one is recommended) prior to Ms. Tilelli receiving a registered mental health counselor intern number.

Second: by Ms. Macomber.

Vote: Unanimous.

Deborah R. Beriro, Registered MHC Intern Applicant

Ms. Beriro submitted an email to board staff that she was withdrawing her application for registered intern in the state of Florida.

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

Motion: by Ms. Macomber to accept the withdrawal of her registered MHC intern application.

Second: by Ms. Bridgman.

Vote: Unanimous.

James Jean, Commencement of Probation

Mr. Jean was not present and was not represented by counsel. His final order requires practice under indirect supervision of probation supervisor. The Board is required to give formal approval/ratification of his probation supervisor.

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

Motion: by Ms. Macomber to approve Mr. Jean's supervisor and toll his probation until his license is active and he is practicing under supervision of his probation supervisor.

Second: by Ms. Douglas.

Vote: Unanimous.

APPLICATION REVIEW

Terrilynn Neipert, Registered MFT Intern Applicant

Ms. Neipert was not present and was not represented by counsel. Ms. Neipert has a master's degree from Penn State in Special Education. She is currently in the MFT doctoral program at Nova Southeastern University.

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

Motion: by Ms. Bridgman to deny her application for registered marriage and family therapy intern as her degree in Special Education is not a closely related field.

Second: by Ms. Macomber.

Vote: Unanimous.

Anthony Manuel Baudanza, CSW Licensure Applicant

Mr. Baudanza was present and was not represented by counsel. He is requesting that the Board rescind their acceptance of his voluntary relinquishment of license, which was accepted by the Board in March 2012.

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

Motion: by Ms. Douglas to deny the application for licensure as a clinical social worker based on the prior voluntary relinquishment of his registered internship.

Second: by Dr. Denny.

Vote: Unanimous.

Ricardo W. McQueen, Registered MHC Intern Applicant

Mr. McQueen was not present and was not represented by counsel. Mr. McQueen holds a Master of Arts in Christian Counseling Psychology from Cornerstone Christian University. This university is not accredited by a regional accrediting body.

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

Motion: by Ms. Macomber to deny his application to become a registered MHC intern because he does not meet the statutory requirements.

Second: by Ms. Douglas.

Vote: Unanimous.

Shannon A. Wilson, MFT Licensure Applicant

Ms. Wilson was not present and was not represented by counsel. Staff review of her application indicate that a 3 semester hour graduate level course in two content areas are needed: (1) marriage therapy and counseling theory and techniques, and (2) diagnosis, appraisal, assessment, and testing for individual or interpersonal disorder or dysfunction are needed.

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

Motion: by Ms. Macomber to deny based on not meeting the coursework requirements for marriage therapy and counseling theory and techniques and diagnosis, appraisal, assessment and testing.

Second: by Ms. Douglas.

Vote: Unanimous.

Oceo S. Harris, Registered CSW Intern Applicant

Mr. Harris was present and was not represented by counsel. Staff requests a review of Mr. Harris' application regarding s. 456.0635, F.S., and his responses on the application.

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

Motion: by Dr. Day to accept his application for licensure as a registered clinical social work intern.

Second: by Ms. Douglas.

Vote: Unanimous.

Cynthia A. Osborne, MHC Licensure Applicant

Ms. Osborne was not present and was not represented by counsel. Her application is being presented to the Board for review due to affirmative responses 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 based on criminal history.

Second: by Ms. Buller.

Vote: Unanimous.

PRESENTATIONS

The Investigation Process

Prosecution Services Unit, Unlicensed Activity; Scott Flowers, Administrator, MQA Bureau of Enforcement; and Matt Knispel, Office of Investigative Services, MQA Department of Health were present to discuss the process of a complaint and the investigative process and to answer questions.

Professions Resource Network

Penny Zeigler, M.D., Medical Director of Professionals Resource Network, was present to discuss the Professionals Resource Network and answer questions. Dr. Zeigler stated that PRN is a 501(3)(c) corporation contracted with the Department of Health. It has been in operation since the 1990's and they are working with 30 Boards and Councils, including Veterinary Medicine and Harbor Pilots at DBPR. They address the following: drugs, alcohol, mood disorders, bipolar, professional boundaries, cognitive problems, sexual misconduct, etc. The Board members were concerned with the cost since insurance does not cover evaluations, only treatments after diagnosis in most cases. Contracts are usually 5 years for dependency issues, 2 years for abuse with review at one year, and licensure-long for applicants/licensees with a diagnosis of Bipolar I Disorder. Bipolar II Disorder, major depression, or behavioral issues are more flexible and vary based on the individual case.

PETITIONS

Kim Blackham, Petition for Variance or Waiver, 64B4-2.001 & 2.002

Ms. Blackham was present and was not represented by counsel. She is requesting that the Board waive the above-cited rules that would require her to obtain additional supervision as an intern as she has more than two years of post-master's supervised clinical experience.

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

Motion: by Ms. Macomber to grant her petition and approve her application for licensure as a marriage and family therapist. Ms. Blackham has obtained post-master's supervised experience by a qualified AAMFT supervisor and has far exceeded the number of hours of supervision Florida requires for licensure.

Second: by Ms. Douglas.

Vote: Unanimous.

TOPIC DISCUSSIONS

Requiring Registered Interns Complete the 8 Hour L & R Course

Deborah Loucks, board counsel told the Board that there would need to be a statutory change to require registered interns to complete the 8 Hour Laws and Rules Course during their first year as a registered intern. Eugene Chambers, LMHC, Donna Ross of A.A. Ross Counseling and Leesa Robertson with Bayside Continuing Education spoke to the Board about the rule draft.

The Board discussed the rules for qualified supervisors and whether a requirement should be added to maintain the supervisor qualification. Board members, or any interested party, should send suggestions to Deborah Loucks regarding amending the qualified supervisor rules to maintain that qualification. The rules will be placed on the next meeting agenda for further discussion.

RULES DISCUSSION

64B4-2.002, F.A.C.

Ms. Loucks presented a rule draft defining supervision using online or other electronic methods. Elisa Quesada, Office of the Miami Dade Public Defender and Richard Chapman, LMHC, representing FMHCA spoke to the Board. Ms. Buller suggested adding L & R as a requirement for interns prior to online supervision; language to say visual media; and group supervision must be in-person. Following discussion, Ms. Loucks indicated she would take the feedback and make revisions to the draft rule for review at the next meeting.

64B4-3.0035, F.A.C.

Ms. Loucks presented a rule draft with edits to demonstrating knowledge of laws and rules for licensure. Following discussion, no formal action was taken by the Board.

OTHER BUSINESS

Jillian Edelstein: Review Alternative Verification of Supervised Experience

Ms. Edelstein was present and was not represented by counsel. Ms. Edelstein's qualified supervisor, Kimberley Lucas was recently incarcerated and therefore unable to sign hours attained.

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

Motion: by Ms. Macomber to approve her supervision hours as presented to the Board.

Second: by Dr. Day.

Vote: Unanimous.

Exemption Applications

Motion: by Ms. Macomber to ratify the exemptions that were granted by board members.

Second: by Ms. Douglas

Vote: Unanimous.

Ratification of Continuing Education Providers

Motion: by Ms. Macomber to ratify the CE Providers listed.

Second: by Dr. Cavitt.

Vote: Unanimous.

Committee of One Actions

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

Second: by Ms. Gillespy.

Vote: Unanimous.

License Ratification

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

Second: by Ms. Gillespy.

Vote: Unanimous.

Application Denials

Motion: by Ms. Macomber to deny the list of applicants for the grounds listed.

Second: by Ms. Douglas.

Vote: Unanimous.

REPORTS

Assistant General Counsel

Ms. Jones reported that as of October 24, 2014, the Prosecution Services Unit had 60 open disciplinary cases.

- 20 cases under legal review.
- 16 cases awaiting probable cause determination.
- 24 cases where probable cause has been found.
- 4 cases prepared for board action.
- 1 case on appeal.

Ms. Jones asked that the Board grant permission to continue working on the 29 cases that are one year and older.

2009	-----	1
2010	-----	3
2011	-----	1
2012	-----	6
2013	-----	18
TOTAL	--	29

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

Second: by Ms. Gillespy.

Vote: Unanimous.

Attorney General

Ms. Loucks stated that rule drafts had previously been discussed by the Board.

Executive Director

Ms. Foster referred the Board to the budget information provided for the year ending in June, 2014. Board members had asked about costs of PRN and Ms. Foster referred the Board to the line item for the Impaired Practitioner's Program - \$39,000 for PRN services paid by the 491 Board for the past year. Ms. Foster explained that PRN is a statutory alternative in Chapter 456, F.S., for any impaired practitioner to obtain help rather than face possible disciplinary action against their license. Renewal fees fund this program and costs to each board are based upon usage by each profession.

Board Members

FOR YOUR INFORMATION

MFT Exam Changes

Email from Arnold P. Rochedieu

Letter Regarding Behavior Analyst Certification Board

Information on Telehealth Services

Information from NBCC on Distance Counseling

ADJOURNMENT

The meeting recessed at 5:30 p.m. on Thursday and adjourned at 11:30 a.m. on Friday.