

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

April 23, 2015 at 12:00 p.m.

**Orlando Marriott Lake Mary
1501 International Parkway
Lake Mary, FL 32746
(407) 995-1100**

CALL TO ORDER/ROLL CALL

The meeting was called to order on Thursday, April 23, 2015 at 12:00 p.m. by Ms. Buller, Vice-Chair and adjourned at 5:30 p.m. Ms. Buller welcomed the new members, Mr. Andrade and Ms. Bolhouse to the Board and thanked the former members, Dr. Barlow and Ms. Bridgman for their service to the Board.

Those present for all or part of the meeting included the following:

Members present:

Jamie Buller, LCSW, Vice-Chair
William Day, Ph.D., LMHC
Mary Macomber, Esq.
Denny Cecil-Van Den Heuvel, Ph.D., LMFT, LMHC
Lisa Bolhouse, LCSW
Fabio Andrade

Staff present:

Deborah Loucks, Board Counsel
Elana Jones, Prosecutor
Sue Foster, Executive Director
Robin McKenzie, Program Administrator
Dee Ramer, Regulatory Supervisor
Court Reporter: American Court Reporting
(407) 896-1813

Members Absent:

Helen Douglas, R.D.H. (excused)
Susan Gillespy, LMFT (excused)
William Cavitt, Ed D, LMHC (excused)

Ms. Buller welcomed students from Rollins College.

REVIEW AND APPROVAL OF MINUTES

The minutes of the January 29, 2015 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 Dr. Day.

Vote: Unanimous.

RULES HEARING: Proposed Changes to Rule 64B4-3.0035

Ms. Donna Ross, CE provider, had requested this rules hearing and was not able to attend due to illness. Ms. Buller asked Ms. Foster to read comments that Ms. Ross had provided for the Board regarding her concerns with the rule. Richard Chapman, LMHC, representing ACE Classes and Larry Barlow, LMFT, a CE Provider, spoke to this issue. The Board asked staff to look into offering the Florida laws and rules exam through a national test provider. After discussion and review, the Board recommended the following changes to the rule:

(2) The laws and rules course must provide integration of the above subject areas into the competencies required for clinical practice and must include interactive discussion of clinical case examples applying the laws and rules that govern the appropriate clinical practice.

(3) An approved laws and rules course must include a testing mechanism on which a passing score of 80 percent must be obtained by the attendee prior to issuing credit. Upon successful completion of the course, the applicant shall receive a certificate of completion and submit a copy of the certificate of completion to the Board.

(6) Laws and rules courses may be offered and conducted on-line but must comply with all aspects of this rule in their entirety. Such courses must include real time (contemporaneous) interactive discussions as required by subsection (2) of this rule.

Motion: by Dr. Denny to approve the above-cited changes to the rule.

Second: by Ms. Macomber.

Vote: Unanimous.

Motion: by Ms. Macomber that this will have no impact on small business, no statement of estimated revenue is needed and no ratification by the legislature is needed.

Second: by Dr. Denny.

Vote: Unanimous.

DISCIPLINARY PROCEEDINGS

Kathryn Lee Freidman, LMHC, Case No. 2014-08875

This case was tabled to the next meeting due to there not being a quorum for this meeting.

Laura Diane Koning, Registered MHC Intern, Case No. 2014-08915 (Waived Probable Cause)

Ms. Koning was not present and was not represented by counsel. Possible violations of s. 456.072(1)(hh), F.S., by being terminated from a treatment program for impaired practitioners; and s. 491.009(1)(p)(w), F.S., by being unable to practice the profession with reasonable skill or competence as a result of any mental or physical condition or by reason of illness.

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 Dr. Day.

Vote: Unanimous.

Eric Wesley Fadely, Registered MHC Intern, Case No. 2014-13354 (Waived Probable Cause)

Mr. Fadely was not present and was not represented by counsel. Possible violations of s. 491.009(1)(p)(w), F.S., and s. 491.056(1)(z)(dd), F.S., being unable to practice the profession with reasonable skill and competence. An Order Compelling an Examination was issued on September 15, 2014 for a psychosexual and mental and physical examination. Respondent did not follow through with the examination.

A voluntary relinquishment of license was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Dr. Denny to accept the voluntary relinquishment.

Second: by Ms. Macomber.

Vote: Unanimous.

PETITION FOR VARIANCE OR WAIVER OF RULE

Rosimar Hernandez, Rule 64B4-31.007, F.A.C.

Ms. Hernandez was present and was not represented by counsel. Ms. Hernandez has been licensed in creative arts therapy in New York since February 4, 2009. She is requesting that her experience under the

supervision of a New York licensed creative arts therapist be accepted for meeting the experience requirement for licensure as a mental health counselor. Ms. Hernandez states that in New York a licensed creative arts therapist has the same standing as a LCSW and is authorized to engage in private practice, as they are part of the NYS mental health professions.

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

Motion: by Ms. Macomber to deny the petition due to her supervisor not meeting the requirements of a qualified supervisor, and a substantial hardship was not demonstrated and application of the rule does not violate principles of fairness.

Second: by Mr. Andrade.

Vote: Unanimous.

APPEARANCES

Jennifer Baxt Lagrotte, Termination of Probation

Ms. Lagrotte was present with her supervisor, Katherine Lemieux. Ms. Lagrotte has requested termination of her probation. A final order was imposed on December 4, 2008 with a reprimand, fine of \$2,000.00, actual costs and suspension of respondent's license until June 25, 2013. An order of reinstatement filed February 28, 2013 imposed two years of probation with supervision subject to terms.

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

Motion: by Ms. Macomber to terminate the probation on June 26, 2015 on the condition she completes the required continuing education.

Second: by Dr. Denny.

Vote: Unanimous.

John Allison, Request to Modify Final Order

Mr. Allison was present and was not represented by counsel. Mr. Allison has requested a modification of his final order, requesting he not be required to submit quarterly reports since he is not working in the field. A final order filed August 24, 2012 imposed a reprimand, fine of \$1,000.00, costs of \$1,461.81, and one year of probation with supervision subject to terms and conditions.

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

Motion: by Ms. Macomber to approve Mr. Allison's request and modify the final order to no longer require quarterly reports since he is not practicing, and this requirement will be tolled until he re-enters the practice. Immediately upon his return to practice, he must notify the department's compliance officer.

Second: by Dr. Denny.

Vote: Unanimous.

Rachael Dyson, MHC Licensure Applicant

Ms. Dyson was present and was not represented by counsel. Ms. Dyson was requested to appear before the Board due to affirmative responses to application history questions.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to conditionally approve, pending a PRN evaluation and applicant's compliance with any PRN recommendations. Dr. Day will review the PRN mental health status report prior to Ms. Dyson receiving her mental health counselor license number.

Second: by Dr. Day.

Vote: Unanimous.

APPLICATION REVIEWS

Talisa Saddler, Registered MHC Intern Applicant

Ms. Saddler was not present and was not represented by counsel. Staff requests that the Board review applicant's credentials/master's degree to determine whether applicant meets the statutory requirements to register as a mental health counselor intern. Ms. Saddler was awarded the degree Master of Public Health from Florida A & M University on May 2, 2014.

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

Motion: by Ms. Macomber to deny the application because her degree is not related to the profession, the coursework does not meet the statutory requirement and her practicum experience may not meet statutory requirement.

Second: by Dr. Denny.

Vote: Unanimous.

George Benjamin Perlin, CSW Licensure Applicant

Mr. Perlin was present and was not represented by counsel. This application is being presented to the Board for review due to affirmative responses to application history questions.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to approve his application for licensure once he signs the PRN contract and remains in compliance with PRN. Costs or fees incurred and assessed against his previous license/ case are waived.

Second: by Dr. Day.

Vote: Unanimous.

TOPIC DISCUSSIONS

CE Broker Capabilities/Supervision Renewal Requirement

The Board asked board counsel to develop a rule requirement regarding continuing education for qualified supervisors. Board staff contacted CE Broker and determined that CE Broker would be able to determine which licensees had the qualified supervisor designation on their license and could determine when the licensee would need to meet the renewal requirement. Jim Akin, Executive Director for the Florida Chapter of NASW, Alicia Homrich, Ph.D., LMHC, from Rollins College and Linda Durré, Ph.D., LMHC spoke to the Board about the subject. When board counsel, Deborah Loucks, develops language for the Board to review at the July board meeting, it was recommended that ethics, laws and rules of Florida, and updated information on research be included in the draft rule. Dr. Denny advised that she will assist Ms. Loucks in development of recommendations and board members are encouraged to provide Ms. Loucks information about a supervisory training refresher course prior to the July board meeting; including how many hours of CE the course should be and how often the qualified supervisors are going to be required to take the course as a renewal requirement.

Application Process

Sue Foster, Executive Director of the Board, provided information to the Board regarding the increase in applications board staff has had, without an increase in staff positions. To accommodate the increase in workload and improve customer service, Ms. Foster suggested that CCE, the company currently working with NBCC to approve candidates testing for the NCMHCE, could be tasked with reviewing transcripts and coursework for MHC and MFT Florida testing applicants. Since Florida board staff currently must review every course on each applicant's transcript; this would decrease the workload for board staff, allowing them to process applications more expeditiously. The Board asked staff to explore the fees incurred for this service, including a proposal from the vendor. The Board recommended consideration of

reducing the licensure application fee to offset any fees assessed to the applicants for this service. Richard Chapman, LMHC, representing the Florida Mental Health Counselors Association (FMHCA) and Jim Akin, Executive Director of the FL Chapter of NASW updated the Board about HB 7119 limiting registered intern licensure to 5 years.

Correspondence from Alexis Challstrom

Is it a dual relationship for a CSW to also serve as a notary? This was a question to all state boards from Nevada. The Board's response is that our laws and rules do not speak to this issue.

Affordable CEU's by McMillan and Wife

Matthew and Susan McMillan were present to discuss misleading and confusing advertising by their company, Affordable CEU's. The Board had requested their appearance as the board office had received numerous calls and complaints regarding their advertising and board members themselves had been confused by their ads using the Department of Health logo. Ms. Macomber asked if staff could check with the General Counsel at the DOH to see if the logo could be used without written permission, or if the Department needed to review materials displaying the DOH logo.

After discussion, Mr. McMillan stated that this CE Provider would no longer use the Department of Health logo in emails or on promotional material, or an e-mail address or domain name that included any language that could be interpreted as coming from the Board.

RULES DISCUSSION

64B4-3.001, F.A.C.

A rule draft and the application for licensure were presented to the Board for review.

Motion: by Ms. Macomber to approve the changes as presented with amendment to health question.

Second: by Dr. Denny.

Vote: Unanimous.

Motion: by Ms. Macomber that this will have no impact on small business, no statement of estimated revenue is needed and no ratification by the legislature is needed.

Second: by Mr. Andrade.

Vote: Unanimous.

64B4-3.0015, F.A.C

A rule draft and the supervised experience attestation form were presented to the Board for review.

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

Second: by Ms. Bolhouse.

Vote: Unanimous.

Motion: by Ms. Macomber that this will have no impact on small business, no statement of estimated revenue is needed and no ratification by the legislature is needed.

Second: by Ms. Bolhouse.

Vote: Unanimous.

64B4-3.003, F.A.C.

Board staff requested a correction in the rule regarding the development of the MFT clinical examination.

Motion: by Ms. Macomber to remove "and the Professional Examination Service" from the rule.

Second: by Dr. Denny.

Vote: Unanimous.

Motion: by Ms. Macomber that this will have no impact on small business, no statement of estimated revenue is needed and no ratification by the legislature is needed.

Second: by Ms. Bolhouse.

Vote: Unanimous.

64B4-3.0085, F.A.C.

A rule draft and the intern registration application were presented to the Board for review.

Motion: by Ms. Macomber to approve the changes as presented with amendment to health question.

Second: by Dr. Denny.

Vote: Unanimous.

Motion: by Ms. Macomber that this will have no impact on small business, no statement of estimated revenue is needed and no ratification by the legislature is needed.

Second: by Ms. Bolhouse.

Vote: Unanimous.

64B4-3.009, F.A.C.

A rule draft and the application for limited licensure application were presented to the Board for review.

Motion: by Ms. Macomber to approve the changes as presented with amendment to health question.

Second: by Ms. Bolhouse.

Vote: Unanimous.

Motion: by Ms. Macomber that this will have no impact on small business, no statement of estimated revenue is needed and no ratification by the legislature is needed.

Second: by Dr. Denny.

Vote: Unanimous.

64B4-3.010, F.A.C.

A rule draft and the marriage and family therapy dual licensure application were presented to the Board for review.

Motion: by Ms. Macomber to approve the changes as presented with amendment to health question.

Second: by Dr. Denny.

Vote: Unanimous.

Motion: by Ms. Macomber that this will have no impact on small business, no statement of estimated revenue is needed and no ratification by the legislature is needed.

Second: by Ms. Bolhouse.

Vote: Unanimous

64B4-6.002, F.A.C.

Motion: by Ms. Macomber to approve some technical name changes in subsection (1)(e) and removal of the last sentence.

Second: by Mr. Andrade.

Vote: Unanimous.

Motion: by Ms. Macomber that this will have no impact on small business, no statement of estimated revenue is needed and no ratification by the legislature is needed.

Second: by Ms. Bolhouse.

Vote: Unanimous

64B4-6.0025, F.A.C.

Based on questions board staff receives numerous times a week, it was suggested that the supervisory training course include information within the course rule about the laws and rules of Florida that are specifically relevant to supervision, information about when a registered intern may begin counting their post-masters supervised experience, responsibilities of supervisor/supervisee when changing or adding a qualified supervisor, how long a registered intern is to remain under supervision, information about the supervision form, etc.

Board counsel will develop language for the Board to review at the next board meeting. It was also recommended that supervision information be added to Rule 64B4-2.002, the approval letter sent to the registered interns, and be added to the website – Frequently Asked Questions.

64B4-6.003, F.A.C.

Motion: by Ms. Macomber to remove the first sentence in subsection (1) and remove subsection (5).

Second: by Mr. Andrade.

Vote: Unanimous.

Motion: by Ms. Macomber that this will have no impact on small business, no statement of estimated revenue is needed and no ratification by the legislature is needed.

Second: by Ms. Bolhouse.

Vote: Unanimous.

64B4-6.004, F.A.C.

The Board asked board counsel to add language stating that the initial course a CE Provider applicant submits for approval as a CE provider must be a minimum of 3 hours and a maximum of 16 hours. The Board discussed the definition of a 60-minute clock hour in which there is no less than 50 minutes of uninterrupted instruction. This is a problem for a 3 hour course with one break after an hour and a half. The Board asked board counsel to review this definition.

64B4-10.004, F.A.C.

No action taken as board counsel had already submitted a technical change.

OTHER BUSINESS

Approved Continuing Education Providers

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

Second: by Ms. Bolhouse.

Vote: Unanimous.

Committee of One Actions

Motion: by Ms. Macomber to ratify the Committee of One Actions.

Second: by Ms. Bolhouse.

Vote: Unanimous.

Exemption Applications

Motion: by Ms. Macomber to ratify the exemption applications granted by the board members.

Second: by Ms. Bolhouse.

Vote: Unanimous.

License Ratification

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

Second: by Ms. Bolhouse.

Vote: Unanimous.

Application Denials

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

Second: by Dr. Day.

Vote: Unanimous.

Vacate Final Order

Motion: by Ms. Macomber to rescind the order of intent to deny and approve the withdrawal of his application.

Second: by Mr. Andrade.

Vote: Unanimous.

Election of Officers

Motion: by Dr. Day to elect Ms. Buller as chair.

Second: by Mr. Andrade.

Vote: Unanimous.

Motion: by Ms. Macomber to elect Susan Gillespy as vice-chair.

Second: by Dr. Denny.

Vote: Unanimous.

The Board discussed scheduling the board meetings for one day; beginning at 8:00 a.m. The remaining meetings in 2015 will be on Thursday, July 30 and Thursday, October 22 beginning at 8:00 a.m.

2016 Board Meeting Dates

Tentative dates for 2016 were discussed. There were some conflicts so new dates and possible locations will be presented to the board members by email and at the next board meeting.

REPORTS

Assistant General Counsel

Ms. Jones reported that as of April 25, 2015, the Prosecution Services Unit had 81 open disciplinary cases.

35	Cases under legal review
26	Cases awaiting probable cause determination
20	Cases where probable cause has been found

Ms. Jones asked that the Board grant permission to continue working on the 26 cases that are one year and older.

2009	1
2010	1
2011	1
2012	5
2013	13
<u>2014</u>	<u>5</u>
TOTAL	26

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

Second: by Mr. Andrade.

Vote: Unanimous.

Assistant Attorney General

Ms. Loucks provided the 2015-2016 Annual Regulatory Plan for the Board's review.

Motion: by Ms. Macomber to approve the annual regulatory plan with the addition of Rules 64B4-6.0025 and 64B4-6.004.

Second: by Dr. Day.

Vote: Unanimous.

Motion: by Ms. Macomber to approve board counsel performing an enhanced rule review and working with Ms. Buller, board chair on review of each rule and answering questions about it.

Second: by Mr. Andrade.

Vote: Unanimous.

Executive Director

Ms. Foster asked for board members to volunteer to be a part of the Strategic Planning Committee for the Departments of Health's Medical Quality Assurance Division. Some topics for discussion may be ethics, tele-health, and the future of the profession. Dr. Day, Dr. Denny, Ms. Macomber and Mr. Andrade volunteered to serve on this committee.

Budget Information was contained in the agenda for the Board member's review.

Board Members

FOR YOUR INFORMATION

Eldercare Coordination – Jim Akin, Executive Director of the FL chapter of NASW and Larry Barlow, Executive Director of FMFTA provided information about this topic for the Board.

ASWB Examination Pass Rates

NBCC Changes Regarding CE Credit Hours

Additional Information

Cease and Desist Notices

Opinion on 491 Proposed Rule Changes

HB 7119 – Currently on second reading and contains the 5 year internship language

NCMHCE Pass Rates

Tricare South Behavioral Health News

Technical Rule Changes

ADJOURNMENT

The meeting adjourned at 5:30 p.m.