

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

GENERAL BUSINESS MEETING MINUTES

February 9, 2017 at 8:00 a.m.

**Crowne Plaza Jacksonville Airport
14670 Duval Road
Jacksonville, FL 32218
(904) 741-4404**

Participants in this public meeting should be aware that these proceedings are being recorded. Please turn off all cell phones, pagers, and beepers during the meeting. Thank you.

CALL TO ORDER/ROLL CALL

The meeting was called to order on Thursday, February 9, 2017 at 8:07 a.m. by Ms. Gillespy, Chair.

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

Members present:

Ms. Susan Gillespy, LMFT, Chair
Ms. Lisa Bolhouse, LCSW, Vice-Chair
Dr. Denny Cecil-Van Den Heuvel, PhD, LMFT
Ms. Jamie Buller, LCSW
Dr. William Day, PhD, LMHC
Ms. Mary Macomber, Esq.
Ms. Helen Douglas, R.D.H.

Member absent:

Mr. Fabio Andrade - excused

Staff present:

Deborah Loucks, Board Counsel
Elana Jones, Prosecutor
Jennifer Wenhold, Executive Director
Robin McKenzie, Program Administrator
Court Reporter: Precision Court Reporting,
Lolanda Hall, 904-629-5310

WELCOME Consumers, Licensees, Students, Others

REVIEW OF MINUTES

The minutes of the November 3, 2016 general business meeting were reviewed and following review, the Board took the following action:

Motion: by Ms. Buller to approve as presented.

Second: by Ms. Macomber.

Vote: unanimous.

DISCIPLINARY PROCEEDINGS

Beatty Cynthia Cohan, LCSW, Case No. 2010-17669

Ms. Cohan was not present and was represented by Cynthia A. Mikos, Esq. A six count amended administrative complaint filed on December 20, 2012 alleges violations of s. 491.009(1)(u), 491.009(1)(w), and 491.0147(2), F.S., by failing to maintain confidentiality of a patient; s. 491.009(1)(h), F.S., by violating s. 39.201(1)(a), F.S., failing to inform DCF of alleged imminent harm to a child; s. 491.009(1)(v), F.S., by sending an email which made public statements identifying patient and shared information gathered during therapy sessions;

s. 491.009(1)(n), F.S., failing to provide a copy of a journal; s. 491.009(1)(w), 456.072(1)(q), F.S., failing to comply with the department's subpoena, and rule 64B4-9.001(2), F.A.C., and s. 491.009(1)(w), F.S., by failing to retain a copy of records for seven years.

Ms. Macomber was recused due to service on the probable cause panel. A settlement agreement was presented to the Board with the following terms: fine of \$4,000 paid within 3 years of the final order; costs in the amount of \$5,000 paid within 3 years of the final order; complete the 8 hour laws and rules course, 3 hours of CE in professional ethics, and 3 hours of CE in record keeping within 3 years; laws and rules affidavit within 90 days.

Current costs of the case are \$8,025.58. Following discussion, the Board took the following action:

Motion: by Dr. Cecil-Van Den Heuvel to dismiss counts four, five, and six.
Second: by Ms. Douglas.
Vote: unanimous.

Motion: by Ms. Buller to approve the settlement agreement as presented.
Second: by Ms. Douglas.
Vote: unanimous.

John August Moser, LMHC, Case No. 2015-09094

Mr. Moser was not present and was not represented by counsel. He asked the Board to consider a request to waive his appearance given his advanced age and hardship with travel. A two count administrative complaint filed on December 7, 2016 alleges violations of s. 491.009(1)(u), F.S., failing to maintain confidentiality by disclosing mental health information without authorization; s.491.009(1)(r), F.S., failed to meet minimum standards of performance by diagnosing patient with Post Traumatic Stress Disorder when the condition did not meet the diagnostic criteria.

Dr. Cecil-Van Den Heuvel was recused due to service on the probable cause panel. A settlement agreement was presented to the Board with the following terms: reprimand; fine of \$2,000 paid within 180 days of the final order; costs not to exceed \$3,700 paid within 180 days of final order; and appearance before the Board.

Current costs in this case are \$2,137.19. Following discussion, the Board took the following action:

Motion: by Dr. Day to waive his appearance as required in the stipulation and proceed with the case.
Second: by Ms. Douglas.
Vote: unanimous.

Motion: by Ms. Macomber to reject the settlement agreement.
Second: by Ms. Douglas.
Vote: unanimous.

Motion: by Ms. Macomber to revoke his license.
Second: by Ms. Douglas.
Vote: motion fails with five opposed.

Motion: by Dr. Day to offer a counter stipulation maintaining all conditions in the original agreement and adding one year of probation with monthly supervision, quarterly reports, specific terms to be set when respondent and supervisor appear prior to commencement of probation; appearance preceding termination of probation; and 3 hours of continuing education in each of the following topics: (1) ethics and boundary issues, (2) laws and rules, (3) confidentiality, and (4) record keeping.

Second: by Ms. Buller.

Vote: unanimous.

Erik X. Alonso, LCSW, Case No. 2015-27741

Mr. Alonso was not present and was not represented by counsel. An administrative complaint filed on July 6, 2016 alleges violation of s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(ll), F.S., by being convicted of a crime which relates to health care fraud. On October 9, 2015 respondent was found guilty of conspiracy to commit health care fraud and wire fraud.

A request for continuance was received after 5:00 p.m. on Monday, February 6, 2017. A response in opposition to a continuance was received on Tuesday, February 7, 2017.

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

Motion: by Ms. Buller to deny the request for a continuance.

Second: by Ms. Douglas.

Vote: unanimous.

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

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

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

Second: by Ms. Douglas.

Vote: unanimous.

Motion: by Dr. Cecil-Van Den Heuvel to adopt the materials under Tab C and any addendum materials into evidence in this proceeding.

Second: by Ms. Buller.

Vote: unanimous.

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

Second: by Dr. Day.

Vote: unanimous.

Department's recommendation: revocation

Motion: by Ms. Buller to accept the Department's recommendation and revoke the license.

Second: by Dr. Day.

Vote: unanimous.

A motion to assess cost in the amount of \$16.12 was presented to the Board. Following discussion, the Board took the following action.

Motion: by Ms. Buller to waive costs.
Second: by Ms. Douglas.
Vote: unanimous.

PROSECUTION REPORT

Ms. Jones reviewed the prosecutor's report and advised the Board that as of January 6, 2017 the Prosecution Services Unit had 91 open disciplinary cases.

- 52 - Cases under legal review
- 17 - Cases awaiting probable cause determination
- 16 - Cases where probable cause has been found
- 0 - Emergency Action Case
- 6 - Cases submitted for board review (3 on the February 9, 2017 agenda)
- 1 – Case at DOAH

Cases older than one year.

2009:	1
2010:	1
2011:	1
2012:	3
2013:	6 (3 transferred for next available PCP meeting)
2014:	7
2015:	23 (1 transferred for next available PCO meeting)
<u>2016</u> :	<u>6</u>
Total:	48

Motion: by Ms. Macomber to allow the Department to continue the prosecution of the year old cases.
Second: by Ms. Douglas.
Vote: unanimous.

PETITION FOR VARIANCE OR WAIVER OF RULE

Christin Verna, MFT Applicant for Licensure by Examination

Ms. Verna was not present and was not represented by counsel. She is requesting a variance to rule 64B4-21.007, F.A.C., asking the Board to accept the supervision she received in California because she is unable to verify that the LCSW supervisor meets the criteria established in rule. One supervisor was a LMFT and the other supervisor was a LCSW. Ms. Verna is not able to provide a transcript for the LCSW to verify that this supervisor completed required MFT coursework. Ms. Verna was licensed as a MFT in California on July 23, 2015.

Dr. Cecil-Van Den Heuvel recused herself. Following discussion, the Board took the following action:

Motion: by Ms. Douglas to deny this request on the grounds that she failed to show financial hardship and it does not meet the purpose of the underlying statute.
Second: by Ms. Bolhouse.
Vote: unanimous.

APPEARANCES

Wanda Cancel, Registered MHC Intern Applicant

Ms. Cancel was not present and was not represented by counsel. Her appearance was requested due to an affirmative response to a history question on the application.

Following discussion, the Board took the following action:

Motion: by Ms. Buller to deny this application based on inability to demonstrate safety to practice.
Second: by Ms. Macomber.
Vote: unanimous.

Randi Frank, Termination of Probation

Ms. Frank was present and was not represented by counsel. Ms. Frank is requesting the Board approve her license application as all conditions have been met, although she remains on probation until December 2017 from a previous board action. She is required to appear before the Board preceding the scheduled termination of probation.

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

Motion: by Ms. Macomber to approve Ms. Frank's licensure application with the probation to continue until December 2017. Another appearance is not required.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

REVIEW OF APPLICATIONS

Kelly Seurkamp, Registered MFT Intern Applicant

Ms. Seurkamp was not present and was not represented by counsel. This applicant attended a previous meeting because of an affirmative response to a health history question on the application. An evaluation was required and a monitoring contract was recommended. Ms. Seurkamp has not signed a monitoring contract.

Ms. Seurkamp is missing 3 semester hours of graduate coursework in personality theory or general counseling theory and techniques and 1 semester hour of graduate coursework in human sexuality theory and counseling techniques.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to deny this application due to inability to demonstrate safety to practice and missing coursework.
Second: by Ms. Douglas.
Vote: unanimous.

Gerard A. Kruse, CSW Applicant for Licensure by Exam

Mr. Kruse was present and was not represented by counsel. This file is being presented to the Board for review due to an affirmative response to a history question on the application.

Following discussion, the Board took the following action:

Motion: by Ms. Buller to approve this application.
Second: by Ms. Macomber.
Vote: unanimous.

RULES DISCUSSION

64B4-3.009 Limited Licenses

Motion: by Ms. Macomber to revise language requiring an affidavit to renew.

Second: by Dr. Day.

Vote: unanimous.

64B4-4.016 Intern Renewal Fee

Motion: by Ms. Buller to repeal this rule.

Second: by Ms. Macomber.

Vote: unanimous.

The Board determined that the proposed rule amendments would not have an adverse impact on small business; would not be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida within one year of implementation of the rule. Therefore, a SERC is not required.

64B4-4.018 Intern Delinquent Fee

Motion: by Ms. Buller to repeal this rule.

Second: by Ms. Macomber.

Vote: unanimous.

The Board determined that the proposed rule amendments would not have an adverse impact on small business; would not be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida within one year of implementation of the rule. Therefore, a SERC is not required.

64B4-5.001 Disciplinary Guidelines

Motion: by Ms. Macomber to approve the rule draft.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

The Board determined that the proposed rule amendments would not have an adverse impact on small business; would not be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida within one year of implementation of the rule. Therefore, a SERC is not required.

64B4-5.005 Minor Violations, Notice of Noncompliance

Motion: by Ms. Macomber to approve the rule draft.

Second: by Ms. Buller.

Vote: unanimous.

The Board determined that the proposed rule amendments would not have an adverse impact on small business; would not be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida within one year of implementation of the rule. Therefore, a SERC is not required.

64B4-5.007 Citations

Motion: by Ms. Macomber to approve the rule draft.

Second: by Ms. Buller.

Vote: unanimous.

The Board determined that the proposed rule amendments would not have an adverse impact on small business; would not be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida within one year of implementation of the rule. Therefore, a SERC is not required.

64B4-7.0081 Requirements to be a Qualified Practitioner for Completing Risk Assessments and Treatment of Sexual Offenders

Motion: by Ms. Buller to approve with changes discussed.

Second: by Ms. Macomber.

Vote: unanimous.

The Board determined that the proposed rule amendments would not have an adverse impact on small business; would not be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida within one year of implementation of the rule. Therefore, a SERC is not required.

MISCELLANEOUS

Pamela Segura, Review of Alternative Experience Documentation

Ms. Segura was not present and was not represented by counsel. She is requesting the Board accept her alternative documentation toward meeting the experience requirement.

Following discussion, the Board took the following action:

Motion: by Ms. Buller to deny as the Board is not able to approve the request based on documentation received.

Second: by Ms. Macomber.

Vote: unanimous.

Samantha Richman, Review of Alternative Experience Documentation

Ms. Richman was not present and was not represented by counsel. She is requesting the Board accept her alternative documentation toward meeting the experience requirement.

Following discussion, the Board took the following action:

Motion: by Ms. Buller to accept the alternative verification for supervision by Ms. Haidet.

Second: by Ms. Macomber.

Vote: unanimous.

Julie Williams, Review of Alternative Experience Documentation

Ms. Williams was not present and was not represented by counsel. She is requesting the Board accept her alternative documentation toward meeting the experience requirement.

Following discussion, the Board took the following action:

Motion: by Dr. Cecil-Van Den Heuvel to accept the alternative verification received.

Second: by Ms. Macomber.

Vote: unanimous.

Alexis Johnson, Request to Withdraw Application

Ms. Johnson was not present and was not represented by counsel. She is requesting the Board vacate the notice of intent to deny and allow her to withdraw her application.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to uphold the denial.

Second: by Ms. Bolhouse.

Vote: unanimous.

TOPIC DISCUSSIONS

MQA Tasked with Additional Reductions in Lines of Regulation

OTHER BUSINESS

Annual Renewal of Delegations

Motion: by Ms. Macomber to approve the renewal of delegations.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

2018 Meeting Dates

February 22, 2018

May 24, 2018

August 16, 2018

November 8, 2018

Approved Continuing Education Providers

Motion: by Ms. Macomber to approve providers listed.

Second: by Ms. Douglas.

Vote: unanimous.

Committee of One Actions

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

Second: by Ms. Douglas.

Vote: unanimous.

Ratification of Licenses

Motion: by Ms. Macomber to ratify licenses.

Second: by Ms. Douglas.

Vote: unanimous.

Exemption Application

Motion: by Ms. Macomber to ratify exemption application.

Second: by Ms. Douglas.

Vote: unanimous.

Application Denials

Motion: by Ms. Macomber to deny for grounds stated.

Second: by Ms. Douglas.

Vote: unanimous.

REPORTS

Board Counsel

Ms. Loucks reviewed the rules report with the board members.

Executive Director

Ms. Wenhold reported on the AASCB meeting she attended. There were 38 states represented and all but two states have seen legislative for either deregulation or consolidation of boards. Portability / mobility are important issues being discussed.

Ms. Wenhold discussed 2017 legislation. There will be a Department of Health bill that will include clean-up for Chapter 491. HB 273 and SB 578 are regarding to conversion therapy. HB 249 is regarding to drug overdoses and reporting requirements, and SB 562 relates to music therapists being added to Chapter 491 and would be more of a registration. A bill has been filed on telehealth putting definitions in Chapter 456, which will apply to all the boards.

Ms. Wenhold provided information on the anti-trust Issue.

Ms. Wenhold provided financial reports for the board members' review.

Dr. Larry Barlow, Executive Director, for the Florida Association for Marriage and Family Therapy spoke to the Board regarding an amendment they will be making to the DOH bill. The amendment will simplify licensure by exam language to what programs are now. It would move the language of courses out of the statute and put it in the rules making it easier to update when things change.

The second part of the amendment would simplify the language in the endorsement section. If you have had a license for 3 of the last 5 years and the license is clear and active, you are accepted. There are many qualified licensees moving to Florida and they struggle with licensure or cannot get a license due to different reasons. We would be the first state to accept portability.

Jim Akin, Executive Director of the National Association of Social Workers, Florida Chapter spoke to the Board regarding portability. He has been working with the ASWB on portability of social workers and believes it will be happening in the future. Mr. Akin asks that before changes are made to the educational requirements you hear from the schools of social work. He agrees the language needs to be simplified. A workshop could be done and invite the educators to hear from the experts.

Vice-Chair

Ms. Bolhouse reported on the November ASWB meeting she attended. She stated that they discussed differences in supervision, licensure levels, participation in a public protection database, and background checks. The need for suicide awareness and treatment prevention was discussed and may be a required class in the future. They had election of officers and the meeting will be in Atlanta next year.

Board Members

FOR YOUR INFORMATION

Appellate Opinion: Consent for Minor Child
Travel Reimbursement Process for Board Member Travel 2017
Response Email to the AASCB Regarding Portability
Self-Inspection Industry Notification Letter
February 1, 2017 Renewal Statistics

ADJOURNMENT

The meeting adjourned at 12:00 noon.