

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

GENERAL BUSINESS MEETING MINUTES

February 22, 2018 at 8:00 a.m. EST

**Sheraton Orlando North
600 North Lake Destiny Road
Maitland, FL 32751
(407) 660-9000**

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.

I. CALL TO ORDER

The meeting was called to order on Thursday, February 22, 2018 at 8:01 a.m. EST by Ms. Bolhouse, Chair.

ROLL CALL

Members present:

Ms. Lisa Bolhouse, LCSW, Chair
Ms. Jamie Buller, LCSW, Vice-Chair
Dr. Denny Cecil-Van Den Heuvel, PhD, LMFT
Ms. Susan Gillespy, LMFT
Dr. William Day, PhD, LMHC
Ms. Helen Douglas, RDH

Staff present:

Deborah Loucks, Board Counsel
John Wilson, Prosecutor
Jennifer Wenhold, Executive Director
Abigail Chapman, Regulatory Supervisor
Court Reporter: American Court Reporting
Heather Howard 407.896.1813

WELCOME

Ms. Bolhouse welcomed students attending from Rollins College

II. REVIEW OF MINUTES

A. November 2, 2017 General Business Meeting Minutes

The minutes of the November 2, 2017 general business meeting were reviewed and following review, the Board took the following action:

Motion: by Ms. Buller to approve the minutes of the November 2, 2017 general business meeting.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

III. DISCIPLINARY PROCEEDINGS

VOLUNTARY RELINQUISHMENT

A. Keith Daly, Registered MHC Intern, Case No. 2016-08141

Voluntary Relinquishment (PCP: waived)

Pro Se

Mr. Daly was not present and was not represented by counsel. The investigative report listed alleged violations of s. 456.072(1)(a)(k)(l)(m)(dd), F.S., and s. 491.009(1)(h)(i)(l)(r)(w), F.S., by pleading guilty to organized scheme to defraud.

Probable cause was waived so no board members were recused. A voluntary relinquishment of license was presented to the Board. Following review, the Board took the following action:

Motion: by Dr. Day to accept Respondent's voluntary relinquishment in resolution of this case.
Second: by Ms. Douglas.
Vote: unanimous.

B. Susan Berry, LMHC, Case No. 2015-25110

Voluntary Relinquishment (PCP: Shyers, Gillespy, Macomber)
Pro Se

Ms. Berry was not present and was not represented by counsel. A two-count administrative complaint filed December 8, 2017 alleged violations of s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(c), F.S., by being convicted of a crime related to the practice of mental health counseling, specifically by pleading nolo contendere to manslaughter; and s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(x), F.S., by failing to report her plea to the Board.

Ms. Gillespy was recused due to her participation on the probable cause panel. A voluntary relinquishment of license was presented to the Board. Following review, the Board took the following action:

Motion: by Ms. Buller to accept Respondent's voluntary relinquishment in resolution of this case.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

C. Amy Rachel Menna, LMHC, Case No. 2016-27885

Voluntary Relinquishment, (PCP: Barlow, Gray, Cecil-Van Den Heuvel)
Pro Se

Ms. Menna was not present and was not represented by counsel. A four-count administrative complaint filed May 3, 2017 alleged violations of s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(x), F.S., by failing to report to the Board in writing her two May 29, 2014 pleas of guilty to one count of battery of a law enforcement officer; her May 26, 2014 plea of guilty to one count of battery; and her March 10, 2014 plea of guilty to one count of reckless driving.

Dr. Cecil-Van Den Heuvel was recused due to her participation on the probable cause panel. A voluntary relinquishment of license was presented to the Board. Following review, the Board took the following action:

Motion: by Ms. Buller to accept Respondent's voluntary relinquishment in resolution of this case.
Second: by Ms. Douglas.
Vote: unanimous.

DETERMINATION OF WAIVER/INFORMAL HEARING

D. Pedro J. Garcia, LMHC, Case No. 2017-08995

Determination of Waiver (PCP: Barlow, White, Day)
Pro Se

Mr. Garcia was not present and was not represented by counsel. A two-count administrative complaint filed August 31, 2017 alleged violations of s. 491.009(1)(k), F.S., through violation of s. 491.0111, F.S., by committing sexual misconduct; and s. 456.072(1)(v), F.S., by violating s. 456.063(1), F.S., when he committed sexual misconduct.

Dr. Day was recused due to his participation on the probable cause panel. After review, the Board took the following action:

Motion: by Ms. Buller to find that Respondent was properly served and waived the right to a formal hearing.
Second: by Ms. Douglas.
Vote: unanimous.

Motion: by Ms. Buller to find that the facts of the case are not in dispute and adopt the findings of fact in the administrative complaint.
Second: by Ms. Douglas.
Vote: unanimous.

Motion: by Ms. Buller to adopt the conclusions of law as set forth in the administrative complaint.
Second: by Ms. Douglas.
Vote: unanimous.

Motion: by Ms. Buller to find that Respondent violated the practice act as charged in the administrative complaint.
Second: by Ms. Douglas.
Vote: unanimous.

Motion: by Ms. Buller to accept the materials in this tab into evidence for the purpose of imposing penalty.
Second: by Ms. Douglas.
Vote: unanimous.

The Department's recommendation is revocation, a one-thousand dollar fine, and costs by separate motion.

Motion: by Ms. Buller to accept the Department's recommendation of revocation, a one-thousand dollar fine to be paid within thirty (30) days, and costs by separate motion.
Second: by Ms. Gillespy.
Vote: unanimous.

A motion to assess costs in the amount of \$2,333.37 was presented to the Board. Following discussion, the Board took the following action.

Motion: by Ms. Buller to accept motion to assess costs in the amount of \$2,333.37 to be paid within (30) days.
Second: by Ms. Gillespy.
Vote: unanimous.

E. AJ Handal, LCSW, Case No. 2017-05053

Determination of Waiver (PCP: Shyers, Bolhouse, Douglas)
Pro Se

Mr. Handal was not present and was not represented by counsel. A five-count administrative complaint filed July 12, 2017 alleged violations of s. 491.009(1)(i), F.S., by willfully making or filing a false report or record; s. 491.009(1)(l), F.S., by making misleading, deceptive, untrue, or fraudulent representations to the Medicaid program regarding clinical social work services not rendered; s. 491.009(1)(w), F.S., by violating s. 456.072(1)(m), F.S., by employing a trick or scheme by billing Medicaid for services not actually rendered; s. 491.009(1)(w), F.S., by violating s. 456.072(1)(n), F.S., by exercising influence on the patient for financial gain with the inflated Medicaid billing scheme; and violation of s. 491.009(1)(w), F.S., by violating s. 456.072(1)(r), F.S., for improperly interfering with an investigation by the Medicaid Fraud Control Unit.

Ms. Bolhouse and Ms. Douglas were recused due to participation on the probable cause panel. Following review, the Board took the following action:

Motion: by Dr. Day to find Respondent was properly served and waived the right to a formal hearing.

Second: by Ms. Gillespy.

Vote: unanimous.

Motion: by Ms. Gillespy to find that the facts of the case are not in dispute and adopt the findings of fact in the administrative complaint.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

Motion: by Dr. Cecil-Van Den Heuvel to adopt the conclusions of law as set forth in the administrative complaint.

Second: by Ms. Gillespy.

Vote: unanimous.

Motion: by Dr. Cecil-Van Den Heuvel to find that Respondent violated the practice act as charged in the administrative complaint.

Second: by Ms. Gillespy.

Vote: unanimous.

Motion: by Dr. Cecil-Van Den Heuvel to accept the materials in this tab into evidence for the purpose of imposing penalty.

Second: by Ms. Gillespy.

Vote: unanimous.

The Department's recommendation is revocation, a one-thousand dollar fine, and costs by separate motion.

Motion: by Dr. Cecil-Van Den Heuvel to accept the Department's recommendation of revocation, a one-thousand dollar fine to be paid within thirty (30) days, and costs by separate motion.

Second: by Ms. Gillespy.

Vote: unanimous.

A motion to assess costs in the amount of \$982.48 was presented to the Board. Following discussion, the Board took the following action.

Motion: by Dr. Cecil-Van Den Heuvel to accept motion to assess costs in the amount of \$982.48 to be paid within (30) days.

Second: by Ms. Gillespy.

Vote: unanimous.

F. Gabriel Leonardo Tito, Registered MFT Intern, Case No. 2016-08678

Determination of Waiver (PCP: Roberts, Buller, Day)

Pro Se

Mr. Tito was present and was represented by Mr. Howard Hochman, Esq. A three-count administrative complaint filed September 27, 2017 alleged violations of s. 491.009(1)(r), F.S., failing to meet minimum standards of performance by failing to document treatment, accepting responsibilities as a parent coordinator when not qualified to do so, and by changing the parenting plan; s. 491.009(1)(w), F.S., by violating s. 491.0045(3), F.S., by not having a

qualified supervisor; and s. 491.009(1)(w), F.S., through a violation of s. 491.005(3)(c), F.S., by failing to have a licensed mental health professional on the premises where he provided services.

Ms. Buller and Dr. Day were recused due to participation on the probable cause panel.

The Respondent's counsel put on record a request for a substantial interest hearing to determine equitable tolling.

Following review, the Board took the following action:

Motion: by Ms. Douglas to accept Respondent's request for a substantial interest hearing to determine equitable tolling.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

G. Joe M. Lynn, LMHC, Case No. 2016-11609

Determination of Waiver (PCP: Roberts, Buller, Day)

Represented by Counsel

Mr. Lynn was present and was represented by Joseph Sapp, Esq. An administrative complaint filed September 27, 2017 alleged violation of s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(f), F.S., because his educator's license was permanently revoked by the Education Practices Commission based on respondent's inappropriate relationship with a 17-year old student.

Ms. Buller and Dr. Day were recused due to participation on the probable cause panel.

Following review, the Board took the following action:

Motion: by Ms. Douglas to find Respondent was properly served and waived the right to a formal hearing.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

Motion: by Ms. Douglas to find that the facts of the case are not in dispute and adopt the findings of fact in the administrative complaint.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

Motion: by Dr. Cecil-Van Den Heuvel to adopt the conclusions of law as set forth in the administrative complaint.

Second: by Ms. Douglas.

Ms. Loucks provided Respondent's counsel the opportunity to present legal argument. Mr. Sapp did not dispute the conclusions of law as set forth in the administrative complaint as related to the facts of the case.

Vote: unanimous.

Motion: by Ms. Douglas to find that Respondent violated the practice act as charged in the administrative complaint.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

Motion: by Ms. Douglas to accept the materials in this tab into evidence for the purpose of imposing penalty.
Second: by Ms. Douglas.
Vote: unanimous.

The Department's recommendation is revocation, a one-thousand dollar fine, and costs by separate motion.

Ms. Loucks provided Respondent's counsel the opportunity to present legal argument. Mr. Sapp presented legal argument to support a reduction of the Department's recommended penalties. The Board requested prosecution to respond. Mr. Wilson responded to Mr. Sapp and reasserted the guidelines for revocation and the Department's recommendation.

Motion: by Ms. Douglas to impose a letter of reprimand and probation for one year under supervision with Board approved supervisor and respondent to report quarterly on status of respondent.
Second: Dr. Cecil-Van Den Heuvel.

Ms. Gillespy proposed an amendment to motion as stated to include an additional condition on Respondent's license to restrict from practicing on the population of patients under eighteen (18) years of age indefinitely.

Motion: by Dr. Cecil-Van Den Heuvel to impose a letter of reprimand, probation for one year under supervision of Board Committee of One, approved supervisor and respondent to report quarterly on status to Board Committee of One, and condition on Respondent's license to restrict from practicing on the population of patients under eighteen (18) years of age indefinitely.
Second: Ms. Douglas.
Vote: 3/1.

A motion to assess costs in the amount of \$262.34 was presented to the Board. Following discussion, the Board took the following action.

Motion: by Dr. Cecil-Van Den Heuvel to accept motion to assess costs in the amount of \$262.34 to be paid within (30) days.
Second: by Ms. Douglas.
Vote: unanimous.

Respondent is to send the Board his selected supervisor's curriculum vitae and resume for review and approval by the Committee of One, Dr. Cecil-Van Den Heuvel, as appointed by the Board.

INFORMAL HEARING

H. Lori Lynn Hall, LCSW, Case No. 2017-07875

Informal Hearing (PCP: Roberts, Buller, Day)

Pro Se

Ms. Hall was not present and was not represented by counsel. An administrative complaint filed September 27, 2017 alleged violation of s. 491.009(1)(b), F.S., by having her application for licensure as a clinical social worker denied by the State of Arizona Board of Behavioral Health Examiners due to unprofessional conduct.

Ms. Buller and Dr. Day were recused due to participation on the probable cause panel. Following review, the Board took the following action:

Motion: by Ms. Douglas to find that the facts of the case are not in dispute and adopt the findings of fact in the administrative complaint.
Second: by Ms. Gillespy.
Vote: unanimous.

Motion: by Dr. Cecil-Van Den Heuvel to adopt the conclusions of law as set forth in the administrative complaint.
Second: by Ms. Douglas.
Vote: unanimous.

Motion: by Ms. Douglas to find that Respondent violated the practice act as charged in the administrative complaint.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

Motion: by Dr. Cecil-Van Den Heuvel to accept the materials in this tab into evidence for the purpose of imposing penalty.
Second: by Ms. Douglas.
Vote: unanimous.

The Department's recommendation is a reprimand, a \$2,500 fine to be paid within 180 days of the entry of the final order, and costs by separate motion.

Motion: by Dr. Cecil-Van Den Heuvel to approve the Department's recommendation of a reprimand and fine with a reduction of fine to one thousand dollars to be paid within thirty (30) days.
Second: by Ms. Douglas.
Vote: unanimous.

A motion to assess costs in the amount of \$140.37 was presented to the Board. Following discussion, the Board took the following action.

Motion: by Ms. Gillespy to accept motion to assess costs in the amount of \$140.37 to be paid within (30) days.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

I. Vickram Thakur, Registered MHC Intern, Case No. 2017-06299

Informal Hearing (PCP: Roberts, Buller, Day)
Represented by Counsel

Mr. Thakur was present and was not represented by counsel. An administrative complaint filed September 27, 2017 alleged violation of s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(II), F.S., by being convicted of a crime related to health care fraud.

Ms. Buller and Dr. Day were recused due to participation on the probable cause panel. Following review, the Board took the following action:

Motion: by Ms. Douglas to find that the facts of the case are not in dispute and adopt the findings of fact in the administrative complaint.
Second: by Ms. Gillespy.
Vote: unanimous.

Motion: by Ms. Gillespy to adopt the conclusions of law as set forth in the administrative complaint.
Second: by Ms. Douglas.

Ms. Loucks provided the Respondent opportunity for legal argument. The Respondent did not dispute the conclusions of law as set forth in the case.

Vote: unanimous.

Motion: by Ms. Gillespy to find that Respondent violated the practice act as charged in the administrative complaint.
Second: by Dr. Cecil-Van Den Heuvel.

Ms. Loucks provided the Respondent the opportunity to address the Board. The Respondent addressed the Board as to the facts of the case.

Vote: unanimous.

Motion: by Ms. Gillespy to accept the materials in this tab into evidence for the purpose of imposing penalty.
Second: by Ms. Douglas.
Vote: unanimous.

The Department's recommendation is a ten thousand dollar fine, revocation, and costs by separate motion.

Ms. Loucks allowed the Respondent to address the Board. The Respondent requested a reduction as to the recommended fine due to financial hardship.

Motion: by Ms. Gillespy to impose revocation of licensure without fine due to the financial hardship of the Respondent.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

A motion to assess costs in the amount of \$1,602.31 was presented to the Board. Following discussion, the Board took the following action.

Motion: by Ms. Gillespy to impose costs of \$1,602.31 to be paid within six months.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

J. Stephanie Lynn Fleming, LMHC, Case No. 2017-03469

Informal Hearing (PCP: Roberts, Buller, Day)

Pro Se

Ms. Fleming was present and was not represented by counsel. A three-count administrative complaint filed September 27, 2017 alleged violations of s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(II), F.S., by pleading guilty to a crime related to health care fraud; and s. 491.009(1)(w), F.S., through a violation of s. 456.072(1)(x), F.S., by failing to report her plea of guilty to the Board within thirty (30) days of entering the plea.

Ms. Buller and Dr. Day were recused due to participation on the probable cause panel. Following review, the Board took the following action:

Motion: by Ms. Gillespy to find that the facts of the case are not in dispute and adopt the findings of fact in the administrative complaint.

Second: by Ms. Douglas.
Vote: unanimous.

Motion: by Dr. Cecil-Van Den Heuvel to adopt the conclusions of law as set forth in the administrative complaint.

Second: by Ms. Douglas.

Ms. Loucks provided the Respondent the opportunity to address the Board. The Respondent addressed the Board.

Vote: unanimous.

Motion: by Ms. Douglas to find that Respondent violated the practice act as charged in the administrative complaint.

Second: by Ms. Gillespy.

Ms. Loucks provided the Respondent the opportunity for legal argument. The Respondent did not dispute the violations as charged in the administrative complaint.

Vote: unanimous.

Motion: by Ms. Gillespy to accept the materials in this tab into evidence for the purpose of imposing penalty.

Second: by Ms. Douglas.

Vote: unanimous.

The Department's recommendation is revocation and a ten thousand dollar (\$10,000.00) fine with costs by separate motion.

The Respondent addressed the Board as to the facts of the case and requested a reduction of penalty as to fine due to her financial hardship as well as circumstances surrounding the violations.

Motion: by Dr. Cecil-Van Den Heuvel to accept the Department's recommendation.

Second: by Ms. Douglas.

Ms. Gillespy proposed amendment to eliminate imposed fine due to financial hardship of the Respondent.

Dr. Cecil-Van Den Heuvel accepted proposed amendment for revocation of license without imposed fine.

Vote: 3/1.

A motion to assess costs in the amount of \$183.09 was presented to the Board. Following discussion, the Board took the following action.

Motion: by Ms. Gillespy to impose costs of \$183.09 to be paid within thirty (30) days.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

K. Maria Cintia Ribar, Registered CSW Intern, Case No. 2017-13366

Informal Hearing (PCP: Shyers, Gillespy, Macomber)

Represented by Counsel

Ms. Ribar was present and was represented by Michael R. D'Lugo, Esq. An administrative complaint filed December 8, 2017 alleged violation of s. 491.009(1)(k), F.S., by dating a former client and living with him.

Ms. Gillespy was recused due to her participation on the probable cause panel. After review, the Board took the following action:

Motion: by Ms. Buller to find that the facts of the case are not in dispute and adopt the findings of fact in the administrative complaint.

Second: by Ms. Douglas.

Vote: unanimous.

Motion: by Ms. Buller to adopt the conclusions of law as set forth in the administrative complaint.

Second: by Ms. Douglas.

Ms. Loucks provided the Respondent's counsel the opportunity for legal argument. Mr. D'Lugo did not dispute the conclusions of law as set forth in the administrative complaint.

Vote: unanimous.

Motion: by Ms. Buller to find that Respondent violated the practice act as charged in the administrative complaint.

Second: by Ms. Douglas.

Ms. Loucks provided the Respondent's counsel the opportunity for discussion. Mr. D'Lugo did not dispute the violations as charged in the administrative complaint.

Vote: unanimous.

Motion: by Dr. Day to accept the materials in this tab into evidence for the purpose of imposing penalty.

Second: by Ms. Buller.

Vote: unanimous.

The Department's recommendation is revocation and a one thousand dollar (\$1,000.00) fine with costs to be assessed by separate motion.

Motion: by Ms. Buller to accept the Department's recommendation of revocation and a one thousand dollar (\$1,000.00) fine to be paid within thirty (30) days.

Second: by Dr. Day.

Ms. Loucks provided the Respondent's counsel the opportunity to address the Board. Mr. D'Lugo and the Respondent addressed the Board as to the facts of the case and circumstances of the violations.

Vote: unanimous.

A motion to assess costs in the amount of \$712.76 was presented to the Board. Following discussion, the Board took the following action.

Motion: by Ms. Buller to impose fines in the amount of \$712.76 to be paid within thirty (30) days.

Second: by Dr. Day.

Vote: unanimous.

IV. PROSECUTION REPORT

A. John Wilson, Assistant General Counsel

Mr. Wilson announced that Ms. Jones, former prosecutor for the Board, has left the Department.

Additionally, Mr. Wilson presented the efforts of the Department to identify registered interns with a clear and active licensure status that did have a qualified supervisor on file in violation of the rules promulgated by the Board to remain supervised until licensure has been granted. These efforts included an audit and two written notifications of violation. Those interns that do not respond to the written notifications will be investigated by the Department and enforcement efforts will follow.

Ms. Buller reiterated the importance of supervision of registered interns until licensure. Ms. Wenhold also addressed the Board as to the efforts of Board staff and Mr. Wilson on behalf of the request of the Board to conduct this project.

At this time, Mr. Jim Akin, Executive Director, NASW, Florida Chapter, addressed the Board as to the definition of private practice setting. Ms. Loucks responded with direction to file a petition for a declaratory statement by the Board.

Mr. Wilson presented a prosecution report to the Board.

Motion: by Ms. Buller to allow the Department to continue the prosecution of cases older than one year.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

V. LICENSURE PROCEEDINGS

A. Nonprofits First, Continuing Education Provider Applicant

Request for Reconsideration

Ms. Shari Hanglan was present to represent Nonprofits First, continuing education provider applicant. The Board received a request to reconsider their decision to deny the approval of this continuing education provider applicant. After review, the Board took the following action:

Motion: by Ms. Buller to reverse the denial and approve the application as a continuing education provider contingent upon the review made by Committee of One on applicant's submission of a corrected sample certificate and of a corrected application as to subject matter category with required change from clinical to general administrative.

Second: by Ms. Gillespy.

Vote: unanimous.

VI. APPEARANCES

A. Carol French, CSW Applicant for Licensure by Examination,

Review of Alternative Verification of Supervised Experience [Rule 64B4-3.0015, F.A.C.]

Ms. French was present to answer questions regarding her supervised experience. After discussion, the Board took the following action:

Motion: by Dr. Day for a continuance until the next regularly scheduled meeting in May 2018 to allow applicant time to provide additional information to the Board documenting the equivalence of her out-of-state clinical experience under supervision.

Second: by Ms. Gillespy.

Vote: unanimous.

B. Jason Wynn, Registered MHC Intern Applicant

An order was issued requiring his appearance at one of the next two board meetings. An email was received from Mr. Wynn advising that he would be unable to attend this meeting due to his recent move and unexpected expenses.

C. Gretchen Raring, CSW Applicant for Licensure by Endorsement

Ms. Raring was present and was not represented by counsel. Professional Resource Network (PRN) representative, Jane D'Aprix, was present and provided status of applicant's completed evaluation and compliance of monitoring contract to the Board. Her appearance was requested due to an affirmative response to a history question on the application. Ms. D'Aprix provided to the Board information on the compliance process outlined in the monitoring contract at request of Ms. Buller.

After review, the Board took the following action:

Motion: by Ms. Buller to approve the application for licensure recognizing that Ms. Raring is under a PRN contract.

Second: by Ms. Douglas.

Vote: unanimous.

D. Ronda Bostick, Registered MHC Intern Applicant

This item was removed from the agenda.

E. Brittney McKinney, Registered MHC Intern Applicant

Ms. McKinney was present and was not represented by counsel. Her appearance was requested due to an affirmative response to a history question on the application. Professional Resource Network (PRN) representative, Jean D'Aprix, provided explanation as to the evaluation timeline at request of the Board.

The applicant waived the ninety (90) day requirement to act on the application to allow time for PRN evaluation and recommendation submission to the Board as well as qualified supervisor letter.

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

Motion: by Ms. Buller for continuance to the May 2018 board meeting to allow review of PRN evaluation with recommendation and qualified supervisor letter.

Second: by Ms. Gillespy.

Vote: unanimous.

F. Davia Knight, Registered MHC Intern Applicant

This was removed from the agenda.

G. Mark Robertson, Registered MHC Intern Applicant

The applicant waived the ninety (90) day requirement to act on the application to allow time for PRN evaluation and recommendation submission to the Board.

H. Christine Fancher, Registered MHC Intern Applicant

Ms. Fancher 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.

After review, the Board took the following action:

Motion: by Ms. Buller to require the applicant's appearance at one of the next two regularly scheduled meetings of the Board with completed PRN evaluation.
Second: by Ms. Gillespy.
Vote: unanimous.

I. Sinikiwe Chiwara, Registered CSW Intern Applicant

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

After discussion, Board took the following action:

Motion: by Dr. Cecil-Van Den Heuvel to approve registered clinical social work intern application.
Second: by Ms. Douglas.
Vote: unanimous.

J. Adam Taveras, MFT Applicant for Licensure by Examination

Mr. Taveras was present and was not represented by counsel. His appearance was requested due to an affirmation response to a history question on the application.

Board staff stated deficiencies of application and exam approval as well as provided the applicant with contact information for submission of the missing documentation required to complete the application.

After discussion, Mr. Tavares waived the fifteen (15) day requirement to act on the application after resolution of investigation of his California licensure.

VII. REVIEW OF APPLICATIONS

This item was pulled from the agenda.

VIII. MISCELLANEOUS

This item was moved forward on the agenda at the discretion of the Board Chair.

A. Carole Pasahow, CSW Applicant for Licensure by Endorsement Exam Equivalence Determination

Dr. Pasahow was present and not represented by counsel. Dr. Pasahow has requested the Board accept the examination she passed in New York as substantially equivalent to the examination required for Florida licensure. She passed the ACSW exam on November 1, 1979.

After discussion, the Board took the following action:

Motion: by Ms. Buller to accept the examination she passed in New York as substantially equivalent to the examination required for Florida licensure.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

B. Aliyyah Nailing-Yamini, Registered Mental Health Counselor Intern Review of Alternative Verification of Supervised Experience

Ms. Nailing-Yamini was present and not represented by counsel. She has requested the Board accept alternative verification of supervised experience. She states that her previous supervisor refuses to acknowledge earned clinical experience by endorsing the Clinical Verification of Experience Form.

After discussion, the Board took the following action:

Motion: by Ms. Gillespy to accept alternative verification of supervised experience in the amount of fourteen (14) weeks of supervision with frequency of one hour of supervision per week.
Second: by Dr. Day.
Vote: unanimous.

C. Tena Smith, Registered Mental Health Counselor Intern
Review of Alternative Verification of Supervised Experience

Ms. Smith was present and not represented by counsel. She has requested the Board accept alternative verification of supervised experience. Her supervisor passed away unexpectedly prior to signing the required experience form.

After discussion, the Board took the following action:

Motion: by Ms. Buller to accept alternative verification of supervised experience in the amount of seven (7) weeks of supervision with frequency of one hour of supervision per week.
Second: by Ms. Gillespy.
Vote: unanimous.

D. Sylvia Delgado, CSW Applicant for Licensure by Examination
Review of Alternative Verification of Supervised Experience

Ms. Delgado was present and not represented by counsel. She has requested the Board accept alternative verification of supervised experience. Her supervisor passed away prior to signing the required experience form.

After discussion, the Board took the following action:

Motion: by Ms. Buller to accept alternative verification of supervised experience in the amount of 104 weeks of supervision with frequency of one hour of supervision per week contingent on submission of a letter from the Human Resources Director stating frequency of supervision as one hour per week.
Second: by Ms. Gillespy.
Vote: unanimous.

IX. RULES DISCUSSION

A. Department of Health's Standardized Application

Ms. Wenhold presented the standardized health care practitioner application for the Board's review and discussed efforts of future development and implementation. Ms. Wenhold provided explanation to the Board on the standardized application initiative's purpose to help all of the Boards regulated by Chapter 456, F.S., General Provisions, which apply to all professions such as demographic information and health history questions to reduce the amount of rulemaking and associated cost to the Department of Health. This application will be bi-furcated to include one section that is standardized for all regulatory Boards and a separate section which includes Board specific questions.

Ms. Wenhold discussed upcoming invitation to participate in a teleconference meeting of the Boards of Medicine and Osteopathic Medicine to take place on Friday, March 2, 2018 at 12:00 noon EST related to revisions to the health history questions. Ms. Buller requested a member of the Board to be available on the call and Ms. Gillespy volunteered to participate.

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

The revised application changes the initial licensure fee to \$75 and the required fees total to \$180 (see page 4 of the application packet); and corrects the name of the supervision form (see page 6 of the application packet).

Ms. Loucks provided a rule draft with corresponding amended application for licensure for the Board's consideration and provided an overview of the amendments to the Board.

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

Motion: by Ms. Buller to approve the proposed rule and corresponding application amendments.

Second: by Dr. Day.

Vote: unanimous.

Motion: by Ms. Buller that a Statement of Estimated Regulatory Costs is not required as the proposed rule amendment has no impact on small businesses regarding regulatory costs and no impact over \$200K in the aggregate in Florida within one year of this rule being filed and the proposed amendment to this rule would not constitute a minor violation.

Second: by Ms. Gillespy.

Vote: unanimous.

C. 64B4-3.0075 Provisional Licensure

Ms. Loucks presented a request by the Department to open the rule for development. The Department has requested that all Boards open rules incorporating applications for development as a result of the standardized application initiative.

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

Motion: by Ms. Buller to approve the Department's request to open the rule for development.

Second: by Ms. Gillespy.

Vote: unanimous.

D. 64B4-3.0085 Intern Registration

Ms. Loucks presented a request by the Department to open the rule for development. The Department has requested that all Boards open rules incorporating applications for development as a result of the standardized application initiative.

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

Motion: by Ms. Buller to approve the Department's request to open the rule for development.

Second: by Dr. Day.

Vote: unanimous.

E. 64B4-3.009 Limited Licenses

Ms. Loucks presented a request by the Department to open the rule for development. The Department has requested that all Boards open rules incorporating applications for development as a result of the standardized application initiative.

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

Motion: by Ms. Buller to approve the Department's request to open the rule for development.
Second: by Ms. Gillespy.
Vote: unanimous.

F. 64B4-3.010 Marriage and Family Therapy Dual Licensure

Ms. Loucks presented a request by the Department to open the rule for development. The Department has requested that all Boards open rules incorporating applications for development as a result of the standardized application initiative.

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

Motion: by Ms. Buller to approve the Department's request to open the rule for development.
Second: by Ms. Gillespy.
Vote: unanimous.

G. 64B4-4.002 Application, Examination and Initial Active Status License Fee for Licensure by Examination

Ms. Loucks provided a rule draft with proposed amended language for the Board's consideration and provided an overview of the amendments to the Board.

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

Motion: by Ms. Gillespy to approve the proposed rule and corresponding application amendments.
Second: by Ms. Douglas.
Vote: unanimous.

Motion: by Ms. Buller that a Statement of Estimated Regulatory Costs is not required as the proposed rule amendment has no impact on small businesses regarding regulatory costs and no impact over \$200K in the aggregate in Florida within one year of this rule being filed and the proposed amendment to this rule would not constitute a minor violation.
Second: by Ms. Gillespy.
Vote: unanimous.

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

Ms. Loucks provided a proposal to repeal this rule as duplicative for the Board's consideration.

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

Motion: by Ms. Buller to approve the proposed repeal of rule.
Second: by Ms. Gillespy.
Vote: unanimous.

Motion: by Ms. Buller that a Statement of Estimated Regulatory Costs is not required as the proposed repeal of rule has no impact on small businesses regarding regulatory costs and no impact over \$200K in the aggregate in Florida within one year of this rule being filed and the proposed amendment to this rule would not constitute a minor violation.
Second: by Ms. Gillespy.
Vote: unanimous.

I. 64B4-4.005 Biennial Licensure Fee

The proposed rule amendment reduces the biennial licensure renewal fee from \$125 to \$115.

Ms. Loucks provided a rule draft for the Board's consideration and provided an overview of the amendments to the Board.

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

Motion: by Ms. Buller to approve the proposed rule amendments.
Second: by Ms. Gillespy.
Vote: unanimous.

Motion: by Ms. Buller that a Statement of Estimated Regulatory Costs is not required as the proposed rule amendment has no impact on small businesses regarding regulatory costs and no impact over \$200K in the aggregate in Florida within one year of this rule being filed and the proposed amendment to this rule would not constitute a minor violation.
Second: by Ms. Gillespy.
Vote: unanimous.

J. 64B4-4.013 Initial Licensure Fee

Ms. Loucks provided a proposal to repeal this rule as duplicative for the Board's consideration.

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

Motion: by Ms. Buller to approve the proposed repeal of rule.
Second: by Ms. Gillespy.
Vote: unanimous.

Motion: by Ms. Buller that a Statement of Estimated Regulatory Costs is not required as the proposed repeal of rule has no impact on small businesses regarding regulatory costs and no impact over \$200K in the aggregate in Florida within one year of this rule being filed and the proposed amendment to this rule would not constitute a minor violation.
Second: by Ms. Gillespy.
Vote: unanimous.

X. TOPIC DISCUSSION

A. Practice Mobility

Ms. Buller explained that this topic addresses the same issue as her report that she will present later in the agenda.

XI. OTHER BUSINESS

A. Annual Renewal of Delegations

Ms. Wenhold presented the 2018 Delegation of Authority for the Board's ratification.

Motion: by Ms. Buller to accept the proposed 2018 Delegation of Authority.
Second: by Dr. Day.
Vote: unanimous.

B. 2019 Meeting Dates

Following are the proposed meeting dates for 2019:

February 7, 2019
May 9, 2019
August 15, 2019
November 14, 2019

Motion: by Ms. Buller to accept the proposed 2019 meeting dates.
Second: by Ms. Gillespy.
Vote: unanimous.

C. Ratification of Approved Continuing Education Providers

Motion: by Ms. Gillespy for ratification of approved continuing education providers.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

D. Ratification of Committee of One Actions

Motion: by Ms. Buller for ratification of Committee of One actions.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

E. Ratification of Licenses

Motion: by Ms. Buller for ratification of licenses issued by the Board.
Second: by Dr. Day.
Vote: unanimous.

F. Ratification of Exemption Application

Motion: by Ms. Buller for ratification of exemption application.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

XII. REPORTS

A. Board Counsel

Ms. Loucks presented the rules report for December 2017, January 2018, and February 2018 for the Board's review.

- 1. December Rules Report**
- 2. January Rules Report**
- 3. February Rule Report**

B. Executive Director

Ms. Wenhold presented an overview of the legislative efforts effecting those professions licensed under Chapter 491.

1. 2018 Legislation

a. SB 696 Relating to Conversion Therapy (no companion bill)

This bill defines the term "conversion therapy." It prohibits specific licensees that provide professional counseling from engaging in conversion therapy with a person younger than 18 years of age and indicates that doing so is grounds for disciplinary action.

b. SB 1706/HB 1039 Relating to Marriage & Family Therapy and Endorsement

The bill eliminates the requirement for a marriage and family therapy (MFT) applicant for licensure to submit the examination fee to the department and amends the education requirements for marriage and family therapists. The bill eliminates specific education requirements for social work, marriage and family therapy and mental health counselors applying by endorsement.

c. HB 1327/SB 450 Relating to Mental Health and Substance Use Disorders

This bill provides a definition of a “peer specialist” and the required qualifications for a peer specialist. The bill specifies the use of a peer specialist for recovery support as an essential element of a coordinated system of behavioral health care.

d. SB 1486/HB 1047 Relating to the Department of Health

This bill amends various sections of the practice acts. CSW/MFT/MHC: The bill clarifies the exception requirements for extending intern registrations, amends the education requirements for marriage and family therapists and mental health counselors, eliminates the renewal fee for registered interns, eliminates education requirements for clinical social workers, mental health counselors and marriage and family therapists applying by endorsement, and corrects a reference to psychologists.

e. SB 1708/HB 1413 Relating to Temporary Licensure

This bill grants a two-year temporary license to social workers and mental health counselors coming from Puerto Rico.

f. SB 280/HB 793 Regarding Telehealth

This bill establishes the standard of care for telehealth providers; providing that telehealth providers, under certain circumstances, are not required to research a patient’s history or conduct physical examinations before providing services through telehealth; providing recordkeeping requirements for telehealth providers, etc.

g. HB 1439 Relating to Instruction on Human Trafficking (no companion bill)

This bill eliminates the continuing education requirement for domestic violence and replaces it with human trafficking.

2. Financial Reports

Ms. Wenhold presented the annual budget reports to the Board which included a cash analysis, report of revenues and expenditures of the Board, adequacy of renewal fees, as well as projected and historical cash balances.

3. Licensing Applicants from Puerto Rico

Ms. Wenhold discussed the effort of the Department and the Board Office to provide relief support to evacuees from Puerto Rico seeking licensure in the State of Florida at request of the State Surgeon General. The Board Office performed an analysis of ways to assist applicants who may qualify under exemption and to retrieve required documentation for licensure.

4. Multi-Board Work Group Summary

Ms. Wenhold discussed the Multi-Disciplinary Work Group Meeting attended by herself, Ms. Bolhouse, and Ms. Loucks that took place in November of 2017. The purpose of this meeting was to focus on controlled substances. This meeting included all the prescribing professions as well as interdependent professions to open dialogue on ways to combat the opioid epidemic and strategize as to how to reduce the amount of controlled substance abuse in the State of Florida. Director Gee has requested a follow-up meeting to take place after the conclusion of the legislative session to further these efforts and discussion.

C. Chair

Ms. Bolhouse requested that the Board conduct a work group at the next regularly scheduled meeting in May 2018 in order to be proactive on the topics of telehealth and licensure mobility. After discussion, the Board formed consensus opinion of the importance and need of a work group meeting. The Board approved the meeting date as the day prior to the May 2018 Board Meeting with invited attendees from mental health professional associations.

At this time, Mr. Jim Akin, Executive Director, of the National Association of Social Work Boards, Florida Chapter, addressed the Board as to the 30th anniversary of the first licensing Board in Florida responsible for licensing under Chapter 491, F.S.

D. Board Members

1. Ms. Buller: Report on ASWB November Meeting and Practice Mobility

The Board Chair approved Ms. Buller's request to present this topic on the next agenda during the workgroup on telehealth and licensure mobility to take place in May 2018.

2. Susan Gillespy: Report on MFT and Telehealth

Ms. Gillespy discussed her involvement with the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) to address the topics of telehealth and mobility. The AMFTRB has been working to formulate teletherapy guidelines and the corresponding regulation information packet. Ms. Gillespy discussed SB 280 on telehealth defining terms related to telehealth and the Telehealth Advisory Council efforts to create profession specific regulatory compacts across state lines.

At this time, Richard Long, on behalf of Larry Barlow, PhD, representing the Florida Association of Marriage and Family Therapy, addressed the Board on acts related to tele-mental health and teletherapy building on the Telehealth Advisory Council Report.

XIII. FOR YOUR INFORMATION

A. Telehealth Advisory Council Report

B. American Counseling Association Correspondence

XIV. ADJOURNMENT

After no further discussion, the following action was made by the Board:

Motion: by Ms. Buller to adjourn the meeting.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

The meeting was adjourned at 2:20 p.m. EST.