

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

August 16, 2018 at 8:00 a.m.

**Orlando Airport Marriott Lakeside
7499 Augusta National Drive
Orlando, Florida, 32822
(407) 851-9000**

Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order on Thursday, August 16, 2018 at 8:01 a.m. by Ms. Lisa Bolhouse, Chair.

A. ROLL CALL

Roll call was conducted by Ms. Jennifer Wenhold, Executive Director. Those present for all or part of the meeting included the following:

MEMBERS PRESENT

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

STAFF PRESENT

Jennifer Wenhold, Executive Director
Ashleigh Irving, Program Administrator

BOARD COUNSEL

Deborah Loucks, Esq.
Assistant Attorney General

COURT REPORTER

Heather Howard, American Court Reporting

PROSECUTING ATTORNEY

John Wilson, Esq.
Asst. General Counsel, PSU
Derrick McBurrows, Esq.
Asst. General Counsel, PSU

B. MISSION, VISION AND VALUES

Ms. Buller read the Department of Health's mission, vision and values.

Mission: To protect, promote & improve the health of all people in Florida through integrated state, county, & community efforts.

Vision: To be the *Healthiest State* in the Nation.

Values (ICARE):

Innovation: We search for creative solutions and manage resources wisely.

Collaboration: We use teamwork to achieve common goals & solve problems.

Accountability: We perform with integrity & respect.

Responsiveness: We achieve our mission by serving our customers & engaging our partners.

Excellence: We promote quality outcomes through learning & continuous performance improvement.

C. WELCOME

Ms. Bolhouse welcomed everyone to the meeting. She reminded the audience that the proceedings were being recorded and would later be posted on the Board's website. Ms. Bolhouse asked everyone to turn off all electronic devices and introduced students from Rollins College and University of Central Florida.

II. REVIEW OF MINUTES

A. May 24, 2018 General Business Meeting Minutes

The minutes of the May 24, 2018 general business meeting were reviewed and the following action was taken by the Board:

Motion: by Ms. Douglas to approve the minutes of the May 24, 2018 meeting with amendments.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

III. DISCIPLINARY PROCEEDINGS

A. Settlement Agreement

i. Laura A. Seitz, LCSW, Case No. 2017-15492

(PCP: Gillespy, Shyers, and Macomber)

Represented by Counsel

Ms. Seitz was present and sworn in by the court reporter. She was represented by Matthew Villmer, Esq.

Mr. Wilson presented the case before the board which includes the following allegations: The administrative complaint charges Ms. Seitz with a violation of section 491.009(1)(w), through a violation of section 456.072(1)(f), Florida Statutes (2017), due to Ms. Seitz license to practice as a Licensed Clinical Social Worker being suspended for a minimum of one year, on August 4, 2017, by the North Carolina Social Work Certification and Licensure Board.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance
- Reprimand
- Fine of \$1,000 to be paid within 18 months of final order
- Reimbursement of cost not to exceed \$1,400 to be paid within 18 months of final order

After discussion, the following action was taken:

Motion: by Ms. Buller to accept the Settlement Agreement.
Second: by Ms. Douglas.
Vote: 3/2. Dr. Day and Dr. Cecil-Van Heuvel opposed.

ii. Michelle Diane Mendez-Youell, LCSW Case No. 2017-20650

(PCP: Barlow and Cecil-Van Heuvel)
Represented by Counsel

Ms. Mendez-Youell was present and sworn in by the court reporter. She was represented by James B. Morrison, Esq.

Mr. McBurrows presented the case before the Board which includes the following allegations: The administrative complaint charges Ms. Mendez-Youell with a violation of section 491.009(1)(w) through a violation of section 456.072(1)(f), Florida Statutes (2017). For discipline, Ms. Mendez-Youell was ordered to complete six hours of in person continuing education by the North Carolina Board. Ms. Mendez-Youell was not fined. It will be a hardship for Ms. Mendez-Youell to physically attend the Board Meeting. Ms. Youell was not fined by the North Carolina Board but will be fined per Florida's disciplinary guidelines. Subject is eager to be in full compliance with this Board.

A Settlement Agreement was presented to the Board with the following terms:

- Reprimand
- Fine of \$1,000 to be paid within 365 days from the date of filing the final order.
- Reimbursement of cost not to exceed \$276.87 to be paid with 1 year from the date of filing the Final Order

After discussion, the following action was taken:

Motion: by Ms. Douglas to accept the Settlement Agreement.
Second: by Ms. Buller.
Vote: 3/2. Dr. Day and Ms. Bolhouse opposed.

iii. Nuria Lucia Bacquie, LMHC, Case No. 2012-12207

(PCP: Roberts, Gillespy and Szuch)
Represented by Counsel

iv. Nuria Lucia Bacquie, LMHC, Case No. 2012-12374

(PCP: Roberts, Gillespy and Szuch)
Represented by Counsel

v. Nuria Lucia Bacquie, LMHC, Case No. 2012-14173

(PCP: Roberts, Gillespy and Szuch)
Represented by Counsel

Ms. Bacquie was present and sworn in by the court reporter. She was represented by Howard Hochman, Esq.

Mr. McBurrows presented three cases before the Board which included the following allegations: The administrative complaints charged Ms. Bacquie with a violation of Section 491.009(1)(l), Florida Statute for making misleading, deceptive, untrue, or fraudulent misrepresentations in the practice of any professional licensed under Chapter 491, F.S., or employing a trick or scheme in or related to the practice of a profession.

Settlement Agreements were presented to the Board with the following terms:

- Appearance
- Reprimand
- Fine of \$1,750.00 to be paid within two years from the date of filing the Final Order
- Reimbursement of costs not to exceed \$7,347.04 to be paid within two years from the date of filing the Final Order.
- Continuing Education to be completed within one year of the date of the filing of the Final Order to include five (5) hours in Ethics and five (5) hours in Laws and Rules.

After discussion, the following action was taken:

Motion: by Ms. Bolhouse to accept all three Settlement Agreements as presented by counsel.
Second: by Ms. Douglas.
Vote: unanimous.

B. Informal Hearing

i. Michelle Ann Foraker, LMHC, Case No. 2017-10991 (PCP: Shyers and Macomber) Pro Se

Ms. Foraker was present and sworn in by the court reporter. She was not represented by counsel.

Mr. Wilson presented the case before the Board which included the following allegations: An administrative complaint filed December 12, 2017 alleged violation of s. 491.009(w), F.S. (2016), through a violation of s. 491.009(1)(r), F.S. (2015), by submitting nine billings to CIGNA Insurance for therapy sessions that did not take place.

Following review, the Board took the following action:

Motion: by Ms. Buller to adopt the materials under Tab B and any addendum materials into evidence in this proceeding.
Second: by Ms. Douglas.
Vote: unanimous.

Motion: by Ms. Gillespy to find that the respondent was properly served and elected to proceed with an informal hearing.
Second: by Ms. Douglas.
Vote: unanimous.

Motion: by Ms. Gillespy to find 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.
Second: by Ms. Douglas.
Vote: unanimous.

Ms. Loucks provided Ms. Foraker the opportunity to address the Board. Ms. Foraker addressed the Board.

Motion: by Dr. Day to accept the conclusions of law in the Administrative Complaint and find that it constitutes a violation of the Practice Act as alleged.
Second: by Ms. Douglas.
Vote: unanimous.

The Department's recommendation is:

- Reprimand
- Fine of \$1000 to be paid within one (1) year from the date of filing the Final Order
- Continuing Education to be completed within one year of the date of the filing of the Final Order to include five (5) hours of Ethics and five (5) hours of Laws and Rules from the date of filing the Final Order

Following discussion, the Board took the following action.

Motion: by Ms. Buller to accept the Department's recommendation.
Second: by Ms. Douglas.
Vote: unanimous.

A motion to assess the costs in the amount of \$1188.36 to be paid within one (1) year of filing the Final Order was presented to the Board.

Motion: by Ms. Buller to accept the assessed cost.
Second: by Ms. Douglas.
Vote: unanimous.

ii. Amina L. Jerez, Registered Mental Health Counselor, Case No. 2017-15944
(PCP: Barlow and Day)
Pro Se

Ms. Jerez was not present nor represented by counsel.

Mr. McBurrows presented the case before the Board which includes the following allegations: On or about May 21, 2018, Ms. Jerez contacted the Department providing that she was currently filling out a hardship package to bring down her monthly payments. Ms. Jerez since has not provided any updated information to say that she is in compliance with her student loan obligations.

Motion: by Ms. Buller to find that the respondent was properly served, has requested an informal hearing and adopt the findings and material facts as set forth in the administrative complaint.

Second: by Ms. Douglas.
Vote: unanimous.

Motion: by Ms. Buller to adopt conclusions of laws as set forth in the Administrative Complaint and constitutes a violation of the Practice Act as alleged.

Second: by Ms. Douglas.
Vote: unanimous.

The Department's recommendation is:

- Reprimand
- Suspension of license until new payment terms are agreed upon
- Probation for duration of student loan
- Fine of 10% of the defaulted student loan amount which is \$14,707.89 to be paid within 2 years of filing of the Final Order

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

Second: Ms. Douglas.
Vote: unanimous.

A motion to assess cost in the amount of \$576.12 due within two (2) years of filing the Final Order was presented to the Board. Following discussion, the Board took the following action:

Motion: by Ms. Buller to impose costs of \$576.12 payable within two (2) years of the filing of the Final Order.

Second: by Ms. Douglas.
Vote: unanimous.

C. Voluntary Relinquishment

i. Walter David Robinson, LMHC, Case No. 2017-00682

(PCP: Macomber, Buller, and Barlow)

Pro Se

Mr. Robinson was not present nor represented by counsel. Mr. Wilson presented the case before the board which includes the following allegations: Section 491.009(1)(w), F.S. (2017), through a violation of section 456.072 (1)(x), F.S. (2017)

After review, the Board took the following action:

Motion: by Ms. Douglas to accept the Voluntary Relinquishment

Second: by Ms. Gillespy
Vote: unanimous

ii. Annette Marie Wright, LCSW, Case No. 2016-30113

(PCP: Shyers and Macomber)

Pro Se

Ms. Wright was not present nor represented by counsel. Mr. Wilson presented the case before the board which includes the following allegations: Section 491.009 (1)(w), F.S. (2016), through

a violation of section 456.072(1)(aa), F.S. (2016) for testing positive for marijuana.

After review, the Board took the following action:

Motion: by Ms. Buller to accept the Voluntary Relinquishment.
 Second: by Ms. Douglas.
 Vote: unanimous.

IV. PROSECUTION REPORT

A. John Wilson, Assistant General Counsel

Mr. Wilson presented the following report to the Board:

Inventory of Cases as of May 8, 2018	
Cases in Hold Status	2
Cases under legal review (60 status):	38
Cases awaiting probable cause Determination (70 Status):	28
Total Cases where PC has been found (80 Status):	2
Cases Submitted for Board Review) (100 Status):	17
+	
Total Cases open/active in PSU:	87

Total Number of Cases Older Than One Year:	
2009:	1
2011:	1
2012:	3
2013:	2
2014:	1
2015:	10
2016:	14
2017:	11
Total:	43

Motion: by Ms. Buller to allow prosecution to continue prosecuting a year or older cases.
 Second: by Ms. Douglas.
 Vote: unanimous.

Mr. Wilson introduced Mr. McBurrows as the PSU attorney for the Board of Clinical Social Work, Marriage and Family Therapy, Mental Health Counseling, Clinical Laboratories, Athletic Training, and Massage.

V. PETITION FOR VARIANCE OR WAIVER OF RULE

A. Andrew F. Schoolnik

Mr. Schoolnik was present and sworn in by the court reporter. He filed a petition seeking a variance of the rule 64B4-3.0085, Florida Administrative Code, which requires that prior to changing or adding another qualified supervisor, the registered intern must request that the new supervisor submit a letter to the Board with the registered intern's name, the intern's license number, the supervisor's name, the supervisor's license number, and a statement that he or she has agreed to provide supervision to the registered intern; and receive a communication from the Board indicating its approval of the new supervisor.

After discussion, the following action was taken:

Motion: by Ms. Buller to deny the petition based on the inability to waive a statute.

Second: by Ms. Douglas.

Vote: unanimous.

VI. APPEARANCES

A. Application for Licensed Mental Health Counselor

i. Cheryl Denise Ward

Ms. Ward was not present or represented by counsel. She has asked the Board to review her application for exam equivalency. Ms. Ward took and passed the NCE November 5, 1997. She has not provided documentation to show the exam is substantially equal.

After discussion, the following action was taken:

Motion: by Dr. Cecil-Van Den Heuvel to accept the NCE as substantially equivalent.

Second: by Ms. Gillespy.

Vote: unanimous.

ii. Jannifer Diaz

Ms. Diaz was present and sworn in by the court reporter. She was not represented by counsel. Her application was brought before the Board because she answered "yes" to a Health History question.

After discussion, the following action was taken:

Motion: by Ms. Douglas to approve application contingent on a more definitive letter from Ms. Marks with opinion of applicant's ability to practice with reasonable skill and safety to be reviewed by the board chair.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

iii. Deanna Paul

Ms. Paul was present and sworn in by the court reporter. She was represented by Bruce Lamb, Esq. Her application was brought before the Board because she has been previously disciplined and is now applying for full licensure.

After discussion, the following action was taken:

Motion: by Ms. Buller to impose the cost of \$4,676.32 set by the previous Board to be paid within eighteen (18) months of becoming licensed. Licensure is contingent upon the applicant providing the necessary requirements.
Second: by Dr. Day.
Vote: unanimous.

iv. Marilyn Halls

Ms. Halls was present and sworn in by the court reporter. She was not represented by counsel. Her application was brought before the Board because she answered "yes" to a Health History question.

After discussion, the following action was taken:

Motion: by Dr. Day to approve application contingent on PRN evaluation and compliance with PRN recommendation to be reviewed by a Committee of One.
Second: by Ms. Douglas.
Vote: unanimous.

B. Application for Registered Mental Health Counselor Intern
i. Mark Robertson

Mr. Robertson was not present nor represented by counsel. His application was brought before the Board because he answered "yes" to a Health History question.

After discussion, the following action was taken:

Motion: by Ms. Buller to require appearance at one of the next two board meetings.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

ii. Carole Elizabeth Urias

Ms. Urias was not present nor represented by counsel. Her application was brought before the Board because she answered “yes” to a Health History question.

After discussion, the following action was taken:

Motion: by Ms. Buller to require appearance at one of the next two Board meetings.
Second: by Ms. Douglas.
Vote: unanimous.

C. Application for Licensed Marriage and Family Therapist

i. Linda Domenitz

Ms. Domenitz was not present nor represented by counsel. She took the MFT National Exam in 1989 or 1990. AMFTRB moved to PTC in 2015 and have no records or prior score reports.

After discussion, the following action was taken:

Motion: by Dr. Cecil-Van Den Heuvel to accept the PES 1989 exam as substantially equivalent.
Second: by Ms. Gillespy.
Vote: unanimous.

D. Application for CSW Intern

i. Sarah DeSantis

Ms. DeSantis was present and sworn in by the court reporter. She was not represented by counsel. Her application was brought before the Board because she answered “yes” to a Health History question.

After discussion, the following action was taken:

Motion: by Dr. Cecil-Van Den Heuvel to approve application contingent on completing additional coursework and a new letter from current psychotherapist on ability to safely practice with reasonable skill to be reviewed by the Board Chair.
Second: by Ms. Gillespy.
Vote: unanimous.

ii. Sabrina Holland

Ms. Holland was not present nor represented by counsel. Her application was brought before the Board because she answered “yes” to a Health History question.

After discussion, the following action was taken:

Motion: by Ms. Buller to require appearance at one of the next two Board Meetings.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

E. Continuing Education

i. Applications

a. Limitless Potentials, Inc.- Kathy Shafer, PhD

Dr. Shafer was not present nor represented by counsel. Her application was brought before the Board because the Committee of One asked that this application be put before the Board for full review.

After discussion, the following action was taken:

Motion: by Ms. Buller to deny application.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

ii. Review of Alternative Continuing Education

a. Todd Baumann

Mr. Bauman was not present nor represented by counsel. His application was brought before the Board for consideration of continuing education attained for licensure in Texas. Mr. Baumann works overseas for the U.S. Army.

After discussion, the following action was taken:

Motion: by Ms. Buller to approve 11.5 hours of alternative continuing education to include 2 hours of Ethics and 3.5 hours of Domestic Violence.
Second: by Ms. Gillespy.
Vote: unanimous.

b. Penny Lau

Ms. Lau was not present nor represented by counsel. Ms. Lau would like the Board to consider the continuing education coursework she completed with a Florida Board of Psychology approved provider.

After discussion, the following action was taken:

Motion: by Dr. Day to accept alternative continuing education coursework.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

VII. TOPIC DISCUSSION

A. Legal Issue of the Month

Ms. Loucks presented the topic of dry needling and will update the Board at the next meeting.

B. Continuing Education Reviews

After discussion, the Board decided to amend rule 64B4-6.004.

Motion: by Ms. Buller to amend rule 64B4-6.004 to include a review of a sample program from an approved provider with a minimum of 3-8 hours for the program.
Second: by Ms. Douglas.
Vote: unanimous.

C. Title for Registered Interns

Ms. Wenhold presented titles used by other states for "Registered Intern". After discussion, the Board decided to keep the title "Registered Intern".

VIII. OTHER BUSINESS

A. Annual Delegations

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

Motion: by Dr. Day to approve the proposed Delegation of Authority.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

B. Qualified Supervisor Limitations

- i. 64B4-2.002, Definition of "Supervision" for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

The Board tabled this discussion until new data was available for review.

C. Mobility Follow-Up

Ms. Wenhold presented research requested by the Board at the May workgroup.

Motion: by Dr. Cecil-Van Den Heuvel to open rule 64B4-3.003 for development to include the NCE.
Second: Dr. Day.
Vote: unanimous.

D. Ratification List

- i. License Numbers Issued
- ii. Approved Continuing Education Providers
- iii. Committee of One Actions
- iv. Exemption Applications

Motion: by Ms. Buller to ratify license numbers issued, continuing education providers, committee of one actions, and exemption applications.
Second: by Ms. Douglas.
Vote: unanimous.

IX. REPORTS

A. Board Counsel

i. Rules Report

Ms. Loucks provided monthly rules report for June, July and August for Board review.

ii. Annual Regulatory Plan

Ms. Loucks asked that the Board submit any rules that they may potentially want changed to be included in the plan due October 1, 2018.

Motion: by Ms. Buller to delegate Ms. Bolhouse as signee of the Annual Regulatory Plan once developed by Ms. Loucks.
Second: Dr. Cecil-Van Den Heuvel.
Vote: unanimous.

B. Executive Director

i. Department's Strategic Plan

Ms. Wenhold informed the Board that the Department will no longer pursue a standardized application. She introduced proposed health history questions developed by the Department to be implemented on future applications. The Board expressed their concern with the subjectivity of the questions. Dr. Martha Brown, Associate Medical Director for PRN, shared some issues discussed during the development workgroup.

Ms. Wenhold also presented the key points of the Department's Strategic Plan.

ii. Expenditures by Function for Period Ending March 31, 2018

Ms. Wenhold provided the expenditures by function report for the Board's review.

C. Chair

Ms. Bolhouse presented on the Chair/Executive Director Forum hosted by ASWB in Arlington, VA.

D. Board Members

Dr. Cecil-Van Den Heuvel will attend a meeting in September sponsored by the NBCC.

X. RULES DISCUSSION

A. 64B4-6.004, Approval of Continuing Education Provider

B. 64B4-6.001, Renewal of Active License

C. 64B4-6.0025, Approved Continuing Education Course for Supervisory Training

D. 64B4-2.002, Definition of "Supervision" for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

XI. FOR YOUR INFORMATION

A. Spotlight on Unlicensed Activity Publication

Unlicensed Activity Liason, Chilo Casas, spoke to the Board about Florida Statute 456.065 and encouraged everyone to report any unlicensed activity suspected. Mr. Casas provided information on how to report unlicensed activity and passed out promotional information.

- B. Letter form the Society of Counseling Psychology**
- C. Letter from American Counseling Association President**
- D. CACREP 2017 Annual Report**
- E. MFT Exam Report**
- F. ASWB Exam Report**
- G. NCMHCE Exam Report**
- H. 2017 ASWB Annual Report**

XII. ADJOURNMENT

After no further discussion, the meeting adjourned at 1:20 p.m.