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

GENERAL BUSINESS MEETING MINUTES

November 14, 2019 at 8:00 a.m.

Mission Inn Resort Club 10400 County Road 48 Howey-in-the-Hills, Florida, 34737 (800) 874-9053

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, November 14, 2019 at 8:00 a.m. by Lisa Bolhouse, Chair.

A. ROLL CALL

Roll call was conducted by Janet Hartman, Interim 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, PhD, LMFT, LMHC Program Operations Administrator William Day, PhD, LMHC

COURT REPORTER

American Court Reporting Jane Heneghan ReportingOrlando@aol.com (407) 896-1813 phone (407)896-1814 fax

STAFF PRESENT

Janet Hartman, Interim Executive Director Ashleigh Irving, Eric Pottschmidt, Program Operations Administrator

BOARD COUNSEL

Timothy Frizzell, Esq. **Assistant Attorney General**

PROSECUTING ATTORNEY

John Wilson, Esq., Deputy General Counsel Mary Wessling, Esq., Assistant General Counsel

B. MISSION, VISION AND VALUES

Ms. Bolhouse 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. **C**ollaboration: 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 devises and introduced students from Rollins College.

II. REVIEW OF MINUTES

A. August 15, 2019 General Business Meeting Minutes

The minutes of the August 15, 2019 general business meeting were reviewed, and the following action was taken by the Board:

Motion: by Ms. Buller to approve the minutes of the August 15, 2019 meeting.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

II. DISCIPLINARY PROCEEDINGS

A. Settlement Agreement

i. Kaylyn Noelle Stevens, Registered Mental Health Counselor Intern, Case Number 2018-05059

(PCP: Bolhouse and Gray) Represented by Counsel

Ms. Stevens was present and sworn in by the court reporter. Her counsel, Waylon Graham, Esq., was not present.

Ms. Bolhouse was recused due to participation on the probable cause panel. Ms. Wessling presented the case before the board. The administrative complaint charges Ms. Stevens with a violation of section 491.009(1)(r), Florida Statutes (2016-2017), which provides that failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee, registered intern, or certificate holder is not qualified by training or experience constitute grounds for discipline.

A settlement agreement was presented to the board with the following terms:

- Appearance
- Reprimand
- Fine of \$250.00 to be paid within 1 year
- Reimbursement of costs in the amount of \$4,039.20 to be paid within 1 year
- Five hours of Laws and Rules or Professionalism continuing education to be completed within one year

After discussion, the following action was taken:

Motion: by Dr. Cecil-Van Den Heuvel to accept the recommendation from the

Department with amendments to the agreement to include weekly

supervision once employed. The qualified supervisor is required to report to the board office quarterly. Ms. Steven will appear before the board after 1

year of probation to determine status.

Second: by Dr. Day. Vote: unanimous.

ii. Maureen Bond, Licensed Marriage and Family Therapist, Case Number 2016-14260

(PCP: Buller, Day, and Roberts)
Represented by Counsel

Case continued due to quorum.

iii. Jennifer A. Noga, Registered Clinical Social Work Intern, Case Number 2018-19716

(PCP: Bolhouse and Gray) Represented by Counsel

Ms. Noga was present and sworn in by the court reporter. Her legal counsel, Pamela M.M. Holcombe, Esq., was not present.

Ms. Bolhouse was recused due to participation on the probable cause panel. Ms. Wessling presented the case before the board. The administrative complaint alleges a violation of section 491.009 (1)(w), F.S. through a violation of section 491.0045(3), F.S. (2018).

A settlement agreement was presented to the board with the following terms:

- Appearance
- Reprimand
- Fine in the amount of \$250.00 to be paid within one year
- Reimbursement of costs in the amount of \$1,219.25 to be paid within one year

After discussion, the following action was taken:

Motion: by Dr. Day to accept the settlement agreement with amendments to include

five (5) hours of laws and rules continuing education to be completed within 1

year.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous

B. Recommended Order

i. Gerard Kruse, Licensed Clinical Social Worker, Case Number 2017-13017

(PCP: Buller, Day, and Roberts)
Represented by Counsel

Case continued due to quorum.

C. Determination of Waiver

i. Judith L. Bloom, Licensed Marriage and Family Therapist, Case Number 2018-19305

(PCP: Bolhouse and Gray) Pro Se

Ms. Bloom was not present nor represented by counsel.

Ms. Bolhouse was recused due to participation in a probable cause panel. Mr. Wilson presented the case before the board. The administrative complaint charges Ms. Bloom with the following violations: section 491.009(1)(w), F.S. (2016) by violating section 456.072(1)(k), Florida Statutes (2016), when she defaulted on her student loan.

Following review, the board took the following action:

Motion: by Dr. Day to accept the investigative report into evidence, find that the

respondent was properly served and has waived her right to a formal hearing, and to adopt material facts as set forth in the administrative

complaint as the findings of the fact of the board.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

Motion: by Dr. Cecil-Van Den Heuvel to adopt the allegations of law in the

administrative complaint as the Board's conclusions of law and the

conclusions of law as a violation of the practice act.

Second: by Dr. Day. Vote: unanimous.

The Department's recommendation is:

- Reprimand
- Suspension of license until compliant with student loan obligations
- Probation for duration of student loan

• Administrative fine of \$7,520 payable within one year

After discussion, the following action was taken:

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

Second: by Dr. Day. Vote: unanimous.

The Department request cost of \$631.30 payable within one year.

Motion: by Dr. Cecil-Van Den Heuvel to accept.

Second: Dr. Day. Vote: unanimous.

ii. Laura M. Messer, Registered Mental Health Counselor Intern, Case Number 2017-14910

(PCP: Barlow and Gillespy)

Pro Se

Ms. Messer was not present nor represented by counsel.

Mr. Wilson presented the case before the board. The administrative complaint charges Ms. Messer with a violation of section 456.072(1)(k) for failing to perform any statutory or legal obligation placed upon a licensee. For purposes of this section, failing to repay a student loan issued or guaranteed by the state or the Federal Government in accordance with the terms of the loan or failing to comply with service scholarship obligations shall be considered a failure to perform a statutory or legal obligation and the minimum disciplinary action imposed shall be a suspension of the license until new payment terms are agreed upon or the scholarship obligation is resumed, followed by probation for the duration of the student loan or remaining scholarship obligation period, and a fine equal to 10 percent of the defaulted loan amount. Fines collected shall be deposited into the Medical Quality Assurance Trust Fund.

After discussion, the following action was taken:

Motion: by Ms. Buller to find that the respondent was properly served and has waived her

right to a formal hearing. Also, to adopt material facts as set forth in the

administrative complaint as the findings of the fact of the Board.

Second: by Dr. Day. Vote: unanimous.

Motion: by Ms. Buller to adopt the allegations of law in the administrative complaint as

the Board's conclusions of law and the conclusions of law as a violation of the

practice act.

Second: by Dr. Day. Vote: unanimous.

The Department's recommendation is:

- Reprimand
- Suspension of license until compliant with student loan obligations
- Probation for duration of student loan
- Administrative fine of \$5,413 payable within one year

Motion: by Ms. Buller to accept. Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

The Department asked for cost in the amount of \$643.86 payable within one year.

Motion: by Ms. Buller to accept.
Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

iii. Victoria C. Hernandez, Licensed Mental Health Counselor, Case Number 2017-17570

(PCP: Day and Buller)
Pro Se

Case continued due to quorum.

iv. Gabriel L. Tito, Registered Marriage and Family Therapy Intern, Case Number 2016-08678

(PCP: Buller, Day, and Roberts)
Pro Se

Case continued due to quorum.

D. Voluntary Relinquishment

i. Joseph V. Kyle, Registered Mental Health Counselor Inter, Case Number 2018-21105

> (PCP: N/A) Pro Se

Mr. Kyle was present and sworn in by the court reporter. He was not represented by counsel.

Ms. Wessling presented the case before the board which included a violation of section 456.072 (1)(k)(dd), Florida Statutes and section 491.0045(1)2.(c)(3), Florida Statutes.

After discussion, the following action was taken:

Mr. Kyle withdrew his request to voluntarily relinquish his license.

ii. Daisy Ravelo, Registered Marriage and Family Therapy Intern, Case Number 2018-16531

(PCP: Bolhouse and Gray)
Pro Se

Ms. Ravelo was not present nor represented by counsel.

Ms. Bolhouse was recused due to participation in a probable cause meeting. Ms. Wessling presented the case before the board which included the following allegations: violation of section 456.072(1)(kk), Florida Statutes (2017).

After discussion, the following action was taken:

Motion: by Dr. Cecil-Van Den Heuvel to accept the voluntary relinquishment.

Second: by Dr. Day. Vote: unanimous.

iii. Sara Z. Gonzalez, Registered Mental Health Counselor Intern, Case Number 2018-21069

(PCP: N/A) Pro Se

Ms. Gonzalez was not present nor represented by counsel.

Ms. Wessling presented the case before the board which included the following allegations: violation of section 456.072(1)(k)(dd) and section 491.0045(1)(2)2.(c)(3), F.S.

After discussion, the following action was taken:

Motion: by Dr. Cecil-Van Den Heuvel to accept the voluntary relinquishment.

Second: by Dr. Day. Vote: unanimous.

iv. Stephen C. McGinley, Licensed Mental Health Counselor, Case Number 2019-12769

(PCP: Buller and Gray) Represented by Counsel

Mr. McGinley was not present nor represented by counsel.

Ms. Buller was recused due to participation in the probable cause panel. Ms. Wessling presented the case before the board which included the following allegations: violation of section 491.0111 F.S. (2019), section 491.009(1)(k), F.S. (2019), and rule 64B4-10.002(1).

After discussion, the following action was taken:

Motion: by Dr. Cecil-Van Den Heuvel to accept the voluntary relinquishment.

Second: by Dr. Day. Vote: unanimous.

v. Jennifer L. Smith, Registered Mental Health Counselor Intern, Case Number 2018-19092

(PCP: Barlow, Roberts, Gray, Buller, and Otis) Represented by Counsel

Ms. Smith was not present nor was she represented by counsel.

Ms. Buller was recused due to participation on the probable cause panel. Ms. Wessling presented the case before the board. The administrative complaint charges Ms. Smith with a violation of section 491.009(1)(p), Florida Statutes (2018) which subjects a licensee to discipline for being unable to practice mental health counseling with reasonable skill and safety to patients as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance. Ms. Smith is unable to practice mental health counseling with reasonable skill and safety to patients due to her moderate to severe alcohol disorder.

After discussion, the following action was taken:

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

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

I. PROSECUTION REPORT

A. John Wilson, Deputy General Counsel

Mr. Wilson presented the following report to the board:

Inventory of Cases as of October 23, 2019		
Cases in hold status (48 Status)	1	
Cases under legal review (Status 60-68)	112	
Cases awaiting probable cause		
determination (70 Status)	45	
Total cases where PC has been found		
(80 Status)	3	

Cases for formal hearing request	
(Status 85-88):	5
Cases Submitted for Board Review	
(118 Status)	13
Cases at DOAH (Status 110)	0
Cases on Appeal (Status 140)	0
+	
Total Cases open/active in PSU	182

Total Number of Cases Older Than One Year:		
2009		1
2010		0
2011		1
2012		0
2013		1
2014		1
2015		4
2016		10
2017		15
2018		63
+		
Total		96

Motion: by Ms. Buller to continue prosecution of cases one year and older.

Second: by Ms. Cecil-Van Den Heuvel.

Vote: unanimous.

II. PETITION FOR VARIANCE OR WAIVER

A. G. Michael Pilcher

Mr. Pilcher was present and sworn in by the court reporter. He was represented by Lance O. Leider Esq. Mr. Pilcher filed a petition for variance or waiver of rule 64B4-3.001(1), F.A.C. He is asking the board to accept his degree from a nationally accredited institution.

Following discussion, the following action was taken:

Motion: by Dr. Day to deny the petition for variance waiver of rule because the Board

does not have the statutory authority to waive the education requirement.

Second: by Ms. Buller. Vote: unanimous.

B. Jorge Tomas Balseiro Estevez

Mr. Balseiro Estevez was present and sworn in by the court reporter. He was represented by Howard Hochman. Mr. Balseiro Estevez filed a petition for variance or waiver of rule 64B4-31.007, F.A.C. He is asking the board to accept his degree as a medical doctor obtained in Cuba as substantially equivalent to the education requirements defined in

statute.

Following discussion, the following action was taken:

Motion: by Dr. Cecil-Van Den Heuvel to deny the petition for variance or waiver.

Second: by Ms. Bolhouse.

Vote: unanimous.

C. Katy Miller

Ms. Miller was not present or represented by counsel. She filed a petition for variance or waiver of rule 64B4-2.002, F.A.C. Ms. Miller is asking the board to accept her experience completed overseas with supervisor within the profession.

Following discussion, the following action was taken:

Motion: by Dr. Cecil-Van Den Heuvel to deny the petition for variance or waiver.

Second: by Ms. Buller. Vote: unanimous.

III. APPEARANCES

A. Application for Exemption

i. Joseph Lewis Hall

Mr. Hall was present and sworn in by the court reporter. He was represented by Rickey L. Strong, Esq.

Mr. Hall's application was reviewed by a Committee of One which determined Mr. Hall has not demonstrated by clear and convincing evidence that he will not be a danger if employed within the healthcare field and should no longer be disqualified from employment. Dr. Alexis Polles, Medical Director for Professionals Resource Network (PRN) spoke on Mr. Hall's compliance with his contract.

Following discussion, the following action was taken:

Motion: by Ms. Buller to approve the exemption application.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

B. Application for Registered Mental Health Counselor Intern

i. Morgan Olivia Hartman

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

counsel. Ms. Hartman's application was brought before the Board due to an affirmative answer to two health history questions.

Following discussion, the following action was taken:

Motion: by Ms. Buller to approve the application.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

ii. Callena Thelmelia Jones

Ms. Jones was not present and sworn in by the court reporter. She was not represented by counsel. Her application was brought before the board due to an affirmative answer to a health history question.

Following discussion, the following action was taken:

Motion: by Ms. Buller to require appearance at one of the next two board meetings

with the full neuropsychological evaluation.

Second: by Dr. Day. Vote: unanimous.

iii. Derek Matthew Beaulieu, Sr.

Mr. Beaulieu was present and sworn in by the court reporter. He was not represented by counsel. His application was brought before the board due to an affirmative answer to the general criminal history question and a professional history question.

Following discussion, the following action was taken:

Motion: by Ms. Buller to approve application.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

iv. Melanie Abrams

Ms. Abrams was and sworn in by the court reporter. She was not represented by counsel. Her application was brought before the board because of an affirmative answer to the criminal history questions. Dr. Cecil-Van Den Heuvel recused herself from this review.

Following discussion, the following action was taken:

Motion: by Ms. Buller to approve application.

Second: by Dr. Day. Vote: unanimous.

C. Application for Licensed Mental Health Counselor

i. Barbara Jean Lanz

Ms. Lanz was present and sworn in by the court reporter. She was not represented by counsel. Her application was brought before the board because of an affirmative answer to criminal history and professional history questions.

Following discussion, the following action was taken:

Motion: by Dr. Day to approve application. Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

ii. Nicole Dodd

Ms. Dodd was present and sworn in by the court reporter. She was not represented by counsel. Her application was brought before the board for an affirmative answer to a health history question.

Following discussion, the following action was taken:

Motion: by Dr. Day to approve application. Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

D. Application for Registered Clinical Social Worker Interni. Natalie Thompson

Ms. Thompson was not present and sworn in by the court reporter. She was not represented by counsel. Her application was brought before the board for review because she didn't have a clinical practicum during her graduate program and would like the board to approve her supervision plan to be completed with her qualified supervisor as a registered intern.

Following discussion, the following action was taken:

Motion: by Ms. Buller to approve supervision plan.

Second: by Dr. Day. Vote: unanimous.

ii. Amanda Jean Thomas

Ms. Thomas was present and sworn in by the court reporter. She was not represented by counsel. Her application was brought before the Board due to an affirmative answer to the general criminal history question and felony conviction question.

After discussion, the Board took the following action:

Motion: by Ms. Buller to approve application.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

E. Application for Licensed Clinical Social Worker

i. Kelsie Marie Weidenhammer

Ms. Weidenhammer was not present and sworn in by the court reporter. She was not represented by counsel. Her application was brought before the Board for review of alternative verification of clinical experience.

After discussion, the Board took the following action:

Motion: by Ms. Buller to approve alternative verification of clinical experience.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

F. Continuing Education Courses

- i. ISFTA, LLC, Provider 50-11293
 - 1. Enriching Alternative Medicine with Essential Oils, Course 20-512589
 - 2. Enriching Alternative Medicine with Essential Oils, Course 20-568171
 - 3. Essential Oil Basics for Healthcare Professionals, Course 20-734646
 - 4. Holistic Health Practices, Course 20-307427

Ms. Nicole Almeida was not present and sworn in by the court reporter. She was not represented by counsel. Her continuing education course was brought before the board because of a complaint filed with the board office. The complaint went before the board for determination of the course status at the August 15, 2019 meeting. Board members asked to review all similar courses from the provider.

After discussion, the Board took the following action:

Motion: by Ms. Buller to send notice of intent to withdraw courses.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

IV.RULES DISCUSSION

A. 64B4-3.0085, Intern Registration

Mr. Frizzell presented 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. Buller to approve the proposed language.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

Motion: by Ms. Buller that a Statement of Estimated Regulatory Costs is not required

as the proposed rule amendment has no impact to small businesses regarding regulatory cost and no impact over \$200,000 in the aggregate in

Florida within one year of this rule being filed.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

Motion: by Ms. Buller that the proposed rule amendments would not cause a net

increase in regulatory costs in excess of one-million dollars (\$1,000,000.00)

within five years after implementation of the final rule.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

Motion: by Ms. Buller that no part of this rule or a violation of this rule should be

designated as a minor violation.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

B. 64B4-3.003, Examination for Licensure

Mr. Frizzell presented this rule draft for the Board's discussion of potential changes that may be needed due to an exam exemption approved by the Association of Social Work Boards (ASWB). After discussion, the Board members amended the language presented. Mr. Frizzell will present new draft language at the February 20, 2020 meeting.

V. REPORTS

A. Board Counsel

i. Rules Report

- 1. August
- 2. September
- 3. October

Mr. Frizzell presented monthly rules reports for August 2019, September 2019, and October 2019 for Board review.

ii. Telehealth Discipline Review

Mr. Frizzell asked the board to review disciplinary guidelines and establish guidelines for telehealth providers. Board members agreed to have the board chair work with Mr. Frizzell on a set of guidelines.

B. Executive Director

i. Legislative Updates

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

ii. Annual Financial Report

Ms. Hartman presented the annual reports and projections to the Board for review.

iii. ASWB Exam Use

Ms. Hartman attended the ASWB Annual Meeting of the Delegates where she was told verbally that the 18-month exception request had been approved. She informed the board that staff will work to update the website and send communication once the official letter from the ASWB had been received so interns and students would have ample time to prepare for the changes.

iv. Department of Veterans Affairs Plan to Amend Telehealth Regulations

v. Telehealth

vi. Artificial Intelligence

1. Licensing Lucy

C. Board Chair

i. ASWB 2019 Annual Meeting of the Delegate Assembly

D. Board Members

VI. OTHER BUSINESS

A. Ratification Lists

i. License Numbers Issued

Motion: by Ms. Buller to ratify license numbers issued.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

ii. Approved Continuing Education Providers

Motion: by Ms. Buller to ratify approved continuing education providers.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

iii. Committee of One Actions

Motion: by Ms. Buller to ratify Committee of One actions.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

iv. Exemption Applications

Motion: by Ms. Buller to ratify exemption applications.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

B. Argosy University Graduates

C. Special Olympics Florida Presentation

D. Election of Officers i. Chair

Motion: by Dr. Day to elect Ms. Bolhouse as Chair.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

ii. Vice Chair

Motion: by Dr. Day to elect Ms. Buller as Vice-Chair.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

VII. FOR YOUR INFORMATION

- A. AMFTRB Exam Report
- **B. ASWB Exam Report**
- **C. NCMHCE Exam Report**
- D. Annual Regulatory Plan 2019-2020

Mr. Frizzell presented the Annual Regulatory Plan signed by the Board Chair.

Motion: by Ms. Buller to ratify the Annual Regulatory Plan.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: unanimous.

VIII. ADJOURNMENT

After no further discussion, the meeting adjourned at 2:00 pm.