

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

**JUNE 11, 2020  
8:00 A.M. EST**

**MEET – ME NUMBER  
Toll Free Number – 1-888-585-9008  
Public Code: 744-469-610#**

**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**

The meeting was called to order on Thursday, June 11, 2020 at 8:02 a.m. by Lisa Bolhouse, Chair.

**A. Roll Call**

Roll call was conducted by Janet Hartman, 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  
William Day, PhD, LMHC

**STAFF PRESENT**

Janet Hartman, Executive Director  
Ashleigh Irving, Program Administrator  
Rebecca Lawrence, Regulatory Supervisor

**BOARD COUNSEL**

Timothy Frizzell, Esq.  
Assistant Attorney General

**COURT REPORTER**

For the Record Court Reporting  
Phone: (850) 222-5491  
Fax: (850) 224-5316

**B. 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 keep their phones on mute to reduce audio interference. She instructed participants to unmute their phones by pressing \*2.

**II. RULES DISCUSSION**

Ms. Hartman provided an overview of House Bill 713 and its impact on rule 64B4-3.0085, Florida Administrative Code.

**A. 64B4-3.0085 Intern Registration**

**1. Intern Emergency and Hardship Extension**

Mr. Frizzell presented the below proposed language to the Board for discussion:

**64B4-3.0085 Intern Registration.**



(1) An individual who intends to practice in Florida to satisfy the post-master's experience must register as an intern by submitting a completed application to the Board on Form DH-MQA 1175, Intern Registration Application Application for Licensure as a Registered Intern for Clinical Social Work, Marriage & Family Therapy or Mental Health Counseling (Revised 05/20), hereby adopted and incorporated by reference, which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-10293>, or the web at [www.floridasmentalhealthprofessions.gov/resources](http://www.floridasmentalhealthprofessions.gov/resources). The application shall be accompanied by the application fee specified in rule 64B4-4.015, F.A.C., which is non-refundable.

(2) An intern is required to identify a qualified supervisor by requesting that the supervisor submit a letter to the Board with the applicant's name, supervisor's name, supervisor's license number, and a statement that he or she has agreed to provide supervision while the applicant is a registered intern.

(3) Prior to changing or adding another qualified supervisor, the registered intern must:

(a) 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,

(b) Receive a communication from the Board indicating its approval of the new supervisor.

(4) Experience obtained under the supervision of ~~the new~~ a qualified supervisor will not count toward completion of the experience requirement until the registered intern has received board approval of ~~their new~~ the qualified supervisor.

(5) A registered intern must complete all hours associated with their clinical practicum, either through their graduate program or under the supervision of a qualified supervisor, before any hours completed toward the registered intern's experience requirement may be counted.

(6) Form HD5044-MQA, Supervision Plan Form for Registered Clinical Social Work Interns (Revised 02/20), hereby adopted and incorporated by reference, which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref->, or on the web at [www.floridasmentalhealthprofessions.gov/resources](http://www.floridasmentalhealthprofessions.gov/resources), may be submitted by a qualified supervisor as an acceptable supervision plan for meeting the clinical practicum hours required for licensure if not otherwise satisfied by the individuals' graduate program.

(7) Form HD5046-MQA, Graduate-Level Practicum, Internship, or Field Experience Verification Form – Clinical Social Work (Revised 02/20), hereby adopted and incorporated by reference, which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref->, or on the web at [www.floridasmentalhealthprofessions.gov/resources](http://www.floridasmentalhealthprofessions.gov/resources), must be submitted by a qualified supervisor on behalf of the Clinical Social Work registered intern upon completion of the practicum, internship, or field work required for licensure when not satisfied by the individuals' graduate program.

(8) Form HD5045-MQA, Graduate-Level Practicum, Internship, or Field Experience Verification Form – Marriage and Family Therapy (Revised 02/20), hereby adopted and incorporated by reference, which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref->, or on the web at [www.floridasmentalhealthprofessions.gov/resources](http://www.floridasmentalhealthprofessions.gov/resources), must be submitted by a qualified supervisor on behalf of the Marriage and Family Therapist registered intern upon completion of the practicum, internship, or field work required for licensure when not satisfied by the individuals' graduate program.

(9) Form HD5047-MQA, Graduate-Level Practicum, Internship, or Field Experience Verification Form – Mental Health Counseling (Revised 02/20), hereby adopted and incorporated by reference, which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref->, or on the web at [www.floridasmentalhealthprofessions.gov/resources](http://www.floridasmentalhealthprofessions.gov/resources), must be submitted by a qualified supervisor on behalf of the Mental Health Counseling registered intern upon completion of the practicum, internship, or field work required for licensure when not satisfied by the individual's graduate program.

(10) An "emergency or hardship case" pursuant to s. 491.0045(6), F.S., means that the Registered Intern:

(a) Was unable to maintain a Qualified Supervisor due to circumstances beyond the registered intern's control;



(b) Experienced a long-term personal illness or illness involving a close relative or person for whom the licensee has caregiving responsibilities;

(b) Demonstrated economic, technological, or legal hardships that substantially relate to the ability to complete the internship requirements; and

(c) Was unable to complete the experience requirement within 60 months due to circumstances beyond the registered intern's control.

(11) Within 90 days prior to the expiration of the internship registration, the Registered Intern shall submit, in writing, a request to the Board for an exception to the requirements of s. 491.0045(6), F.S. The Registered Intern must have passed the theory and practice examination as described in s. 491.005(1)(d), (3)(d), and (4)(d), F.S., and must establish an emergency or hardship case as defined in paragraph 11 above. Upon verification of documentation, the Board shall issue the Registered Intern a one-time exception by granting an extension of the Registered Intern's registration status for up to 36 months from the date of the initial registration expiration. No further exceptions or extensions are authorized by s. 491.0045, F.S.

*Rulemaking Authority 491.004(5) FS. Law Implemented 456.013, 456.0635, 491.0045, 491.005 FS. History—New 6-8-09, Amended 2-24-10, 10-17-10, 4-4-13, 2-9-16, 6-7-16, 9-1-16, 2-27-19,\_\_\_\_\_.*

After discussion, the board tabled further discussion until the August meeting.

## 2. Registered Intern Application

Ms. Hartman reviewed the new changes that will affect all applications. HB115 modifies the Criminal and Medicaid/Medicare Fraud questions on the application to the following:

5. Are you currently listed on the United States Department of Health and Human Services' Office of the Inspector General's List of Excluded Individuals and Entities (LEIE)?  
Yes    No
  - a. If you responded "Yes" to the question above, are you listed because you defaulted or are delinquent on a student loan?    Yes    No
  - b. If you responded "Yes" to question 5.a., is the student loan default or delinquency the only reason you are listed on the LEIE?    Yes    No

The Department has modified the Health History Section to the following:

### Physical and Mental Health Disorders Impacting Ability to Practice

- A. During the last two years, have you been treated for or had a recurrence of a diagnosed physical or mental disorder that impaired or would impair your ability to practice?    Yes  
No
- B. In the last two years, have you been admitted or referred to a hospital, facility or impaired practitioner program for treatment of a diagnosed mental or physical disorder that impaired your ability to practice?    Yes    No

### Substance-Related Disorders Impacting Ability to Practice



- C. During the last five years, have you been treated for or had a recurrence of a diagnosed substance-related (alcohol or drug) disorder that impaired or would impair your ability to practice?      Yes      No
- D. During the last five years, were you admitted or directed into a program for the treatment of a diagnosed substance-related (alcohol or drug) disorder or, if you were previously in such a program, did you suffer a relapse?      Yes      No
- E. During the last five years, have you been enrolled in, required to enter, or participated in any substance-related (alcohol or drug) recovery program or impaired practitioner program for treatment of drug or alcohol abuse?      Yes      No

**If a “Yes” response was provided to any of the questions in this section, provide the following documents directly to the board office:**

**A letter from a Licensed Health Care Practitioner**, who is qualified by skill and training to address the condition identified, which explains the impact the condition may have on the ability to practice the profession with reasonable skill and safety. The letter must specify that the applicant is safe to practice the profession without restrictions or specifically indicate the restrictions that are necessary. Documentation provided must be dated within one year of the application date.

**A written self-explanation**, identifying the medical condition(s) or occurrence(s); and current status.

After discussion, the following action was taken:

Motion:            by Ms. Buller to accept all recommended changes for rules 64B4-3.0085, 64B4-3.0075, 64B4-3.010, 64B4-3.009, and 64B4-3.001 Florida Administrative Codes  
 Second:            by Dr. Day.  
 Vote:                unanimous.

The Board considered the economic impact and determined that a Statement of Estimated Regulatory Costs (SERC) for the above listed rules was not necessary and the rules will not need legislative ratification. The board determined that no part of these rules or a violation of these rule should be designated a minor violation and took the following action:

Motion:            by Ms. Buller that a Statement of Estimated Regulatory Costs is not required as the proposed rule amendment has no impact on small business.  
 Second:            by Dr. Day.  
 Vote:                unanimous.

Motion:            by Ms. Buller that the proposed rule amendments would cause no impact over \$200,000 in the aggregate in Florida within one year of these rules being filed.  
 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. Day.  
 Vote:                unanimous.



Motion: by Ms. Buller that it is not appropriate to sunset or provide a given time for this rule.  
Second: by Dr. Cecil-Van Den Heuvel.  
Vote: unanimous.

### **3. MHC Graduate Level Practicum Form**

Tabled until the August board meeting.

#### **B. 64B4-22.110 MFT Course Content**

The board tabled discussion until the August meeting. Ms. Buller asked for a side by side analysis of the current education requirements with the COAMFTE and CACREP requirements.

#### **C. 64B4-31.010 MHC Course Content**

Mr. Frizzell presented draft language which removes the *Counseling in Community Settings* course from the education requirement pursuant to changes in House Bill 713.

After discussion, the following action was taken:

Motion: by Dr. Cecil-Van Dan Heuvel to accept the proposed changes.  
Second: by Dr. Day.  
Vote: unanimous.

The Board considered the economic impact and determined that a Statement of Estimated Regulatory Costs (SERC) for the above listed rules was not necessary and the rules will not need legislative ratification. The board determined that no part of these rules or a violation of these rule should be designated a minor violation and took the following action:

Motion: by Dr. Day that a Statement of Estimated Regulatory Costs is not required as the proposed rule amendment has no impact on small business.  
Second: by Dr. Cecil-Van Den Heuvel.  
Vote: unanimous.

Motion: by Dr. Day that the proposed rule amendments would cause no impact over \$200,000 in the aggregate in Florida within one year of these rules being filed.  
Second: by Dr. Cecil-Van Den Heuvel.  
Vote: unanimous.

Motion: by Dr. Day that no part of this rule or a violation of this rule should be designated as a minor violation.  
Second: by Ms. Buller.  
Vote: unanimous.

#### **D. 64B4-3.0075, Provisional License**

Application changes were approved in an earlier portion of the meeting.

#### **E. 64B4-3.010, MFT Dual License**

Application changes were approved in an earlier portion of the meeting.



#### F. 64B4-3.009, Limited License

Application changes were approved in an earlier portion of the meeting.

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

##### 1. Exam Application

##### 2. Endorsement Application

Application changes were approved in an earlier portion of the meeting

#### H. 64B4-2.002 Definition of “Supervision” for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

Mr. Frizzell presented the following language to the board for consideration:

##### **64B4-2.002 Definition of “Supervision” for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling.**

Supervision is the relationship between the qualified supervisor and intern that promotes the development of responsibility, skills, knowledge, attitudes and adherence to ethical, legal and regulatory standards in the practice of clinical social work, marriage and family therapy and mental health counseling. Supervision is contact between an intern and a supervisor during which the intern apprises the supervisor of the diagnosis and treatment of each client, client cases are discussed, the supervisor provides the intern with oversight and guidance in diagnosing, treating and dealing with clients, and the supervisor evaluates the intern’s performance.

(1) An intern shall be credited for the time of supervision required by Section 491.005, F.S., if the intern:

- (a) Received at least 100 hours of supervision in no less than 100 weeks; and,
- (b) Provided at least 1500 hours of face-to-face psychotherapy with clients; and,
- (c) Received at least 1 hour of supervision every two weeks.

(2) The supervision shall focus on the raw data from the intern’s face-to-face psychotherapy with clients. The intern shall make the raw data directly available to the supervisor through such means as written clinical materials, direct observation and video and audio recordings. Supervision is a process distinguishable from personal psychotherapy or didactic instruction.

(3) The supervisor and intern may utilize face-to-face electronic methods (~~not telephone only communication~~) to conduct the supervisory sessions; however, the supervisor and intern must have in-person face-to-face contact for at least 50% of all of the interactions required in subsection (1), above. Prior to utilizing any online or interactive methods for supervision, the supervisor and the intern shall have at least one in-person face-to-face meeting. The supervisor and the intern are responsible for maintaining the confidentiality of the clients during both in-person and online or interactive supervisory sessions.

(4) If an intern obtains group supervision, each hour of group supervision must alternate with an hour of individual supervision. Group supervision must be conducted with all participants present in-person. For the purpose of this section, individual supervision is defined as one qualified supervisor supervising no more than two (2) interns and group supervision is defined as one qualified supervisor supervising more than 2 but a maximum of 6 interns in the group.

(5) A qualified supervisor shall supervise no more than 25 registered interns simultaneously.

(6) “Face-to-face psychotherapy” for clinical social workers, marriage and family therapists, and mental health counselors registered pursuant to Section 491.0045, F.S., includes face-to-face by electronic methods so long as the registered intern establishes and adheres to the following:

(a) The registered intern has a written telehealth protocol and safety plan in place with their current qualified supervisor which includes the provision that the qualified supervisor must be readily available during the electronic therapy session; and





(b) The registered intern and their qualified supervisor have determined, through their professional judgements, that providing face-to-face psychotherapy by electronic methods is not detrimental to the patient is necessary to protect the health, safety, or welfare of the patient, the registered intern, or both, and does not violate any existing statutes or regulations.

(7) Notwithstanding paragraphs (3) and (4) above a qualified supervisor may utilize face-to-face electronic methods, including telephone only communication, to conduct all supervisory sessions for internship hours if the qualified supervisor determines, through their professional judgment, that such methods are not detrimental to the registered intern's patients and are necessary to protect the health, safety, or welfare of the qualified supervisor, the registered intern, or both. Any clinical hours obtained via face-to-face psychotherapy by electronic means shall be considered clinical hours for the purpose of meeting internship requirements.

(8) No later than 90 days prior to June 30, 2021, the Board shall review and amend, modify, or repeal paragraphs (6) and (7) above if it determines that same creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, imposes excessive costs, or otherwise negatively impacts the quality of psychotherapy received by Florida citizens.

*Rulemaking Authority 491.004(5), 491.0045, 491.005(1)(c), (3)(c), (4)(c) FS. Law Implemented 491.005(1)(c), (3)(c), (4)(c) FS. History—New 7-6-88, Amended 3-21-90, Formerly 21CC-2.002, 61F4-2.002, Amended 1-7-96, 12-16-96, Formerly 59P-2.002, Amended 11-13-97, 10-28-98, 1-1-07, 3-14-07, 2-9-16, 1-2-20,\_\_\_\_\_.*

After discussion, the following action was taken:

Motion: by Dr. Cecil-Van Den Heuvel to accept the proposed language changes.  
Second: by Dr. Day.  
Vote: unanimous.

The Board considered the economic impact and determined that a Statement of Estimated Regulatory Costs (SERC) for the above listed rules was not necessary and the rules will not need legislative ratification. The board determined that no part of these rules or a violation of these rule should be designated a minor violation and took the following action:

Motion: by Dr. Cecil-Van Den Heuvel that a Statement of Estimated Regulatory Costs is not required as the proposed rule amendment has no impact on small business.  
Second: by Dr. Day  
Vote: unanimous.

Motion: by Dr. Cecil-Van Den Heuvel that the proposed rule amendments would cause no impact over \$200,000 in the aggregate in Florida within one year of these rules being filed.  
Second: by Ms. Buller  
Vote: unanimous

Motion: by Dr. Day that no part of this rule or a violation of this rule should be designated as a minor violation.  
Second: by Ms. Buller  
Vote: unanimous.



The Board discussed the gap between the expiration of the emergency rule and the effective date of the approved rule. The Board determined that professional judgment should be used by individual therapists and that no disciplinary actions would be pursued solely as a result of the expiration of the emergency rule until the new rule language becomes effective.

### I. 64B4-6.0025, Approved Continued Education Course for Supervisory Training

Mr. Frizzell presented the following language to the board for consideration:

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

The continuing education course required to meet the qualifications for a qualified supervisor pursuant to section 491.005, F.S., and subparagraph 64B4-11.007(3)(b)2., paragraph 64B4-21.007(3)(b), and subparagraph 64B4-31.007(2)(b)2., F.A.C., must be offered by a Board approved provider of continuing education and consist of the following:

(1) It must meet all the requirements of subparagraphs 64B4-6.004(2)(a)1.-5., F.A.C.;

(2) It must be 12 clock hours of ~~in-person~~ didactic and interactional instruction which must be provided live and delivered in a manner and in such a way that monitors attendance, minimizes distractions, and allows for real-time interaction between the instructor and the attendee; and,

(3) Must contain content that satisfies the following learning objectives. The participant will:

(a) Become familiar with the major models of supervision for clinical social work, marriage and family therapy or mental health counseling;

(b) Gain skills to develop a personal model of supervision, drawn from existing models of supervision and from preferred styles of therapy;

(c) Understand the co-evolving dynamics of therapist-client and supervisor-therapist-client relationships;

(d) Explore distinctive issues that arise in supervision;

(e) Address the contextual variables in practice such as culture, gender, ethnicity, power and economics;

(f) Become familiar with the ethical, legal and regulatory issues of supervision;

(g) Review the Florida laws and the board rules governing interns and supervision; and,

(h) Understand the role of evaluation in supervision.

(4) Every third biennium, a qualified supervisor shall obtain 4 hours of supervisory training continuing education.

(a) These hours shall count toward satisfaction of the continuing education hours required for license renewal for the biennium in which the hours are taken.

(b) The course will:

1. Review changes to Florida laws and rules relating to Interns and Supervisors,

2. Discuss various electronic delivery systems for supervision and methods for ensuring confidentiality,

3. Discuss ethical, legal and regulatory issues of supervision, including documentation of the supervisory sessions,

4. Review research of effective supervision models,

5. Review challenges in supervision,

6. Address how cultural issues can affect the supervisory relationship,

7. Discuss accountability of both the supervisor and the intern in the supervisory relationship,

8. Discuss the business aspects of supervision,

9. Discuss the ethical, legal, and regulatory issues of teletherapy.

*Rulemaking Authority 491.004(5), 491.007, 491.0085 FS. Law Implemented 491.007, 491.0085 FS. History—New 12-29-96, Formerly 59P-6.0025, Amended 12-11-97, 8-13-08, 5-8-16, 11-7-16, 3-18-19.*

After discussion, the following action was taken:





Motion: by Ms. Buller to approve proposed language.  
Second: by Dr. Day.  
Vote: unanimous.

The Board considered the economic impact and determined that a Statement of Estimated Regulatory Costs (SERC) for the above listed rules was not necessary and the rules will not need legislative ratification. The board determined that no part of these rules or a violation of these rule should be designated a minor violation and took the following action:

Motion: by Dr. Day that a Statement of Estimated Regulatory Costs is not required as the proposed rule amendment has no impact on small business.  
Second: by Ms. Buller.  
Vote: unanimous.

Motion: by Dr. Day that the proposed rule amendments would cause no impact over \$200,000 in the aggregate in Florida within one year of these rules being filed.  
Second: by Dr. Cecil-Van Den Heuvel.  
Vote: unanimous.

Motion: by Dr. Day that no part of this rule or a violation of this rule should be designated as a minor violation.  
Second: by Ms. Buller.  
Vote: unanimous.

### **III. OTHER BUSINESS**

#### **A. Delegation of Authority**

Tabled until August meeting.

#### **B. Annual Regulatory Plan**

Mr. Frizzell asked the board to grant him the authority to work directly with the chair to develop the Annual Regulatory Plan due October 1, 2020.

Motion: Ms. Buller to grant authority.  
Second: Dr. Day.  
Vote: unanimous.

### **IV. PUBLIC COMMENT**

Several public comments were submitted to the board's email at [mqa.491@flhealth.gov](mailto:mqa.491@flhealth.gov) and provided to board members in the agenda material prior to today's meeting.

Jim Aikin of Nation Association of Social Workers Florida Chapter sent an email asking for details about the intern hardship waiver.

### **V. ADJOURNMENT**

After no further discussion, Ms. Bolhouse adjourned the meeting at 9:46 am.

