

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

GENERAL BUSINESS MEETING MINUTES

FRIDAY, MAY 12, 2022, 8:00 A.M. EST

DOUBLETREE TAMPA AIRPORT WESTSHORE
4500 W. CYPRESS STREET
TAMPA, FL 33607
(813) 879-4800

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 at <https://floridasmentalhealthprofessions.gov/meeting-information/>.



Claudia Vicencio, Ph.D., Chair

Kimberly Marshall, Executive Director

I. CALL TO ORDER

The meeting was called to order at 7:58 A.M. EST on Friday, May 12, 2022, by Claudia Vicencio, PhD, LCSW, LMFT, Chair.

A. Welcome (TS – AUDIO 4 – 00:02:05)

Dr. Vicencio welcomed everyone to the meeting.

B. Opening Remarks (TS – AUDIO 4 – 00:02:25)

Ms. Marshall asked everyone to turn off all cell phones to reduce interruptions during the meeting. She also asked those present for an appearance to sign the attendance sheet. The audience was asked to refrain from speaking when the board members were speaking as a court reporter was present and documenting the discussion.

C. Roll Call

(TS – AUDIO 4 – 00:02:06)

The meeting was called to order at 8:00 A.M. EST on Friday, May 12, 2022, by Kimberly Marshall, Executive Director.

MEMBERS PRESENT

Claudia Vicencio, PhD, LCSW, LMFT, Chair
William Day, PhD, LMHC, Vice-Chair
Denny Cecil-Van Den Heuvel, PhD, LMHC,
LMFT, NCC
Jamie Buller, LCSW
Tanya Kraus, LCSW, CCM
Angelita M. Salado, LMHC
Joaquin G. Molina, JD

STAFF PRESENT

Kimberly Marshall, Executive Director
Ashleigh Irving, Program Operations
Administrator
Christina Williams, Regulatory Supervisor
Tonya Williams, Regulatory Specialist II/Team
Lead

BOARD COUNSEL

Marlene Stern, Esq., Assistant Attorney
General

PROSECUTING COUNSEL

Christina Shideler, Esq., Assistant General
Counsel
Chase Den Beste, Esq. Assistant General
Counsel

COURT REPORTER

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II. DISCIPLINARY PROCEEDINGS

A. Settlement Agreement

i. Jeffery Frank, Licensed Clinical Social Worker, Case Number 2018-28005

(PCP: Gray and Kraus)
Represented by Counsel

(TS – AUDIO 4 – 00:06:06–00:20:50) Mr. Frank was present and sworn in by the court reporter. He was represented by counsel (Christopher Schulte). Ms. Kraus was recused due to participation in the Probable Cause Panel.

Ms. Shideler presented the case before the Board with the following allegations:

Count I—Violation of section 491.009(1)(r), F.S., for failing to meet minimum standards of performance in the issuance of an emotional support animal (ESA) letter.

The Department recommends the following penalties:

- Letter of Concern will be issued to respondent's license
- Fine of \$500.00 to be paid within one year from date of the final order
- Continuing Education: 6 hours Laws and Rules, 6 hours Ethics, 6 hours of Service Dogs, 6 hours of PTSD and 6 hours of ADA within 1 year from date of Final Order
- Not to engage in the practice or supervision of writing or issuing an ESA letter for one year
- Costs of \$1,638.81 to be paid within one year from the date of the final order

After discussion, the Board took the following action:

Motion: by Ms. Buller to accept the agreement with the exception of changing the practice restriction on writing or issuing an ESA letter to permanent as opposed to one year of restriction.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: 6/1—Dr. Molina opposed.

ii. Deborah Z. Weatherby, Licensed Clinical Social Worker, Case Number 2018-22106

(PCP: Gray and Kraus)
Represented by Counsel

(TS – AUDIO 4 – 00:20:57—00:36:20) Ms. Weatherby was present and sworn in by the court reporter. She was represented by counsel. Ms. Kraus was recused due to participation in the Probable Cause Panel.

Ms. Shideler presented the case before the Board with the following allegations:

Count I—Violation of section 491.009(1)(r), F.S., for failing to meet minimum standards of performance in Clinical Social Work.

Count II—Violation of section 491.009(1)(w), F.S., through a violation of Rule 64B4-9.002(2) F.A.C. for failure to maintain records.



The Department recommends the following penalties:

- The respondent's license will be reprimanded
- Fine of \$1,500.00 to be paid within one year from date of the final order
- Continuing Education: 10 hours of Laws and Rules, Emotional Support Animals, and Record Keeping within six months from date of the final order
- Not to engage in the practice or supervision of writing or issuing an ESA letter for one year
- Costs of \$2,500.00 to be paid within one year from the date of the final order

After discussion, the Board took the following action:

Motion: by Dr. Cecil-Van Den Heuvel to accept the agreement with the exception of changing the practice restriction on writing or issuing an ESA letter to permanent as opposed to one year of restriction.
Second: by Ms. Buller.
Vote: 6/1—Dr. Molina opposed.

iii. Monica G. Dahl, Licensed Mental Health Counselor, Case Number 2020-02777
(PCP: Day and Barlow)
Represented by Counsel

(TS – AUDIO 4 – 00:38:00–00:45:19) Ms. Dahl was present and sworn in by the court reporter. She was represented by counsel (George Endes). Dr. Day was recused due to participation in the Probable Cause Panel.

Ms. Shideler presented the case before the Board with the following allegations:
Count I—Section 491.009(1)(r), F.S., for failure to meet minimum standards of performance.

Count II—Violation of section 491.009(1)(w), F.S., through a violation of Rule 64B4-9.002(2) F.A.C. for failure to maintain records.

The Department recommends the following penalties:

- Fine of \$2,000.00 to be paid within one year from the of the date of the final order
- Ten hours of continuing education in the area of suicide risk assessments within ninety (90) days from the date of the final order
- License to be placed on probation for one year with supervision from a Mental Health Counselor with expertise in PTSD, to include quarterly reviews with a focus on patients with PTSD
- Costs of \$5,000.00 to be paid within one year from the date of the final order

After discussion, the Board took the following action:

Motion: by Ms. Buller to accept the agreement.
Second: by Dr. Vicencio.
Vote: passed unanimously.



iv. Kathryn N. Walden, Licensed Mental Health Counselor, Case Number 2021-07459
(PCP: Gray, Cecil-Van Den Heuvel, and Vicencio)
Represented by Counsel

(TS – AUDIO 4 – 00:45:24–01:08:30) Ms. Walden was present and sworn in by the court reporter. She was represented by counsel (George Endes). Dr. Cecil-Van Den Heuvel and Dr. Vicencio were recused due to participation in the Probable Cause Panel.

Ms. Shideler presented the case before the Board with the following allegations:
Count I—Section 491.009(1)(r), F.S., for failure to meet minimum standards of performance in Mental Health Counseling.

The Department recommends the following penalties:

- Fine of \$3,000.00 to be paid within one year from the of the date of the final order
- Ten hours of continuing education in ethics and boundaries to be approved by the board chair within ninety (90) days from the date of the final order
- License to be placed on probation for one year with supervision from a qualified supervisor in mental health counseling who cannot be anyone who has supervised respondent during any time while she was registered as a mental health intern
- Respondent will permanently refrain from communicating with male patients via text message or use of personal phone (if phone calls are necessary to communicate with male patients, respondent will communicate phone calls during normal business hours and utilize a designated phone used solely for business)
- Costs of \$3,750.00 to be paid within one year

After discussion, the Board took the following action:

Motion: by Ms. Kraus to accept the agreement.
Second: by Ms. Buller.
Vote: passed unanimously.

It was then noted that Ms. Walden’s application for full licensure was complete with the exception of the first page of the application form.

Following additional discussion, the Board took the following action:

Motion: by Ms. Buller to approve the application.
Second: by Dr. Vicencio.
Vote: passed unanimously.

v. Elisabeth Dupree, Licensed Clinical Social Worker, Case Number 2019-33544
(PCP: Buller and Roberts)
Represented by Counsel

(TS – AUDIO 4 – 01:10:19–01:19:09) Ms. Dupree was present and sworn in by the court reporter. She was represented by counsel (Christopher Shulte). Ms. Buller was recused due to participation in the Probable Cause Panel.



Mr. Den Beste presented the case before the Board with the following allegations:
Count I— Violation of Section 491.009(1)(r), F.S., for failure to meet minimum standards of performance in professional activities when measured against generally prevailing peer performance.

The Department recommends the following penalties:

- Letter of Concern will be issued to respondent's license
- Fine of \$3,000.00 to be paid within three years from the date of the final order with \$1,000.00 due each year and the remainder due in the final year
- Continuing Education: 6 hours of Ethics and Boundaries, 6 hours of Laws and Rules, 6 hours in the area of treating patients with a potential diagnosis of borderline personality disorder, to be completed within one year from date of the final order
- Costs of \$2,341.53 to be paid within three years from the date of the final order with \$750.00 due each year and the remainder due in the final year

After discussion, the Board took the following action:

Motion: by Ms. Kraus to accept the agreement.
Second: by Dr. Day.
Vote: passed unanimously.

vi. James Hughes, Licensed Mental Health Counselor, Case Number 2019-13588
(PCP: Buller and Roberts)
Represented by Counsel

(TS – AUDIO 5 – 00:00:01–00:10:14) Mr. Hughes was present and sworn in by the court reporter. He was represented by counsel (James Cannon). Ms. Buller was recused due to participation in the Probable Cause Panel.

Mr. Den Beste presented the case before the Board with the following allegations:
Count I— Violation of Section 491.009(1)(r), F.S., for failure to meet minimum standards of performance.

Count II—Violation of Section 456.072(1)(m), F.S., by making deceptive, untrue, or fraudulent representations in or related to the practice of a profession.

The Department recommends the following penalties:

- Fine of \$1,000.00 to be paid within two years from the date of the final order with \$500.00 due at the end of the first year and the remainder due in the last year
- License will be placed on probation for two years to include quarterly reports from respondent and a supervising psychotherapist—the supervisor shall review and discuss 25% of respondent's cases with respondent
- Twelve (12) month suspension will be stayed so long as respondent complies with the terms of settlement agreement
- Permanent ban from supervising any registered clinical social worker interns, registered marriage and family therapist interns, or registered mental health counselor intern



- Costs of \$6,500.00 to be paid within two years with \$3,250.00 due at the end of the first year and the remainder to be paid in the last year

After discussion, the Board took the following action:

Motion: by Ms. Salado to accept the agreement.
 Second: by Mr. Molina.
 Vote: passed unanimously.

vii. Cheryl A. Pfeffer, Licensed Mental Health Counselor, Case Number 2019-24738

(PCP: Buller and Roberts)

Represented by Counsel

(TS – AUDIO 5 – 00:10:28–00:16:50) Ms. Pfeffer was present and sworn in by the court reporter. She was represented by counsel (Elizabeth Perez). Ms. Buller was recused due to participation in the Probable Cause Panel.

Mr. Den Beste presented the case before the Board with the following allegations:

Count I—Violation of Section 456.072 (1)(m), F.S., by making deceptive, untrue, or fraudulent representations in or related to the practice of a profession.

The Department recommends the following penalties:

- Letter of Concern will be issued to respondent’s license
- Fine of \$1,000.00 to be paid within two years from the date of the final order with \$500.00 due at the end of the first year and the remainder due in the last year
- Twelve (12) hours of continuing education on ethics and record keeping in the practice of mental health counseling to be completed within 90 days from the date of the final order
- Cost of \$3,500.00 to be paid within two years from the date of the final order with \$1,750.00 due by the end of the first year and the remainder due in the last year

After discussion, the Board took the following action:

Motion: by Ms. Salado to accept the agreement.
 Second: by Ms. Kraus.
 Vote: passed unanimously.

viii. Aimee E. Jones, Licensed Clinical Social Worker, Case Number 2019-08777

(PCP: Gray, Shyers and Kraus)

Represented by Counsel

(TS – AUDIO 5 – 00:16:56–00:28:51) Ms. Jones was present and sworn in by the court reporter. She was not represented by counsel (Christopher Shulte). Ms. Kraus was recused due to participation in the probable cause panel.

Mr. Den Beste presented the case before the Board with the following allegations:

Count I—Violation of Section 491.009 (1)(r), F.S., for failure to meet minimum standards of performance in professional activities as a licensed clinical social worker.



The Department recommends the following penalties:

- Fine of \$1,000.00 to be paid within two years from the date of the final order with \$500.00 due at the end of the first year and the remainder due in the last year
- Eight (8) hours of continuing education on ethics and boundaries to be completed within one year from the date of the final order
- Undergo an evaluation coordinated by the Professional's Resource Network (PRN) within 30 days of the date of the final order and comply with any and all terms and conditions imposed by PRN as a result of said evaluation
- Cost of \$6,000.00 to be paid within two years from the date of filing the final order with \$3,000 due by the end of the first year and the remainder due in the last year

After discussion, the Board took the following action:

Motion: by Ms. Buller to accept the agreement.
Second: by Ms. Salado.
Vote: passed unanimously.

B. Determination of Waiver (TS – AUDIO 5 – 00:28:55)

- i. Juan A. Gomez, Licensed Clinical Social Worker, Case Number 2021- 23288**
(PCP: Day and Vicencio)
Pro Se

(TS – AUDIO 5 – 00:29:04—00:36:00) Mr. Gomez nor counsel was present. Dr. Day and Dr. Vicencio were recused due to participation in the Probable Cause Panel. Ms. Shideler acknowledged that the complainant was present in the audience and had requested the opportunity to be allowed to make a statement following the presentation of the case, which the Board permitted.

Ms. Shideler presented the case before the Board with the following allegations:

Count I—Violation of Section 491.009(1)(k), F.S., through a violation of Section 491.0111 F.S. and/or Rule 64B4-10.002(1), F.A.C.

Count II—Violation of Section 491.009(1)(t), F.S., through a violation of Rule 64B4-10.003(1), F.A.C.

Count III—Violation of Section 491.009(1)(t), F.S., through a violation of Rule 64B4-10.003(3), F.A.C.

Count IV—Violation of Section 491.009(1)(w), F.S., through a violation of Section 456.063(1), F.S.

Count V—Violation of Section 456.072(1)(v), F.S., through a violation of Section 456.063(1), F.S.

Motion: by Dr. Cecil-Van Den Heuvel to accept the investigative report into evidence, find that the respondent was properly served and waived his right to this informal hearing, adopt the findings of fact and conclusions of law as set forth administrative complaint, and find that this constitutes a violation of the practice act.
Second: by Ms. Kraus.
Vote: passed unanimously.



The Board then opened the floor to allow the complainant to make a statement. The complainant was sworn in by the court reporter. Whitney Duteau was also present as the complainant's counsel. Ms. Duteau made a statement on the complainant's behalf, noting that the complainant had disclosed prior abuse, and that it is the complainant's belief that this knowledge was used in soliciting the patient-client relationship which was cited in this complaint.

The Department recommends the following penalties:

- Revocation of license
- Fine of \$5,000.00 to be paid within one year
- Cost by separate motion

After discussion, the Board took the following action:

Motion: by Ms. Kraus to accept the settlement.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: passed unanimously.

The Department recommends the following penalties:

- Costs of three thousand two hundred twenty-nine dollars and two cents \$3,229.02 to be paid within one year

After discussion, the Board took the following action:

Motion: by Ms. Kraus to accept the settlement.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: passed unanimously.

It was unclear whether Dr. Day had voted on the penalties for the discipline, which lead to a re-vote due to Mr. Day's recusal from this case.

Motion: by Ms. Kraus to accept the Department's recommendation on the discipline.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: passed unanimously.

C. Informal Hearing

- Katelynn L. Schuette, Licensed Mental Health Counselor, Case Number 2021-13254**
(PCP: Gray, Cecil-Van Den Heuvel, and Vicencio)
Pro Se

(TS – AUDIO 5 – 00:36:12—00:41:01) Ms. Schuette nor counsel was present. Dr. Vicencio and Dr. Cecil-Van Den Heuvel were recused due to participation in the Probable Cause Panel.



Ms. Shideler presented the case before the Board with the following allegations:
Count I—Violation of Section 491.009(1)(t), F.S., for violating a lawful order of the board previously entered in a disciplinary hearing.

Motion: by Ms. Buller to accept the investigative report into evidence, find that the respondent was properly served and elected her right to this informal hearing, adopt the findings of fact and conclusions of law as set forth in the administrative complaint, and find that this constitutes a violation of the practice act.

Second: by Ms. Kraus.

Vote: passed unanimously.

The Department recommends the following penalties:

- Revocation of license

Ms Shideler cited Rule 64B4-5.001(3)(b), F.A.C, and Rule 64B4-5.001(3)(j), F.A.C, as aggravating factors to support the Department’s recommendation for revocation, noting the length of time since the violation occurred was one year prior, as well as stating that the respondent had not requested an extension to pay the necessary fines nor made any effort to resolve the violation nor the outstanding fines.

After discussion, the Board took the following action:

Motion: by Ms. Buller to accept the Department’s recommendation of revocation, recognizing the aggravating factors.

Second: by Ms. Kraus.

Vote: passed unanimously.

Costs for this case amount to \$38.46 to be paid within one year.

Motion: by Ms. Buller to waive the Department’s recommendation for costs.

Second: by Ms. Kraus.

Vote: passed unanimously.

ii. John R. Cooney, Licensed Clinical Social Worker, Case Number 2021-22755

(PCP: Gray, Cecil-Van Den Heuvel, and Vicencio)

Pro Se

(TS – AUDIO 5 – 00:41:05—00:47:14) Mr. Cooney nor counsel was present. Dr. Vicencio and Dr. Cecil-Van Den Heuvel were recused due to participation in the Probable Cause Panel.

Mr. Den Beste presented the case before the Board with the following allegations:

Count I—Violation of Section 456.072(1)(c), F.S., for pleading guilty to a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee’s profession.



Motion: by Ms. Buller to accept the investigative report into evidence, find that the respondent was properly served and requested an informal hearing, and adopt the findings of fact as set forth in the administrative complaint.
Second: by Ms. Kraus.
Vote: passed unanimously.

Motion: by Ms. Buller to adopt the conclusions of law as set forth administrative complaint and find that this constitutes a violation of the practice act.
Second: by Ms. Kraus.
Vote: passed unanimously.

It was unclear until this point that Dr. Cecil-Van Den Heuvel was recused from this case. Once this was stated and it was determined that she had voted on both the previous two motions, the motions were re-presented and voted on again with Dr. Cecil-Van Den Heuvel recused.

Motion: by Ms. Buller to accept the investigative report into evidence, find that the respondent was properly served and requested an informal hearing, and adopt the findings of fact as set forth in the administrative complaint.
Second: by Ms. Kraus.
Vote: passed unanimously.

Motion: by Ms. Buller to adopt the conclusions of law as set forth administrative complaint and find that this constitutes a violation of the practice act.
Second: by Ms. Kraus.
Vote: passed unanimously.

The Department recommends the following penalties:

- Revocation of license

Mr. Den Beste cited Rule 64B4 – 5.001(3)(a), F.A.C., danger to the public, and Rule 64B4 – 5.001(3)(f), F.A.C., the deterrent effect of the penalty imposed, as disciplinary aggravators which support the Department’s recommendation of revocation.

Motion: by Ms. Kraus to accept the Department’s recommendation of revocation, recognizing the aggravating factors.
Second: by Ms. Buller.
Vote: passed unanimously.

Costs for this case amount to \$430.04 be paid within one year.

Motion: by Ms. Buller to waive the Department’s recommendation for costs.
Second: by Ms. Kraus.
Vote: passed unanimously.



iii. Hamilton A. Merilus, Registered Clinical Social Worker Intern, Case Number 2020-04062

(PCP: Day and Barlow)

Pro Se

(TS – AUDIO 5 – 00:47:18—00:54:41) Mr. Merilus nor counsel was present. Dr. Day was recused due to participation in the Probable Cause Panel.

Mr. Den Beste presented the case before the Board with the following allegations:

Count I—Violation of Section 491.009(1)(h), F.S., through a violation of Rule 64B4-9.001(1), F.A.C.

Motion: by Ms. Buller to accept the investigative report into evidence, find that the respondent was properly served and requested an informal hearing, and adopt the findings of fact as set forth in the administrative complaint.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: passed unanimously.

Motion: by Ms. Buller to adopt the conclusions of law as set forth administrative complaint and find that this constitutes a violation of the practice act.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: passed unanimously.

The Department recommends the following penalties:

- Reprimand of license which is now Null and Void

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

Second: by Ms. Kraus.

Vote: passed unanimously.

Costs for this case amount to \$6,066.90 to be paid within three years of the final order.

Motion: by Ms. Buller to accept costs.

Second: by Ms. Kraus.

Vote: passed unanimously.

D. Determination of Waiver

i. Robert Batie, Licensed Clinical Social Worker, Case Number 2021-23687

(PCP: Buller, Salado, and White)

Pro Se

(TS – AUDIO 6 – 00:09:31—00:13:04) Mr. Batie nor counsel was present. Ms. Buller and Ms. Salado were recused due to participation on the Probable Cause Panel.

Ms. Shideler presented the case before the Board with the following allegations:

Count I—Violation of Section 491.009(1)(w), F.S., and/or Section 491.009(1)(k), F.S., through a violation of Section 491.0111, F.S., Rule 64B4-10.002, F.A.C., and/or Rule 64B4-10.003, F.A.C.



Count II—Violation of Section 456.072(1)(v), F.S., through a violation of Section 456.063(1), F.S.

Motion: by Dr. Cecil-Van Den Heuvel to accept the investigative report into evidence, find that the respondent was properly served and waived his right to an informal hearing, adopt the findings of fact and conclusions of law as set forth in the administrative complaint, and find that this constitutes a violation of the practice act.

Second: by Ms. Kraus.

Vote: passed unanimously.

The Department recommends the following penalties:

- Revocation of license
- Fine of \$1,500.00 to be paid within one year from the date of the final order

Motion: approved by Dr. Cecil-Van Den Heuvel.

Second: by Dr. Day.

Vote: passed unanimously.

Costs of this case amount to \$3,402.74 to be paid in one (1) year.

Motion: by Dr. Day to accept costs.

Second: by Ms. Kraus.

Vote: passed unanimously

**ii. Fernando R. Gautier, Registered Clinical Social Worker Intern,
Case Number 2020-35777**

(PCP: Gray, Shyers and Kraus)

Pro Se

(TS – AUDIO 6 – 00:13:10—00:15:11) Mr. Gautier nor counsel was present. Ms. Kraus was recused due to participation on the Probable Cause Panel.

Ms. Shideler presented the case before the Board with the following allegations:

Count I—Violation of Section 491.009(1)(k), F.S., by committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to Section 491.0111, F.S.

Motion: by Ms. Buller to accept the investigative report into evidence, find that the respondent was properly served and waived his right to an informal hearing, adopt the findings of fact and conclusions of law as set forth in the administrative complaint, and find that this constitutes a violation of the practice act.

Second: by Ms. Salado.

Vote: passed unanimously.



The Department recommends the following penalties:

- Revocation of license
- Fine of \$1,000 to be paid within one year from the date of final order

Motion: by Ms. Buller to accept the Department's recommendation.
Second: by Ms. Salado.
Vote: passed unanimously.

Costs of this case amount to \$2,110.08 to be paid in one (1) year.

Motion: by Ms. Buller to accept costs.
Second: by Ms. Salado.
Vote: passed unanimously.

iii. Lewis J. Rodenbaugh, Registered Clinical Social Worker Intern, Case Number 2021-03328

(PCP: Gray, Shyers and Kraus)
Pro Se

(TS – AUDIO 6 – 00:15:12—00:20:39) Mr. Rodenbaugh nor counsel was present. Ms. Kraus was recused due to participation on the Probable Cause Panel.

Ms. Shideler presented the case before the Board with the following allegations:
Count I—Violation of Section 491.009(1)(w), F.S., through a violation of Section 491.005(1)(c), F.S.

Motion: by Dr. Day to accept the investigative report into evidence, find that the respondent was properly served and waived his right to an informal hearing, adopt the findings of fact and conclusions of law as set forth in the administrative complaint, and find that this constitutes a violation of the practice act.
Second: by Ms. Buller.
Vote: passed unanimously.

The Department recommends the following penalties:

- Fine of \$250.00
- Suspension of license until respondent is clear to practice with reasonable skill and safety by Professionals Resource Network (PRN)

Ms. Buller noted that the disciplinary guidelines allow for permanent revocation in this instance and asked Ms. Shideler if that option was considered. Ms. Shideler stated that this is certainly an option for the Board. Ms. Buller stated that the respondent already had a history of noncompliance with PRN.



Ms. Vicencio then read a statement included in the materials which indicated that the respondent had been discharged from the PRN program due to noncompliance. Ms. Shideler then noted for the record that the respondent was previously offered a contract with PRN which he opted not to enter. Ms. Shideler then offered the Department's revised recommendation.

The Department recommends the following penalties:

- Revocation of license

Motion: by Ms. Buller to accept the Department's recommendation.
Second: by Ms. Salado.
Vote: passed unanimously.

Costs of this case amount to \$2,337.25 to be paid in one (1) year.

Motion: by Dr. Cecil-Van Den Heuvel to accept costs.
Second: by Ms. Buller.
Vote: passed unanimously.

iv. Hector Alvarez, Licensed Clinical Social Worker, Case Number 2021- 02574
(PCP: Day and Barlow)
Pro Se

(TS – AUDIO 6 – 00:20:41 —00:29:08) Mr. Alvarez was present and sworn in by the court reporter. He was/was not represented by counsel. Dr. Day was recused due to participation on the Probable Cause Panel.

Ms. Shideler presented the case before the Board with the following allegations:

Count I—Violation of Section 456.072(1)(ll), F.S. (2019), for being convicted of a crime related to healthcare fraud.

Count II—Violation of Section 456.072(1)(kk), F.S. (2020), for being terminated for a good cause from the Florida Medicaid Program.

Motion: by Ms. Buller to accept the investigative report into evidence, find that the respondent was properly served and waived his right to an informal hearing, adopt the findings of fact and conclusions of law as set forth in the administrative complaint, and find that this constitutes a violation of the practice act.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: passed unanimously.

Mr. Alvarez provided an opening statement to the Board.

The Department recommends the following penalties:

- Revocation of license



Motion: by Ms. Buller to accept the Department's recommendation.
Second: by Ms. Kraus.
Vote: passed unanimously.

Costs of this case amount to \$241.08 to be paid in one (1) year.

Motion: by Ms. Buller to waive the Department's recommendation for costs.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: passed unanimously.

E. Request to Appear (TS – AUDIO 6 – 00:29:12)

i. Carrie Marie Houseman, Licensed Mental Health Counselor, Case Number 2019-48825

(Day and Gray)
Represented by Counsel

(TS – AUDIO 6 – 00:29:25) Ms. Houseman was present and sworn in by the court reporter. She was represented by counsel (Lance Leider). Dr. Day was recused due to participation in the Probable Cause Panel.

The respondent was before the Board to request approval of a practice monitor which was a requirement of the final order that was issued to respondent by the Board during the previous year. Respondent was also before the Board to obtain clarification of the probationary terms of the final order.

Mr. Leider provided an opening statement on behalf of the respondent, stating that the motion for clarification of final order was filed to seek more specific detail as to which provisions included in Rule 64B4-5.008(3), F.A.C., are applicable to respondent so that she may fulfill the probationary terms in the final order. Mr. Leider suggested that the provisions applicable to the respondent include subsection 64B4-5.008(3)(d)(1)(a–e), F.A.C.

Ms. Shideler added that this case did not include record-keeping violations and was not a standard-of-care violation. This case involved the respondent employing an individual who did not meet the requirements because they were not a licensed intern. Ms. Shideler agreed with Mr. Leider's suggestion and further stated that 64B4-5.008(3)(a)-(c), and (d)(1)(a.-e.), F.A.C., would be sufficient probationary terms for respondent.

(TS – AUDIO 6 – 00:40:25)

Motion: by Ms. Buller to accept the Department's recommendation to modify the terms of probation.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: passed unanimously.



Dr. Vicencio addressed the request for approval of a practice monitor and asked the respondent if the requested practice monitor is employed by respondent. Respondent replied that the requested practice monitor is not employed by respondent. Respondent stated that the requested practice monitor is a Licensed Mental Health Counselor and qualified supervisor employed in the same county as respondent, and that she has been licensed for a longer duration than respondent.

Following discussion, the Board took the following action:

Motion: by Dr. Vicencio to approve Ms. Bohon as a practice monitor.
Second: by Ms. Buller.
Vote: passed unanimously.

ii. Kimberly Benson, Licensed Mental Health Counselor, Case Number 2018-18844 (TS – AUDIO 6 – 00:43:40—00:52:20)

Dr. Vicencio called Ms. Benson before the Board, citing a show of good cause. Ms. Stern explained that the Department informed Ms. Benson that she was required to appear at the day's meeting, however the Executive Director and Board Staff were not informed and therefore her file was not listed on the meeting agenda. Ms. Stern further stated that Ms. Benson had travelled to attend the day's meeting.

Ms. Benson was sworn in by the court reporter. She was not represented by counsel. Ms. Benson was before the Board to request formal approval of a practice monitor which was a requirement of the final order that was issued to respondent by the Board during the previous year.

Following discussion, the Board took the following action:

Motion: by Ms. Buller to provide final approval of the requested supervisor.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: passed unanimously.

III. PROSECUTOR'S REPORT (TS – AUDIO 6 – 00:52:30—00:54:07)

A. Christina Arzillo Shideler, Assistant General Counsel

Ms. Shideler presented the report to the Board. After discussion, the Department requested that the Board authorize the continued prosecution of the year and older cases.



<u>Case Status</u>	<u>Report</u> Date 10/19/2021	<u>Report</u> Date: 1/19/2022	<u>Report</u> Date: 4/28/22
Total cases open/active in Prosecution Services:	89	86	90
Cases in Emergency Action Unit:	9	9	5
Cases under legal review:	25	24	25
Cases awaiting supplemental investigation/expert opinion:	6	7	6
Cases with PCP recommendation:	22	8	17
Cases where probable cause has been found:	7	5	3
Cases where DOAH has been requested:	18	26	18
Cases pending before DOAH:	1	1	1
Cases on Board meeting agendas:	8	14	17
Cases on appeal:	1	1	1
Cases older than one year:*	34	29	21

Motion: by Ms. Buller to permit PSU to continue to prosecute 1 year and older cases.
 Second: by Dr. Vicencio.
 Vote: passed unanimously.

IV. PETITION FOR VARIANCE OR WAIVER
A. Prad Georges (TS – AUDIO 6 – 00:54:13—01:14:39)

Mr. Georges was present and sworn in by the court reporter. Ms. Stern presented the purpose of the petition for an informal hearing. Petitioner is seeking reversal or modification of the agency decision relating to his petition requesting a variance from, or waiver of, Rule 64B4-3.0015(1), F.A.C.

After discussion, the Board took the following action:

Motion: by Dr. Molina to uphold the notice of intent to deny the petition.
 Second: by Dr. Vicencio.
 Vote: passed unanimous.

B. Carolyn Stewart (TS – AUDIO 6 – 01:14:40—01:18:35)

Ms. Stewart was not present. Ms. Stern presented the purpose of the motion for rehearing. Petitioner is seeking rehearing. Ms. Stewart voluntarily relinquished her license in 2006 to avoid discipline. The voluntary relinquishment stated that Ms. Stewart agreed never to reapply for licensure.

She reapplied for licensure at the February 2022 Board Meeting, and the request was subsequently denied. She is requesting rehearing of that ruling and claims she did not receive notice that the board would be considering her motion for reinstatement at the February Meeting.



After discussion, the Board took the following action:

Motion: by Ms. Buller to grant the motion for rehearing.
Second: by Ms. Kraus.
Vote: passed unanimous.

After discussion, the Board took the following action:

Motion: by Ms. Buller to deny the request for reinstatement.
Second: by Dr. Vicencio.
Vote: passed unanimous.

C. Mary Ann Morgan (TS – AUDIO 6 – 01:18:37—01:36:09)

Ms. Morgan was present and sworn in by the court reporter. Ms. Morgan was before the Board for review of exam equivalency.

After discussion, the Board took the following action:

Motion: by Dr. Day to deny petition of waiver.
Second: by Ms. Buller.
Vote: passed unanimous.

V. REPORTS (TS – AUDIO 7 – 00:00:54)

A. Chair

Dr. Vicencio acknowledged that May is Mental Health Awareness Month and encouraged all clinicians and individuals practicing under the Board to take this month to educate the public about the importance of mental health and the effectiveness of treatment.

B. Vice Chair

Nothing to report.

C. Board Members (TS – AUDIO 7 – 00:00:54)

Ms. Salado reminded those present that the Mental Health Counseling Compact bill has passed and is enacted. Ms. Salado explained that the Board will need to select an individual to represent the State of Florida and the Board in the Compact.

Motion: by Ms. Salado to nominate Janet Hartman to serve to represent Florida in the Mental Health Counseling Compact.
Second: by Dr. Cecil-Van Den Heuvel.
Vote: passed unanimous.

D. Executive Director (TS – AUDIO 7 – 00:04:00)

i. Financial Report

Ms. Marshall provided the financial report in the materials for review.



ii. Legislative Updates

Ms. Marshall stated that Nebraska became the tenth state to enter the Mental Health Counseling Compact on April 19th, 2022. She furthered stated now that ten states have enacted the compact, the process is underway and that the Compact Commission would be meeting to develop the rules and bylaws as well as creating a shared database for participating states to be able to communicate and share information about their respective licensees. She also stated that once additional information becomes available, a notice will be sent out to eligible licensees.

iii. Intern Update (TS – AUDIO 7 – 00:07:15)

Ms. Marshall stated that since the last meeting on March 31st, the first group of registered interns (approximately 5,000 interns) began expiring due to not meeting requirements for full licensure. Dr. Cecil-Van Den Heuvel inquired what impact these expiring intern registrations have had on Board staff. Ms. Marshall responded that the majority of applicable interns contacting the Board office were assisted in either obtaining a provisional license or being granted the hardship extension, but that there were also many individuals who did not meet the requirements for the provisional licensure or the hardship extension.

iv. CE Broker (TS – AUDIO 7 – 00:09:20)

Ms. Marshall provided follow-up regarding Dr. Cecil-Van Den Heuvel's inquiry from the last meeting pertaining to the percentage of fees collected by CE Broker for the CE courses. The response from CE Broker which stated that the percentage may be up to 60% was included in the materials for review.

v. ASWB Conference

Ms. Marshall stated that Ms. Salado, Dr. Vicencio, and herself each attended the New Board Member Training at the ASWB Conference in San Diego at the end of March. Ms. Marshall and Dr. Vicencio each stated that they learned much from the experience and are looking forward to working with the organization more in the future. Dr. Vicencio also stated that the ASWB has drafted legislation for an interstate compact for social workers that is comparable to the Mental Health Counseling Compact which has passed in Florida.

E. Board Counsel (TS – AUDIO 7 – 00:12:05)

i. Rules Report

- a.** February
- b.** March
- c.** April

Ms. Stern provided the Rules Reports from February, March, and April for Board review. She stated that the April Rules Report includes two rules that are in progress.



F. Committees

i. Unlicensed Activity, Jamie Buller

Nothing to report from Ms. Buller. Ms. Marshall acknowledged that there were materials from the Department’s Unlicensed Activity Program located on the back table and welcomed those present to help themselves to the items available.

The Board reached a consensus to appoint Dr. Day to the Unlicensed Activity Committee.

ii. Continuing Education, Claudia Vicencio

Nothing to report.

iii. Financial/Budget, Jamie Buller

Nothing to report.

iv. Probable Cause Panel, Joaquin Molina, Tanya Kraus, and Jamie Buller

Nothing to report.

v. Legislative, Angelita Salado

Ms. Salado stated that though it does not directly relate to legislative endeavors, the new exam for licensed clinical social worker will be offered in three languages including Spanish, Creole, and English.

Ms. Salado added that there is already a sponsor selected for the licensed clinical social worker compact which is in development.

vi. Rules, Jamie Buller

Nothing to report.

VI. PUBLIC COMMENT

A. Dave Gussak, PhD, ATR-BC, Florida State University Art Therapy Program (TS – AUDIO 7 – 00:19:17—00:42:07)

Dr. Vicencio introduced Mr. Gussak and welcomed him to speak before the Board. Mr. Gussak expressed his appreciation to both Ms. Marshall and Ms. Irving for extending them the opportunity to be speak before the Board. Mr. Gussak introduced his colleagues who were present from the Florida Art Therapy Association: Alicia Ballestas (President), Franchesca Lastra (Vice President), Vicky Beck (Treasurer), and Dr. Joseph Scarce (Governmental Affairs Chair), as well as Tyler Kirby, the Policy and Public Affairs Manager of the American Art Therapy Association.



Mr. Gussak stated that his association is pursuing an amendment in the legislation to include the profession of art therapists with the Board of Clinical Social Work, Marriage & Family Therapy, and Mental Health Counseling. He stated that though he is not seeking any action during this meeting, he is communicating this information to request the Board's support and assistance in this endeavor. Ms. Ballestas also offered to provide additional information that is educational on the concept of art therapy.

Mr. Gussak clarified that the Florida State University Art Therapy Program is not a CACREP-accredited program, but that it is CAAHEP-accredited. He also stated that there is a national board exam (Art Therapy Certification Board Exam). Dr. Vicencio inquired if there are any other states that have composite boards which include art therapists along with licensed clinical social workers and mental health counselors. Mr. Kirby responded that he is aware of at least three or four state boards where this is the case.

(TS – AUDIO 7 – 00:42:40—00:56:34)

A representative from ASWB (Susan) spoke to some of the obstacles that those individuals whose intern licenses have expired are facing when they do not meet the requirements for the provisional license or qualify for a hardship extension.

VII. NEW BUSINESS (TS – AUDIO 7 – 00:56:40—01:14:31)

Dr. Vicencio cited a show of good cause due to an ongoing issue that needed to be addressed and stated that the Board would be adding an item to the agenda consisting of additional discussion regarding what alternative supporting documentation the Board would accept for clinical hours required for licensure.

Dr. Vicencio proposed the addition of a rule that would require interns to maintain a log that follows specific guidelines set by the board, including being signed regularly by the intern as well as their approved supervisor. Ms. Stern noted that the rule which will become effective later in May includes some content that addresses this issue and read the rule language to the Board.

VIII. FOR YOUR INFORMATION

- A. AMFTRB Exam Report**
- B. ASWB Exam Report**
- C. NCMHCE Report**
- D. Unlicensed Activity Newsletter**

IX. OTHER BUSINESS (TS – AUDIO 7 – 01:15:30—01:20:30)

A. Delegation of Authority

Motion: by Ms. Buller to approve the Delegation of Authority.
Second: by Dr. Day.
Vote: passed unanimously.



B. Meeting Locations

The Board discussed potential meeting locations for the November 10th, 2022, Board Meeting including: (1) Lake Mary, (2) St. Augustine, (3) Naples.

X. ADJOURNMENT (TS – AUDIO 7 – 01:20:37)

The meeting was adjourned by Claudia Vicencio, PhD, LCSW, LMFT, Chair.

