

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

April 22, 2010 at 2:00 p.m.

April 23, 2010 at 8:30 a.m.

**Tampa Airport Marriott
4200 George J. Bean Parkway
Tampa, FL 33607
(813) 879-5151**

CALL TO ORDER/ROLL CALL

The meeting was called to order on Thursday, April 22, 2010 at 2:00 p.m. by Ms. Macomber, vice-chair and recessed at 5:00 p.m. and resumed on Friday, April 23, 2010 at 8:30 a.m. Those present for all or part of the meeting included the following:

Members present:

Mary Macomber, Esq., Vice-Chair
Sue White, LCSW
Mary Bridgman, Esq.
Sharon Otis, LMHC
William Day, LMHC
Sandra Barlow, LCSW
Susan Gillespy, LMFT

Staff present:

Deborah Loucks, Board Counsel
Laura Lopez, Prosecutor
Sue Foster, Executive Director
Robin McKenzie, Program Administrator
Dee Ramer, Regulatory Supervisor
Court Reporter: Berryhill & Associates
813-229-8225

Members absent:

Frank Roberts, LMFT
Helen Douglas, RDH

Ms. Macomber welcomed the two new board members, Dr. Barlow and Ms. Gillespy as well as students in the audience from Rollins College.

REVIEW AND APPROVAL OF MINUTES

The minutes of the January 28-29, 2010 general business meeting were reviewed and following review, the following action was taken by the board:

Motion: by Ms. Bridgman to approve the minutes as presented.

Second: by Ms. White.

Vote: Unanimous.

DISCIPLINARY PROCEEDINGS

Hermaine J. Baillou, Registered CSW Intern, Case No. 2009-17054 (PCP: Sherrard, Bridgman, Otis)

Ms. Baillou was not present and was not represented by counsel. A two count administrative complaint filed February 12, 2010 alleged violations of s. 491.009(1)(l), F.S., and s. 456.072(1)(m), F.S., by making misleading, deceptive, untrue or fraudulent representation by submitting progress notes when services were not provided; and s. 491.009(1)(r), F.S, failure to meet minimum standards.

A settlement agreement was presented to the board with the following terms: appearance; reprimand; fine of \$2,000 and actual costs to be paid within 90 days of the final order; probation for one year; supervision during probation with quarterly reports; completion of an 8-hour laws and rules course within 12 months; and a laws and rules affidavit within 30 days.

Ms. Bridgman and Dr. Otis were recused due to service on the probable cause panel. Actual costs were \$2323.62. Following discussion, the following action was taken by the board:

Motion: by Ms. White to waive her appearance and approve to proceed.
Second: by Dr. Day.
Vote: Unanimous.

Motion: by Ms. White to continue this case to the next board meeting.
Second: by Ms. Gillespy.
Vote: Unanimous.

The board asked board counsel to develop language to require registered interns to update the board prior to commencing supervision with another qualified supervisor. The language would include that no hours would count with the new qualified supervisor until board approval was received.

Bonnie J. Whitehurst, LMHC, Case No. 2008-13388 (PCP: Sherrard, White, Adejokun-Ojo)

This case was withdrawn from the agenda and will be presented at the July board meeting.

Robert S. Schwam, LCSW, Case No. 2009-11600 (PCP: Sherrard, White, Adejokun-Ojo)

Mr. Schwam was not present and was not represented by counsel. A two count administrative complaint filed August 13, 2009 alleged violations of s. 456.072(1)(hh), F.S., by being terminated from the PRN program for failure to comply with his PRN contract; and s. 491.009(1)(p), F.S., by being unable to practice with reasonable skill or competence.

Ms. White was recused due to service on the probable cause panel. Following discussion, the board took the following action:

Motion: by Dr. Otis to allow Ms. Lopez to withdraw her motion for waiver and accept her oral motion for final order by voluntary relinquishment.
Second: by Ms. Bridgman.
Vote: Unanimous.

Motion: by Ms. Bridgman to accept the voluntary relinquishment as presented, which includes that he cannot reapply for licensure under Chapter 491 and constitutes discipline against his license.
Second: by Dr. Day.
Vote: Unanimous.

Richard B. Hey, Registered MHC Intern, Case No. 2009-10386 (PCP: Macomber, Day, Otis)

The board was unable to vote on this case due to lack of a quorum. The case will be presented again at the July 2010 board meeting.

Paul Sandman, LMHC, Case No. 2009-07489 (PCP: Sherrard, White, Adejokun-Ojo)

Mr. Sandman was not present and was not represented by counsel. A two count administrative complaint filed August 18, 2009 alleged violations of s. 456.072(1)(hh), F.S., by being terminated from the PRN program for failure to comply with PRN contract; and s. 491.009(1)(p), F.S., being unable to practice with reasonable skill or competence.

Ms. White was recused due to service on the probable cause panel. A voluntary relinquishment of license was signed by respondent agreeing to never reapply for licensure under Chapter 491, Florida Statutes. Following discussion, the board took the following action:

Motion: by Dr. Otis to accept the voluntary relinquishment as presented.
Second: by Ms. Gillespy.
Vote: Unanimous.

Joyce E. Newcomb, LMFT, LMHC, Case No. 2009-16983 (PCP: Sherrard, Bridgman, Otis)

Dr. Newcomb was present and was represented by James B. Meyer, Esq. A two count administrative complaint filed February 18, 2010 alleged violations of s. 456.072(1)(m), F.S., by making deceptive, untrue or fraudulent representations by representing herself as a “Research Psychologist”, by representing herself on letterhead using Ph.D., R.N., Neuropsychology, and by completing and signing a Treating Source Mental Health Report when respondent was not qualified as a treating source because she is not a licensed psychologist; and s.491.009(1)(r), F.S., failure to meet minimum standards.

A settlement agreement was presented to the board with the following terms: reprimand; fine of \$500.00 and actual costs to be paid within 24 months of the final order; completion of an 8-hour laws and rules course within 12 months; and a laws and rules affidavit within 30 days.

Ms. Bridgman and Dr. Otis were recused due to service on the probable cause panel. Actual costs were \$2,289.75. Following discussion, the board took the following action:

Motion: by Dr. Barlow to reject the settlement agreement as presented.

Second: by Ms. White.

Vote: Motion carries with Dr. Day opposed.

Motion: by Ms. White to accept the settlement agreement without a reprimand.

Second: by Dr. Barlow.

Vote: Motion carries with Dr. Day opposed.

Dr. Newcomb accepted the counter offer.

Jonna D. Douglass, LMFT, Case No. 2009-23633(Waived Probable Cause)

This case was withdrawn by Ms. Lopez, prosecutor.

APPEARANCES

Louis Akhtab Haneef, Registered MHC Intern Applicant

Mr. Haneef was present and was not represented by counsel. He is appearing due to an affirmative response on the applicant history section of his application.

Following discussion, the following action was taken by the board:

Motion: by Dr. Otis to approve the application for registered mental health counselor internship.

Second: by Ms. White.

Vote: Unanimous.

Mr. Haneef stated that he had never lost his civil rights.

Joshua E. Shannon, Registered MHC Intern Applicant

Mr. Shannon was present and was not represented by counsel. Debbie Troupe of PRN spoke to Mr. Shannon’s mental health status report. He is appearing due to affirmative responses on the applicant history section of his application.

Following discussion, the board took the following action:

Motion: by Ms. White to approve the application for registered mental health counselor internship.

Second: by Dr. Otis.

Vote: Unanimous.

Dee Ross Franklin, Registered MHC Intern Applicant

Ms. Franklin withdrew her application on April 5, 2010.

REVIEW OF APPLICATIONS

Megan Outlaw, Registered CSW Intern Applicant

Ms. Outlaw was present and was not represented by counsel. This file is before the board due to affirmative responses on the applicant history section of her application.

Following discussion, the board took the following action:

Motion: by Ms. White to approve her application pending completion of a PRN evaluation and applicant's agreement to comply with the PRN recommendations. Ms. White will review the PRN evaluation.

Second: by Dr. Otis.

Vote: Unanimous.

LICENSURE PROCEEDINGS

Corinne Clay, Registered MHC Intern Applicant

Ms. Clay was not present and was not represented by counsel. A notice of intent to deny filed on March 3, 2010 lists the following reasons for denial of this application: applicant has not completed coursework in counseling in community settings and substance abuse; applicant has not documented 1,000 hours of practicum; applicant answered "yes" to a question regarding complaints pending against professional conduct or competency.

Following discussion, the board took the following action:

Motion: by Ms. White to uphold the denial with the exception of deleting substance abuse.

Second: by Dr. Otis.

Vote: Unanimous.

Ms. Clay arrived after her case had been reviewed and the board chair re-addressed her application.

Motion: by Dr. Otis to reconsider their previous motion.

Second: by Dr. Day.

Vote: Unanimous.

Following discussion with the applicant, the following action was taken:

Motion: by Ms. White to reverse the order of intent to deny and approve Ms. Clay's application for registered mental health counselor internship. She will need to complete 3 semester or 4 quarter hours of graduate level course work in the content area of counseling in community settings and document 630 hours of practicum prior to being eligible to sit for the exam.

Second: by Dr. Day.

Vote: Unanimous.

REVIEW OF APPLICATIONS

Renee Sami, MHC Examination Applicant

Ms. Sami was present and was not represented by counsel. Her file is before the board due to affirmative responses to applicant history questions on her application and discipline against her previous license as a mental health counselor in Florida.

Ms. Sami requested to withdraw her application for licensure as a mental health counselor and will apply for registered mental health counseling internship when she completes a 3 semester graduate level course in psychopathology from a regionally accredited university.

Following discussion, the board took the following action:

Motion: by Dr. Otis to accept the withdrawal.

Second: by Dr. Day.

Vote: Unanimous.

Robert Sanchez, Registered MHC Intern Applicant

Mr. Sanchez was not present and was not represented by counsel. His file is before the board due to an affirmative response on the applicant history section of his application.

Following review, the following action was taken by the board:

Motion: by Dr. Otis to deny the application with the provision to allow Mr. Sanchez 30 days to withdraw his application to become a registered mental health counselor intern.

Second: by Ms. White.

Vote: Unanimous.

TOPIC DISCUSSIONS

Supervision of Provisional Licensees

Board staff asked the board to review Rule 64B4-3.008(2), F.A.C., for guidance on their interpretation of the definition of supervision for provisional licensees. It was determined that the rule needs to be revised. Therefore, board counsel and Dr. Barlow will collaborate on the wording for rule development regarding the revision.

OTHER BUSINESS

Ratification of Continuing Education Providers

Motion: by Ms. White to approve.

Second: by Dr. Otis.

Vote: Unanimous.

Application Denials

Motion: by Dr. Otis to deny applicants listed in the agenda from Contemporary Teaching through Terrell Horsley Welch.

Second: by Ms. Bridgman.

Vote: Unanimous.

Committee of One Actions

Motion: by Dr. Otis to approve.

Second: by Ms. Bridgman.

Vote: Unanimous.

Election of Officers

Motion: by Ms. Bridgman to nominate Ms. Macomber for chair.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Bridgman to nominate Mr. Roberts for vice chair.

Second: by Dr. Day.

Vote: Unanimous.

REPORTS

Assistant Attorney General

Board Counsel submitted a rules report showing the status of the rules and effective dates.

The following rule was repealed:

Rule 64B4-3.006 Security and Monitoring Procedures for Licensure Examinations.

The following was published for rule development on 2/09/10:

Rule 64B4-4.005 Biennial Licensure Fee.

The following was published for rule development on 03/05/10:

Rule 64B4-3.003 Examination for Licensure.

The following rules became effective on 02/24/10:

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

Rule 64B4-3.0085 Intern Registration.

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

The following rule became effective on 03/11/10:

Rule 64B4-3.009 Limited Licenses.

Prosecuting Attorney

Ms. Lopez reported that as of April 22, 2010 the Prosecution Services Unit had 59 open disciplinary cases. Of the 59 cases, 1 is on criminal hold, 28 are pre-probable cause, 3 are agendaed for probable cause and 27 are public cases where probable cause has been found. Twenty five cases are more than one year old. Ms. Lopez requested that the board grant permission to continue working on these cases.

Motion: by Ms. Bridgman to grant permission to Ms. Lopez to continue working on year old cases.

Second: by Ms. White.

Vote: Unanimous.

Executive Director

The cash balance report and report of expenditures by function were included in the board's agenda for review.

Board Members

Ms. Macomber encouraged the new board members to attend the new board member training through the Association of Social Work Boards (ASWB).

Ms. Macomber appointed Ms. White as the continuing education committee.

INFORMATION ONLY-NO ACTION TAKEN

Letter to Mary Macomber from FARB

Letter from JAPC regarding Rule 64B4-3.001

Letter from JAPC regarding Rule 64B4-3.0085

Letter from JAPC regarding Rule 64B4-3.009

Letter from JAPC regarding Rule 64B4-3.010

Letter from JAPC regarding Rule 64B4-5.001

Letter from JAPC regarding Rule 64B4-11.007

DOH Announcement Regarding Administrative Complaints

Information and a Department of Health press release were provided to board members in which administrative complaints are now going to be located on the website, attached to a practitioners record.