

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

GENERAL BUSINESS MEETING MINUTES

Thursday, May 8, 2008 at 1:00 p.m.

Friday, May 9, 2008 at 9:00 a.m.

Crowne Plaza Orlando Universal

7800 Universal Blvd.

Orlando, FL 32819

(407) 355-0550

CALL TO ORDER/ROLL CALL

The meeting was called to order on Thursday, May 8, 2008 at 1:00 p.m. by Ms. Zachary, chair and recessed at 3:45 p.m. The meeting resumed on Friday, May 9, 2008 at 9:00 a.m. and adjourned at 10:30 a.m.

Members present:

Jamie Zachary, LCSW, Chair

Sharon Otis, LMHC

Sue White, LCSW

Mary Bridgman, Esq.

Mary Macomber, Esq., Vice-Chair

Hebe Lubowicz, LMFT

William Day, LMHC

Member Absent:

Frank Roberts, LMFT

Staff present:

Joy Tootle, Board Counsel

Cecelia Jefferson, Prosecutor

Sue Foster, Executive Director

Robin McKenzie, Program Administrator

Dee Ramer, Regulatory Supervisor

Court Reporter: American Court Reporter

407-896-1813

REVIEW AND APPROVAL OF MINUTES

The minutes of the January 31-February 1, 2008 general business meeting were reviewed and following review, the board took the following action:

Motion: by Ms. Macomber to approve.

Second: by Dr. Otis.

Vote: Unanimous.

DISCIPLINARY PROCEEDINGS

Gail Patricia Brack, LMHC, LMFT, Case No. 2004-33005

Continuance granted to the next meeting.

Henry Himmelbaum, LCSW, Case No. 2006-12535(PCP: Otis, Shyers, Adejokun-Ojo).

Mr. Himmelbaum was present and was not represented by counsel. An administrative complaint filed 11/29/06 alleged violation of s. 491.009(1)(u), F.S.(2005), by failing to maintain in confidence a communication made by a patient.

A settlement stipulation was presented to the board with the following terms: fine of \$1000 and costs not to exceed \$4000 (actual costs were \$3,348.16) to be paid within 24 months of the final order; and provide the board with an affidavit that he has read the laws and rules concerning clinical social work within 30 days.

Dr. Otis was recused due to service on the probable cause panel. Following discussion, the following action was taken by the board:

Motion: by Ms. Macomber to dismiss the case.
Second: by Ms. White.
Vote: Unanimous.

Jorey L. Krawczyn, Reg. MHC Intern, Case No. 2007-13719 (PCP: Macomber, Day, Adejokun-Ojo)

Mr. Krawczyn was present and was not represented by counsel. A five-count administrative complaint filed 1/31/08 alleged violations of s. 491.009(1)(r), F.S., by failing to meet minimum standards regarding a parenting evaluation; s. 491.009(1)(w), F.S., by having a prior relationship with the parties to the parent evaluation; s. 491.009(1)(w), F.S., by failing to use multiple avenues of data gathering in the evaluation; s. 491.009(1)(w), F.S., by failing to meet minimum requirements for documenting services performed; and s. 491.0149(2)(b), F.S., by failing to include the words "registered mental health counselor intern" on all promotional materials.

A settlement stipulation was presented to the board with the following terms: reprimand; fine of \$5000 and costs not to exceed \$3000 (actual costs are \$2,256.32) to be paid within 90 days of the final order; 12 hours of continuing education in area to be determined by the board within one year of final order; and provide the board with an affidavit that he has read the laws and rules concerning mental health counseling within 30 days.

The complainant in this case was present and addressed the board. Dr. Day and Ms. Macomber were recused due to service on the probable cause panel. Following discussion, the board took the following action:

Motion: by Ms. White to accept the stipulation as presented with the 12 hours of continuing education in ethics and course content related to child custody evaluations.
Second: by Ms. Zachary.
Vote: Motion carries with Ms. Lubowicz opposed.

Elsa R. Alvarez, LCSW, Case No. 2006-00777455 (PCP: Zachary, Adejokun-Ojo, Shyers)

Ms. Alvarez was not present and was not represented by counsel. An administrative complaint filed 10/22/07 alleged violation of s. 491.009(1)(w), F.S., by violating s. 456.072(1)(x), F.S., by failing to report a guilty plea to the board within 30 days.

A voluntary relinquishment of license was presented to the board in order that respondent avoid further administrative action. Respondent agrees to cease practice and never again apply in Florida under Chapter 491.

Ms. White recused herself and Ms. Zachary was recused due to service on the probable cause panel. Following discussion, the following action was taken by the board:

Motion: by Ms. Macomber to accept the voluntary relinquishment as presented.
Second: by Ms. Lubowicz.
Vote: Unanimous.

Sandra Savole Wright, Reg. MHC Intern, Case No. 2007-39977566 (Waived Probable Cause)

Ms. Wright was not present nor represented by counsel. An investigative report alleged violation of s. 491.009(1)(p), F.S., unable to practice with reasonable skill and safety due to use of drugs.

A voluntary relinquishment of license was presented to the board in order that respondent avoid further administrative action. Respondent agrees to cease practice and never again apply for licensure as a registered mental health counselor intern in Florida.

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

Motion: by Ms. Macomber to accept the voluntary relinquishment as presented.

Second: by Ms. Lubowicz.

Vote: Unanimous.

Roberto Sanchez, LMHC, Case No. 2007-38224 (PCP: Shyers, Macomber, White)

Mr. Sanchez was present and was not represented by counsel. An administrative complaint filed April 2, 2008 alleged violation of s. 456.072(1)(hh), F.S., for being terminated from a treatment program for impaired practitioners.

A settlement stipulation was presented to the board with the following terms: fine of \$1000 and costs not to exceed \$2,000 (actual costs are \$1,815.33) to be paid within 12 months of the final order; and compliance with all conditions of his PRN contract.

Ms. Macomber and Ms. White were recused due to service on the probable cause panel.

Following discussion, the board took the following action:

Motion: by Ms. Bridgman to accept the stipulation as presented.

Second: by Ms. Lubowicz.

Vote: Unanimous.

LICENSURE PROCEEDINGS

Nora Curia, MHC Exam Applicant

Ms. Curia was not present and was not represented by counsel. A notice of intent to deny was filed on 11/21/07 and a hearing was requested. Her credential evaluation report states that she has the U.S. equivalency of a bachelor's and master's degree in psychology from a regionally accredited institution. Ms. Curia holds a license in Buenos Aires, Argentina.

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

Motion: by Ms. Macomber to uphold the Notice of Intent to Deny for lack of proof of equivalent coursework, however, practicum was accepted.

Second: by Ms. White.

Vote: Unanimous.

The O.K. Corral Series, CE Provider Applicant

The provider was not present nor represented by counsel. An Order of Intent to Deny was filed on 2/28/08 and a hearing was requested.

Following discussion, the board took the following action:

Motion: by Ms. White to uphold the Notice of Intent to Deny. The course learning objectives, content area and evaluation form are not graduate level specifically related to mental health issues for licensed mental health professionals.

Second: by Ms. Macomber.

Vote: Unanimous.

APPEARANCES

Cathy Lambert, LCSW, Petition for Reinstatement, Case No. 2006-10754

Ms. Lambert was present and was represented by Sharon Duncan, Esq. The final order filed on 6/21/07 required the following upon reinstatement of license: 2 years probation which will include reports due every 6 months, 30% of records reviewed by supervisor, and 12 hours of continuing education per probation year.

Debbie Troupe with PRN spoke to this issue. Ms. Lambert is registered for a 24 hour continuing education course in boundary violations. A request was made for consideration of early termination of her probation.

Motion: by Ms. White to accept the Petition for Reinstatement with the following terms: (1)compliance with PRN recommendations/contract while license is in probationary status, (2)continue with medical supervision, and (3)comply with probationary terms in final order.

Second: by Ms. Lubowicz.

Vote: Unanimous.

In addition, the board approved the 24-hour course Ms. Lambert is scheduled to take as satisfying the requirement for 12 hours of continuing education per probationary year. Ms. White was appointed to review the curriculum vitae of the potential supervisor. The board will consider a request for early termination of probation at the successful conclusion of one year probation.

Nathalie Dozois, Registered CSW Intern Applicant

Ms. Dozois was present and was not represented by counsel. Her personal appearance was requested by the board due to an affirmative response to a history question on her application. Debbie Troupe spoke to this issue.

Following discussion, the board took the following action:

Motion: by Ms. Macomber to require applicant obtain a mental health status report from Professionals Resource Network (PRN) within 6 months. Ms. White will review the report and if it is acceptable and applicant agrees to comply with PRN recommendations, approve the application.

Second: by Ms. White.

Vote: Unanimous.

Jackie Gibson, Registered MHC Intern Applicant

Ms. Gibson was present and was not represented by counsel. Her personal appearance was

requested by the board due to an affirmative response to a history question on her application.

Following discussion, the board took the following action:

Motion: by Ms. Macomber to approve Ms. Gibson's registered mental health counselor intern application.

Second: by Ms. White.

Vote: Unanimous.

Kristy Munoz, Registered MHC Intern Applicant

Continued to the next meeting.

Melanie Harper-Thomson, Registered MHC Intern Applicant

Ms. Harper-Thomson was not present and was not represented by counsel. Her personal appearance was requested by the board due to affirmative responses to history questions on her application.

Following discussion, the board took the following action:

Motion: by Ms. White to deny the application.

Second: by Dr. Otis.

Vote: Unanimous.

RECONSIDERATIONS

Vera Muzykanski, Registered MHC Intern Applicant

Ms. Muzykanski was present and was represented by George A. Minski, Esq. Ms. Muzykanski received the equivalent of a bachelor's and master's degree in psychology from the University of Buenos Aires. A notice of intent to deny was filed November 21, 2007 due to missing coursework. The application was reconsidered at the January 31, 2008 meeting due to the October meeting notice of hearing being sent to an incorrect address. Supplemental information was sent December 17, 2007 and March 18, 2008.

Following discussion, the board took the following action:

Motion: by Ms. Lubowicz to accept coursework in human growth and development, individual evaluation and assessment and substance abuse. Ms. Muzykanski will still need to take counseling in community settings, human sexuality and career and lifestyle assessment.

Second: by Ms. Macomber.

Vote: Unanimous.

Kathy J. Floris, Registered MHC Intern Applicant

Ms. Floris was not present and was not represented by counsel. A notice of intent to approve with conditions was filed on 11/16/06. Documentation has not been received verifying that the conditions for licensure have been met.

Following discussion, the board took the following action:

Motion: by Dr. Otis to continue the notice of intent to approve adding that the conditions must be met within 60 days.

Second: by Ms. White.

Vote: Motion failed with Dr. Otis voting in the affirmative.

Motion: by Ms. Lubowicz to deny the application.

Second: by Ms. Macomber.

Vote: Motion passed with Dr. Otis opposed.

The board directed board counsel to amend the original notice of intent to approve with conditions to make it a notice of intent to deny.

William B. Alldredge, Registered MHC Intern Applicant

Mr. Alldredge was not present and was not represented by counsel. A notice of intent to approve with conditions was filed on 8/30/05. Documentation has not been received verifying that the conditions for licensure have been met.

Following discussion, the board took the following action:

Motion: by Ms. Macomber to deny the application.

Second: by Ms. White.

Vote: Unanimous.

The board directed board counsel to amend the original notice of intent to approve with conditions to make it a notice of intent to deny.

REVIEW OF APPLICATIONS

Cheryl Collins, MHC Exam Applicant

Ms. Collins was present and was not represented by counsel. This application is being presented to the board due to an affirmative response to a history question on her application.

Following discussion, the board took the following action:

Motion: by Ms. Macomber to approve the application with the condition that all coursework is completed (human sexuality and legal, ethical and professional standards) before the applicant is approved to take the exam.

Second: by Ms. Lubowicz.

Vote: Unanimous.

Marion Ruffing, MHC Exam Applicant

Ms. Ruffing was present and was not represented by counsel. This application is presented to the board because staff could not determine that the educational and experience requirements for licensure have been met. Ms. Ruffing verbally waived the 90 day requirement. Ms. Ruffing has the option to contact Nova University to have them review her coursework and provide a report. The coursework review will be forwarded to a licensed mental health counselor board member for final review.

Following discussion, the board took the following action:

Motion: by Ms. Lubowicz to accept the verbal waiver to pend the approval or denial of the application until further documentation is received.

Second: by Ms. White.

Vote: Unanimous.

Maria Cadarso, MHC Exam Applicant

Ms. Cadarso was not present and was not represented by counsel. Her credential evaluation report states that she has the U.S. equivalency of a bachelor's and master's degree in education and psychology from a regionally accredited institution.

Following discussion, the board took the following action:

Motion: by Ms. Macomber to table the review of the application at this time. Ms. Cadarso will need to obtain course by course evaluations of her master's level courses before her application can undergo a final review.

Second: by Ms. Bridgman.

Vote: Unanimous.

TOPIC DISCUSSIONS

Recording of Board Meetings

Motion: by Ms. Macomber to not put digital recordings of the board meetings on the board website.

Second: by Ms. Bridgman.

Vote: Unanimous.

CE Credit for Listening to a Board Meeting Online

Issue moot at this time.

Internet Counseling

Ohio's draft rules were reviewed for informational purposes. No action taken. Jim Akin, Florida Chapter of NASW spoke to the board about the issue.

Post-Master's Experience in Florida Prior to Qualified Supervisors

Board counsel will prepare draft language for next meeting.

Foreign Credential Evaluators

The board office will contact foreign equivalency agencies to determine if they would be willing to provide course by course evaluations for mental health counseling and marriage and family therapy foreign master's level coursework and report their findings to the board at the August 2008 meeting.

RULES DISCUSSION

64B4-5.006 Probable Cause Panel

Board counsel provided a draft for the board's review. Following discussion, the board took the following action:

Motion: by Ms. Macomber to approve the language as presented.
Second: by Ms. Lubowicz.
Vote: Unanimous.

64B4-6.004 Approval of Continuing Education Providers

Board counsel provided a draft for the board's review. Following discussion, the board took the following action:

Motion: by Ms. Macomber to approve the language as presented.
Second: by Ms. Lubowicz.
Vote: Unanimous.

64B4-6.002 Approved Courses for Continuing Education

Board counsel provided a draft for the board's review. Following discussion, the board took the following action:

Motion: by Ms. Macomber to approve the language as presented.
Second: by Ms. White.
Vote: Unanimous.

64B4-6.0025 Approved CE Course for Supervisory Training

Board counsel provided a draft for the board's review. Following discussion, the board took the following action:

Motion: by Ms. Macomber to approve the language as presented.
Second: by Ms. Lubowicz.
Vote: Unanimous.

64B4-10 Sexual Misconduct

Board counsel provided a draft of 64B4-10.003 for the board's review. Following discussion, the board took the following action:

Motion: by Ms. Macomber to approve the language as presented with spelling correction
Second: by Ms. White.
Vote: Unanimous.

OTHER BUSINESS

The Quantum Healing Center

No action was taken.

Seacrest Resource Center, Inc./Linda Potere

Motion: by Ms. Macomber to open a desk investigation.
Second: by Ms. White.
Vote: Unanimous.

Ratification of Approved Continuing Education Providers

Motion: by Ms. Macomber to ratify the amended list of CE providers from "All CEUS" through "Matt Fox Presentations and Trainings".

Second: by Ms. Lubowicz.
Vote: Unanimous.

Application Denials

Motion: by Ms. Macomber to deny the applications listed on the amended denial list from Bianca Allegro through W. Diane Wood.

Second: by Ms. White.

Vote: Unanimous.

Committee of One Actions

This was provided for the board members information.

Motion: by Ms. Macomber to ratify the committee of one actions.

Second: by Ms. White.

Vote: Unanimous.

PRN Criteria/Information

Physicians Recovery Network provided guidelines to use for referring clinical social work, marriage and family therapy and mental health counseling applicants when certain history questions on the application are answered in the affirmative.

Motion: Ms. Macomber to accept the guidelines provided by PRN regarding substance abuse and to allow board staff to refer applicants to PRN when their application refers to the criteria listed by PRN.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber to accept the guidelines provided by PRN regarding psychiatric illness and to allow board staff to refer applicants to PRN when their application refers to the criteria listed by PRN.

Second: by Ms. White.

Vote: Unanimous.

Guidelines for referral to Physician's Recovery Network regarding substance abuse:

- A prior history of treatment for and/or diagnosis of substance dependence or substance abuse.
- Within the past ten years, a pattern of behavior or employment/educational history suggestive of substance abuse or dependence.
- Within the past five years, two or more law enforcement contacts secondary to substance use or one blood alcohol content of 0.20% or greater.
- One DUI or other substance-related arrest within the last two years.

Guidelines for referral to Physician's Recovery Network regarding psychiatric illness:

- Chronic psychotic.
- Bipolar disorder.
- Major depression, recurrent and had treatment within the last five (5) years.
- Single episode of major depression within the last three (3) years.
- Any diagnosed psychiatric condition that has impacted the applicant's ability to function in an educational or work setting within the last five (5) years.

REPORTS

Assistant Attorney General

A rules report was provided for the board members review.

- 64B4-5.006 Probable Cause Panel
- 64B4-6.002 Approved Course for Continuing Education
- 64B4-6.0025 Approved Continuing Education Course for Supervisory Training
- 64B4-6.004 Approval of Continuing Education Providers
- 64B4-7.008 Requirements to be a Qualified Practitioner for Completing Risk Assessments of Sexual Offenders (REPEAL)
- 64B4-10.003 Psychotherapist-Client Relationship

Prosecuting Attorney

Ms. Jefferson reported that as of May 1, 2008 there were 52 open disciplinary cases. Of the 52 cases, 3 are being held for further information, 22 are pre-probable cause, 11 are agendaed for PCP and 16 are open cases where probable cause was found.

Executive Director

Ms. Foster met with Mr. Diaz and Ms. Jackson of the Governor's Appointment Office and learned that Board member appointments/reappointments should be forthcoming. Budget information was provided for the board members' review.

Board Members

Ms. White will develop application questions for continuing education provider renewal and will bring it before the board at the next board meeting.

INFORMATIONAL ONLY – NO ACTION TAKEN

- ASWB Continuing Education Approval Information
- Recommendations of Office of Open Government Commission
- Governor Crist Highlights Top 3 Legislative Priorities
- February Compliance Report
- 2007 ASWB Examination Pass Rates
- PCB HCC 08-27 Proposed Changes to 456.0291-talk about it next meeting.
- HB 35 Relating to Social Worker Identification

ADJOURNMENT

The meeting was adjourned at 10: 30 a.m.