

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

**GENERAL BUSINESS MEETING MINUTES**

**July 14, 2011 at 2:00 p.m.**

**July 15, 2011 at 8:30 a.m.**

**Embassy Suites  
9300 Baymeadows Road  
Jacksonville, FL 32256  
(904) 731-3555**

**CALL TO ORDER/ROLL CALL**

The meeting was called to order on Thursday, July 14, 2011 at 2:00 p.m. by Mr. Roberts, Chair, and recessed at 5:15 p.m. The meeting was called back to order on Friday, July 15, 2011 at 8:35 a.m. and adjourned at 10:55 a.m. Those present for all or part of the meeting included the following:

**Members present:**

Frank Roberts, Chair  
Mary Bridgman, Esq., Vice-Chair  
William Day, LMHC  
Sue White, LCSW  
Mary Macomber, Esq.  
Sandra Barlow, LCSW  
Susan Gillespy, LMFT  
Helen Douglas, RDH

**Staff present:**

Deborah Loucks, Board Counsel  
Laura Lopez, Prosecutor  
Sue Foster, Executive Director  
Robin McKenzie, Program Administrator  
Court Reporter: Statewide Reporting Service  
904.353.7706

**REVIEW AND APPROVAL OF MINUTES**

The minutes of the April 28-29, 2011 meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Ms. Macomber to approve as presented.

Second: by Ms. White.

Vote: Unanimous.

**DISCIPLINARY PROCEEDINGS**

**Leanne Paynter, LMHC, Case No. 2010-21982** (PCP: Sherrard, Otis)

Ms. Paynter was present and was not represented by counsel. An administrative complaint filed April 15, 2011 alleged violation of s. 491.009(1)(r), F.S., failure to meet minimum standards involving engaging in sexual activity with an FCCC resident, bringing food, gifts, making personal calls to resident.

A settlement agreement was presented to the Board with the following terms: appearance; reprimand; fine of \$1,000 and actual costs payable within 24 months of final order; completion of an 8 hour laws and rules course and 12 additional hours of CE, with 4 in professional ethics and 8 in professional boundaries within one year; PRN evaluation; and a laws and rules affidavit.

Actual costs in this case are \$4,107.66. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to accept the settlement agreement with an amendment to extend the payment of fine and costs to six years.

Second: by Dr. Barlow.

Following discussion, Ms. Macomber withdrew her motion.

Motion: by Dr. Day to reject the settlement agreement.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber to offer a counter-stipulation with the same terms as the current settlement agreement adding an amendment to extend the payment of fine and costs to six years, appoint Dr. Day to review the PRN evaluation and the Board retains jurisdiction until PRN evaluation is received and approved.

Second: by Ms. White.

Vote: Unanimous.

**Linda A. Dunn, LMHC, Case No. 2010-09998** (PCP: Buller, Macomber, White)

Ms. Dunn was not present and was not represented by counsel. A 3 count administrative complaint filed December 10, 2010 alleged violations of s. 491.009(1)(l), F.S., by making misleading, deceptive, untrue, or fraudulent representations in the practice; 491.009(1)(w), F.S., failure to appropriately and accurately maintain records; and s. 491.009(1)(r), F.S., failure to meet minimum standards by failure to document and include discharge summaries or documentation for 30 patients.

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

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

Motion: by Ms. Bridgman to adopt the findings of fact as set forth in the Administrative Complaint.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. Bridgman to adopt the conclusions of law as alleged in the Administrative Complaint and find that the respondent has violated the practice act.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Dr. Day to accept the Department's penalty recommendation: reprimand; fine of \$3,000 and costs; 16 hours of continuing education with completion of an 8 hour laws and rules course, 3 hours record keeping and 5 hours professional ethics; obtain a PRN evaluation and comply with any PRN recommendations; contact PRN within 30 days; and probation with indirect supervision for one year with the standard probationary conditions, quarterly reports, supervisory review of 25% of respondent's records every 2 weeks. Required appearance prior to termination of probation and the Board retains jurisdiction to extend the probation.

Second: by Ms. Gillespy.  
Vote: Unanimous.

Motion: by Dr. Day that the continuing education must be completed within one year and the fine must be paid within one year of the final Order.

Second: by Ms. Gillespy.  
Vote: Unanimous.

Motion: by Ms. Bridgman to assess costs of \$1,588.55 to be paid within one year.  
Second: by Dr. Barlow.  
Vote: Unanimous.

Sue White was appointed as the board monitor to approve the supervisor and review quarterly reports.

**Alain Abreu Hoyos, Registered MFT Intern, Case No. 2010-21037** (PCP: Sherrard, Otis)

Mr. Hoyos was not present nor represented by counsel. An administrative complaint filed April 15, 2011 alleged violation of s. 491.009(1)(t), F.S., by violating an order of the Board. Respondent failed to pay the fine and costs of a previous case in the amount of \$12,536.75 and failed to provide probation monitor's written quarterly report due in January 2011.

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

Motion: by Ms. Bridgman to find that the respondent was properly served.  
Second: by Ms. White.  
Vote: Unanimous.

Motion: by Ms. Bridgman that the respondent failed to respond to the Administrative Complaint and waived his right to the method for this case to be heard.  
Second: by Ms. White.  
Vote: Unanimous.

Motion: by Ms. Macomber to adopt the findings of fact and the conclusions of law as set forth in the Administrative Complaint and find that the respondent violated the practice act.  
Second: by Ms. White.  
Vote: Unanimous.

Motion: by Ms. Macomber to revoke the license due to aggravating circumstances; egregiously failed to comply with the previous order, failed to emote any intention to ever comply and this is a second disciplinary action.  
Second: by Dr. Day.  
Vote: Unanimous.

Motion: by Ms. Macomber to assess costs of \$190.14 to be paid within 30 days.  
Second: by Ms Gillespy.  
Vote: Unanimous.

**Rossellie F. Echevarria, LCSW, Case No. 2010-04300** (PCP: Shyers, Douglas, Bridgman)

Ms. Echevarria was not present nor represented by counsel. An administrative complaint filed August 20, 2010 alleged violation of s. 491.009(1)(t), F.S., of violation of an order of the Board previously entered in a disciplinary hearing. Respondent was to pay a fine of \$1,000 and costs of \$9,500 within 24 months.

Ms. Douglas and Ms. Bridgman were recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber that the Administrative Complaint was properly served on the respondent.

Second: by Sue White.

Vote: Unanimous.

Motion: by Ms. Macomber that the respondent failed to respond to the Administrative Complaint and waived her right to a formal hearing.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. White to adopt the findings of fact as set forth in the Administrative Complaint.

Second: by Ms. Macomber.

Vote: Unanimous.

Motion: by Ms. Macomber to adopt the conclusions of law and that the respondent violated the practice act.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber to accept the investigative file into evidence for the purpose of imposing penalty.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber to revoke the license due to aggravating circumstances; egregiously failed to honor the previous order, failed to pay fine and costs and elicited no intent to do so, and this is a second complaint.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber to assess costs of \$950.46 to be paid within 30 days.

Second: by Ms. White.

Vote: Unanimous.

**Julio C. Madrid, Registered MHC Intern, Case No. 2011-01996** (Waived Probable Cause)

Mr. Madrid was not present nor represented by counsel. Mr. Madrid was convicted on October 2, 2009 in Pasco County and sentenced to life in prison for sexual battery by an adult on victim less than 12 years of age, and lewd/lascivious molestation. Violations of s. 491.009(1)(c), (k), (r), and (w), 491.0112 and 456.063, F.S.

An Amended Voluntary Relinquishment of License dated June 14, 2011 was presented to the Board. Respondent agrees to never reapply for licensure for any of the professions under Chapter 491.

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

Motion: by Ms. White to accept the voluntary relinquishment of license.

Second: by Ms. Douglas.

Vote: Unanimous.

**Robert Gordon Mandel, LMHC, Case No. 2011-00968** (Waived Probable Cause)

Mr. Mandel was not present nor represented by counsel. He was arrested on June 16, 2010 in Sarasota and charged with one felony and two misdemeanors for possession of cocaine, marijuana and narcotic equipment. Violations of s. 491.009(1)(p), and (r), F.S.

A Voluntary Relinquishment of License dated March 3, 2011 was presented to the Board. Respondent agrees to never reapply for licensure as a mental health counselor in Florida.

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

Motion: by Ms. White to accept the voluntary relinquishment of license.

Second: by Ms. Macomber.

Vote: Unanimous.

**Hermaine Judy Baillou, Registered CSW Intern, Case No. 2009-17054**

(PCP: Sherrard, Bridgman, Otis)

Ms. Baillou was not present nor 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 willfully making or filing false reports of services not provided to patients resulting in billing discrepancies; and s. 491.009(1)(r), F.S, failure to meet minimum standards.

A Voluntary Relinquishment of License dated December 23, 2010 was presented to the Board in which she agrees to cease practice and never reapply for licensure under Chapter 491, F.S.

Ms. Bridgman was recused due to service on the probable cause panel. Following discussion, the following action was taken by the Board:

Motion: by Ms. White to accept the voluntary relinquishment of license.

Second: by Ms. Douglas.

Vote: Unanimous.

**Scott Redman, Registered MHC Intern, Case No. 2010-11685** (Waived Probable Cause)

Mr. Redman was not present nor represented by counsel. A Voluntary Relinquishment of License dated June 3, 2011 was presented to the Board. Documents submitted alleged violations of s. 491.0045(2) and s. 491.005(1)(c), F.S., in that respondent falsified education/transcripts from Kaplan University.

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

Motion: by Ms. Macomber to accept the voluntary relinquishment of license.

Second: by Ms. White.

Vote: Unanimous.

### **APPEARANCES**

#### **Frankie Tester, Termination of Probation**

Ms. Tester was present and was not represented by counsel. Ms. Tester is appearing as a requirement of her final order. Pursuant to Ms. Tester's request, her supervisor's appearance was waived by Mr. Roberts. Debra Troupe with Professionals Resource Network was present and stated that Ms. Tester had completed her requirements and will be under contract for one more year.

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

Motion: by Ms. White to accept termination of her probation.

Second: by Ms. Macomber.

Vote: Unanimous.

### **DOAH RECOMMENDED ORDER HEARING**

#### **Nicholas Angelo Mancini, MHC Exam Applicant**

Laura Lopez, Assistant General Counsel, represented the Board at the hearing and navigated the case as Ms. Deborah Loucks, Assistant Attorney General, represented the Respondent.

Dr. Mancini was not present and was not represented by counsel. Dr. Mancini requested a trial at the Division of Administrative Hearings before an Administrative Law Judge to petition his licensure denial as a mental health counselor. A hearing was held on April 7, 2011 by video conference at sites in Tallahassee and West Palm Beach.

Following this hearing, the judge recommended denial of the license as Dr. Mancini had not proven that he had completed the required number of hours in an appropriately accredited institution or that he had completed the required minimum number of hours in the specific mandatory content areas.

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

Motion: by Ms. Bridgman to reject the petitioner's first exception.

Second: by Ms. Macomber.

Vote: Unanimous.

Motion: by Ms. Macomber to reject the petitioner's second exception.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber to reject the third exception based on arguments set forth in respondent's response to petitioner's exceptions.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. Macomber to reject the petitioner's fourth exception based on the fact that Board does not have the authority to reweigh the evidence.

Second: by Dr. Day.

Vote: Unanimous.

Motion: by Ms. White to reject petitioner's fifth exception because the Board does not have the authority to reweigh the evidence.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. Bridgman to reject the sixth exception on the grounds that the Board does not have the authority to reweigh the evidence.

Second: by Dr. Day.

Vote: Unanimous.

Motion: by Ms. Macomber to reject the seventh exception on the grounds that the Board does not have the authority to reweigh the evidence.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. Macomber to reject the eighth exception based on the grounds that it does not identify the legal basis, does not include appropriate cites to the record and asks the Board to consider evidence not in the record and reweigh evidence in the record.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. Bridgman to reject the ninth exception on the grounds that Board does not have the authority to reweigh the evidence.

Second: by Ms. Macomber.

Vote: Unanimous.

Motion: by Ms. Macomber to reject the tenth exception based on the fact that the Board does not have the authority to reweigh the evidence.

Second: by Dr. Day.

Vote: Unanimous.

Motion: by Ms. Macomber to reject the eleventh exception based on the respondent's position that the Board doesn't have authority to rule on information not contained in the record.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Bridgman to reject the twelfth exception on the grounds that the Board does not have the authority to reweigh the evidence.

Second: by Dr. Day.

Vote: Unanimous.

Motion: by Ms. Macomber to reject the thirteenth exception because exceptions may only be made to the Recommended Order.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms Bridgman to reject the fourteenth exception because it is requesting the Board make a finding on evidence not in the record.

Second: by Ms. Gillespy.

Vote: Unanimous.

Motion: by Ms. Bridgman to reject the fifteenth exception on the grounds that the Board does not have the authority to change legal decision made by the Administrative Law Judge.

Second: by Ms. Macomber.

Vote: Unanimous.

Motion: by Ms Macomber to accept the findings of fact as contained in the Recommended Order.

Second: by Ms. Gillespy.

Vote: Unanimous.

Motion: by Ms. Macomber to accept the conclusions of law as contained in the Order of the Administrative Law Judge.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber to accept the recommendation of the Administrative Law Judge and deny the application.

Second: by Dr. Barlow.

Vote: Unanimous.

## **LICENSURE PROCEEDINGS**

### **Dr. Rose Boon, CE Provider Applicant**

Dr. Boon was present and was not represented by counsel. She is appearing due to a request for hearing after receiving a notice of intent to deny her continuing education provider application. This was based upon submitted course not being appropriate for furthering and maintaining the clinical skills or knowledge of 491 licensees, does not focus on counseling practice, theory or method, and is not graduate level.

Following discussion, the Board took the following action:

Motion: by Ms. Douglas to deny application for approval as a CE provider.

Second: by Ms. Macomber.

Vote: Unanimous.

## **APPEARANCES**

### **Katherine High, CSW Licensure Applicant**

Ms. High was present and was not represented by counsel. Her application is before the Board due to an affirmative response on the history section of her application. Her application was reviewed by the Board at the April 2011 board meeting and the Board requested an appearance.

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

Motion: by Ms. White to approve the application.

Second: by Ms. Macomber.

Vote: Unanimous.

### **REVIEW OF APPLICATIONS**

#### **Melissa Euteneuer, CSW Endorsement Applicant**

Ms. Euteneuer was present and was not represented by counsel. Staff requests Board review of coursework – she may be lacking graduate level coursework in psychopathology from an accredited school of social work. She states that she has had 3 courses with some psychopathology in each course.

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

Motion: by Ms. White to deny her application based on not completing a course in psychopathology.

Second: by Dr. Day.

Ms. White withdrew her motion.

Staff advised the Board that the applicant may be willing to waive the 90 day requirement and complete a course in psychopathology. Following further discussion, Ms. Euteneuer verbally waived the 90 day requirement to allow her file to stay open.

### **EXEMPTION APPLICATIONS**

#### **Ruben Aloyo, LMFT**

Mr. Aloyo was present and was not represented by counsel. He has submitted an AHCA background screening application for exemption from disqualification to seek employment in a health care setting.

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

Motion: by Ms. Macomber to grant the exemption.

Second: by Dr. Day.

Vote: Unanimous.

#### **John Harden, LCSW**

Mr. Harden was present and was not represented by counsel. He has submitted an AHCA background screening application for exemption from disqualification to seek employment in a health care setting.

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

Motion: by Ms. Macomber to grant the exemption.

Second: by Ms. White.

Vote: Unanimous.

**Maritza Martinez, LCSW**

Ms. Martinez was present and was not represented by counsel. She has submitted an AHCA background screening application for exemption from disqualification to seek employment in a health care setting.

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

Motion: by Ms. Macomber to grant the exemption.

Second: by Ms Bridgman.

Vote: Unanimous.

**Deena Weiss, LCSW**

Ms. Weiss was present and was represented by James Barclay, Esq. She has submitted an AHCA background screening application for exemption from disqualification to seek employment in a health care setting.

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

Motion: by Ms. Bridgman to grant the exemption.

Second: by Ms. Macomber.

Vote: Unanimous.

**TOPIC DISCUSSIONS**

**SB 146: Applicants With Previous Criminal Convictions**

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

Motion: by Ms. Bridgman that the Board does not have any laws in Chapter 491, F.S., or rules in 64B4, F.A.C., that would deny licensure for previous criminal convictions.

Second: by Ms. Macomber.

Vote: Unanimous.

**RULES DISCUSSION**

**64B4-7.0081 Requirements to be a Qualified Practitioner for Completing Risk Assessments and Treatment of Sexual Offenders**

A rule draft was presented to the Board for review. Dr. Leo Cotter addressed the Board concerning the rule draft. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to amend the rule draft to re-instate the section requiring 20 hours of Board approved CE, to add U.S. Probation to subsection (1), and correct grammar errors.

Second: by Ms. Bridgman.

Vote: Unanimous.

The Board stated that there was no impact on small business and a SERC is not required.

**64B4-5.001 Disciplinary Guidelines**

A rule draft was presented to the Board for review. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to approve the draft rule and move forward with rule development.  
Second: by Ms. Bridgman.  
Vote: Unanimous.

The Board stated that there was no impact on small business and a SERC is not required.

**64B4-5.005 Minor Violations, Notice of noncompliance**

No action taken.

**64B4-5.007 Citations**

No action taken.

**64B4-7.002 Qualifications Necessary for Clinical Social Workers, Marriage and Family Therapists and Mental Health Counselors to Practice Hypnosis**

A rule draft was presented to the Board for review. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to approve the rule draft and move forward with rule development.  
Second: by Ms. Douglas.  
Vote: Unanimous.

The Board stated that there was no impact on small business and a SERC is not required.

**64B4-7.003 Qualified Teachers of Hypnosis**

No action taken.

**64B4-6.002 Approved Courses for Continuing Education**

No action taken.

**64B4-6.004 Approval of Continuing Education Providers**

No action taken.

**64B4-6.006 Approval of Continuing Education Providers of Hypnosis Training Programs**

No action taken.

**OTHER BUSINESS**

**Ratification of Continuing Education Providers**

Motion: by Ms. Macomber to ratify the list of providers Rita Milios through West Central Florida Senior Helpers Owners, LLC.  
Second: by Ms. Douglas.  
Vote: Unanimous.

**Application Denials**

Motion: by Ms. Macomber to deny the applicants on the revised list: 55+ Magazine Dept. for Professionals through C. McLean.  
Second: by Ms. Douglas.  
Vote: Unanimous.

### **Committee of One Actions**

Motion: by Ms. White to ratify the Committee of One Actions.

Second: by Ms. Macomber.

Vote: Unanimous.

### **Review Supervised Experience: Kathy Leggett**

Ms. Leggett recently submitted a Supervised Experience Attestation Form signed by a licensee currently on probation. Staff is asking the Board to determine if they will accept Ms. Leggett's supervised clinical experience toward meeting the experience requirement for licensure.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to deny request to accept supervision subsequent to the Final Order placing Mr. Lumberson on probation.

Second: by Ms. White.

Vote: Unanimous.

### **REPORTS**

#### **Assistant Attorney General**

Ms. Loucks reported that there are currently no rules pending. Ms. Loucks provided a copy of the Annual Regulatory Plan (ARP) filed in compliance with Florida Executive Order 11-72 for the Board's review. The ARP identifies and describes each rule that the agency expects to begin promulgating during the next twelve-month period.

Ms. Loucks requested that the Board delegate authority to the Executive Director to sign the worksheet that is required for rule development.

Motion: by Ms. Macomber to delegate authority to the Executive Director to sign the worksheet.

Second: by Ms. White.

Vote: Unanimous.

#### **Prosecuting Attorney**

Ms. Lopez reported that there are currently 95 open cases in the Prosecution Services Unit as follows:

18 are against LCSWs

8 are against CSW Interns

7 are against LMFTs

4 are against MFT Interns

45 are against LMHCs

11 are against MHC Interns

2 are against provisional MHCs

There are 43 cases are more than one year old and Ms. Lopez requested that the Board grant permission to continue working on the year old cases.

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

Second: by Ms. White

Vote: Unanimous.

### **Limiting Number of Years for Registered Intern Status**

The Board again discussed limiting the time period for registered interns to 5 years and asked about a legislative change. The board office maintains records of individuals who have been in intern status and the number of years. The concern is the high number of complaints now being received against interns. Board members are questioning whether they are remaining in supervision as is required by law or are working in private practices without supervision. All of the 3 associations are in agreement with this proposed change in the law.

### **Executive Director**

Ms. Foster reviewed the budget information in the agenda- expenditures for period ending March 31, 2011 and cash balance report.

Ms. Foster provided a copy of the long range planning survey results for the Board's review. This survey was sent to all board and council members for input in preparation for the Board Chair/Vice Chair meeting scheduled for September 27 in Tallahassee.

A chart was provided in the agenda materials showing all of the health care professions and the average number of days to issue a license for the board member's information and discussion.

Ms. Foster spoke to the Board regarding future Exemption Applications received in the office and if they could be reviewed by a Committee of One for ratification at a future Board meeting.

Following discussion, the Board took the following action:

Motion: by Ms. Bridgman for the Chair to appoint a Committee of One to review exemption applications.

Second by Ms. Macomber.

Vote: Unanimous.

### **Board Members**

Mr. Roberts introduced Dr. Denny Cecil-Van Den Heuvel, president of the Florida Mental Health Counselors Association (FMHCA). She briefly spoke to the Board regarding future plans of the FMHCA. Dr. Cecil-Van Den Heuvel is the Director of Professional Counseling Program at South University.

Also in attendance was former board member and current CE provider, Roger Szuch, LCSW, LMFT. Mr. Szuch briefly spoke to the Board regarding continuing education remedial and prevention courses in boundary and ethics issues.

### **INFORMATIONAL ONLY – NO ACTION TAKEN**

Exam Statistics

Continuing Education Audit Reports

2011 MQA Legislative Summary

### **ADJOURNMENT**

The meeting was adjourned at 10:55 a.m.