

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

GENERAL BUSINESS MEETING MINUTES

Friday, August 8, 2008 at 8:30 a.m.

**Tampa Airport Marriott
Tampa International Airport
Tampa, FL 33607
(813) 879-5151**

CALL TO ORDER/ROLL CALL

The meeting was called to order at 8:30 a.m. and adjourned at 12:15 p.m. by Ms. Zachary, Chair. Those present for all or part of the meeting included the following:

Members present:

Jamie Zachary, LCSW, Chair
Sharon Otis, LMHC
Sue White, LCSW
Mary Bridgman, Esq.
Mary Macomber, Esq., Vice-Chair
Hebe Lubowicz, LMFT
Frank Roberts, LMFT
William Day, LMHC

Staff present:

Mary Ellen Clark, Board Counsel
Patrick Butler, Prosecutor
Sue Foster, Executive Director
Dee Ramer, Regulatory Supervisor
Court Reporter: Dempster & Berryhill
800-728-2398
(Denny Appleton: 813-229-8225)

REVIEW AND APPROVAL OF MINUTES

The minutes of the May 8-9, 2008 general business meeting were reviewed and, following an addition by Ms. White that she recused herself from one of the cases, the following action was taken by the board:

Motion: by Ms. Macomber to accept the minutes.

Second: by Ms. Lubowicz.

Vote: Unanimous.

DISCIPLINARY PROCEEDINGS

Gail P. Brack, LMHC, LMFT, Case No. 2004-33005 (PCP: Zachary, Shyers, Adejokun-Ojo)

Dr. Brack was present and was represented by Bruce Plessner, Esq. A four count administrative complaint filed May 11, 2006 alleged violations of s. 491.009(1)(u), F.S., of failure to maintain confidence made by patient, 491.009(1)(r), F.S., failure to meet minimum standards by demonstrating during a deposition that she did not know how to assert patient/therapist confidentiality.

A settlement agreement was presented to the board with the following terms: fine of \$1250, costs of \$4449.16 within 24 months, 12 hours of CE in laws and rules, ethics, affidavit of reading and understanding the laws and rules, not serve as a supervisor until all obligations met. Ms. Zachary was recused due to service on the probable cause panel.

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

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

Second: by Ms. Macomber.

Vote: Unanimous.

Motion: by Dr. Day to accept the settlement agreement as presented with the addition of a reprimand and require a graduate level course (face to face with a grade of B or higher) in legal, ethical and professional standards issues in the practice of mental health counseling pursuant to Chapter 491.005(4)(b)1.b., Florida Statutes. The course is to be in lieu of the 12 hours of CE in laws, rules and ethics and must be taken from a CACREP or equivalent accredited master's program. Dr. Brack is to be registered for the course within 6 months and complete the course within one year. She is to provide an affidavit after she completes the course. Dr. Brack has 30 days after receipt to reject or accept the amended settlement agreement.

Second: by Mr. Roberts.

Vote: Unanimous.

(Proposed settlement was not accepted at the meeting.)

David E. Bogert, LMHC, Case No. 2005-51893 (PCP: Roberts, Bridgman)

Mr. Bogert was present and was not represented by counsel. An amended administrative complaint filed August 28, 2007 alleged violations of s. 456.072(1)(j), F.S., of aiding, procuring, employing or advising any unlicensed person to practice by assisting J.W. to practice psychology.

A settlement agreement was presented to the board with the following terms: fine of \$1000, costs of \$10,136.48 payable within 24 months of order, 12 hours of CE in the area of laws and rules, laws and rules affidavit; shall not serve as supervisor until all obligations have been met. Mr. Roberts 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. White to accept the settlement agreement as presented.

Second: by Ms. Lubowicz.

Vote: Motion carried with Ms. Macomber, Dr. Day and Dr. Otis opposing.

Sandra Joyce Billings, LCSW, Case No. 2007-34652(PCP: Zachary, Day, Adejokun-Ojo)

Ms. Billings was present and was represented by Lisa Augspurger, Esq. A two count administrative complaint filed May 27, 2008 alleged violations of s. 491.009 (1)(r), F.S., of failure to meet minimum requirements by failing to document adequate history, failure to identify and document adequate treatment plan; 491.009(1)(w), F.S., of violation of any rule – 64B4-9.002(2), F.A.C., of basic content of a psychotherapy record.

A settlement agreement was presented to the board with the following terms: fine of \$750, costs of \$2345.30 payable within 6 months; 9 hours of CE in record keeping, documentation, and laws and rules, and shall not serve as supervisor until all obligations have been met. Ms. Zachary and Dr. Day were 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 settlement agreement as presented.

Second: by Ms. Bridgman.

Vote: Motion carries with Ms. Macomber opposed.

David G. Kelley, LMFT, Case No. 2007-01333(PCP: Zachary, Adejokun-Ojo, Day)

Mr. Kelley was present and was represented by Lisa Augspurger, Esq. A two count administrative complaint filed May 27, 2008 alleged violations of s. 491.009(1)(r), F.S., by failing to meet minimum standards, and s. 491.009(1)(w), F.S., failure to record in psychotherapy record basic information, dates of therapy sessions, treatment plan, etc.

A settlement agreement was presented to the board with the following terms: reprimand, fine of \$750, costs of \$3984.60 payable within 6 months, 9 hours of CE in area of record keeping, documentation and laws and rules. Ms. Zachary and Dr. Day were recused due to service on the probable cause panel.

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

Motion: by Mr. Roberts to accept the settlement agreement as presented.

Second: by Ms. Lubowicz.

Vote: Unanimous.

Wileen L. Vandenoever, LCSW, Case No. 2007-00573(PCP: Shyers, Day, Macomber)

Ms. Vandenoever was present and was not represented by counsel. An administrative complaint filed May 24, 2007 alleged violations of s. 456.072(1)(f), F.S., of having a license acted against by the licensing authority of another jurisdiction (New Hampshire), s. 491.009(1)(r), F.S., of failure to meet minimum requirements.

A settlement agreement was presented to the board with the following terms: reprimand, fine of \$2000, costs of \$924.77 payable within 12 months, 6 hours of CE taken within one year, in areas to be determined by board, laws and rules affidavit, cannot serve as qualified supervisor until all terms met. Dr. Day and Ms. Macomber were recused due to service on the probable cause panel.

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

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

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Lubowicz to amend the settlement agreement to require Ms. Vandenoever to pay the costs of the investigation.

Second: by Mr. Roberts.

Vote: Unanimous.

Ms. Vandenoever accepted the amended settlement agreement.

LICENSURE PROCEEDINGS

Amilcar Gomez, MHC Exam Applicant

Dr. Gomez was not present and was not represented by counsel. He is on the agenda due to receipt of a notice of intent to deny filed April 3, 2008 as he did not meet the following

requirements: Earned master's degree from an accredited MHC program of at least 60 semester hours; completion of coursework in the following content areas: counseling theories and practice, human growth and development, human sexuality, group theories and practice, individual evaluation and assessment, career and lifestyle assessment, research and program evaluation, social and cultural foundations, counseling in community settings, substance abuse, and legal, ethical, and professional standards; completion of 1000 hour practicum; and 2 years post-master's supervised clinical experience. Following discussion, the following action was taken by the board:

Motion: by Ms. Lubowicz to deny the request for a continuance.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Mr. Roberts to uphold the denial.

Second: by Dr. Day.

Vote: Unanimous.

APPEARANCES

Kristy Munoz, Registered MHC Intern Applicant

Application was approved prior to meeting with receipt of additional information requested.

John Evangelinelis, CSW Exam Applicant

This was continued to the next meeting.

Rhonda Braha, CSW Exam Applicant

Application for licensure was withdrawn.

Teia Tarkington, CSW Exam Applicant

Ms. Tarkington was present and was not represented by counsel. She is appearing due to an affirmative response on the applicant history section of the application.

Following discussion, the board took the following action:

Motion: by Ms. White to approve her application pending completion of a PRN evaluation and agreement to comply with PRN recommendations.

Second: by Ms. Macomber.

Vote: Unanimous.

Ms. White will review the report and approve the application if applicant agrees to comply with any PRN recommendations.

REVIEW OF APPLICATIONS

Janette Ortiz, Registered MFT Intern Applicant

Dr. Ortiz was not present and was not represented by counsel. Staff had questions concerning completion of coursework that meets the MFT requirements. Following discussion, the following action was taken by the board:

Motion: by Ms. Lubowicz to deny the application pursuant to s. 491.005(3)(b)1.a-d and 2.

Second: by Mr. Roberts.

Vote: Unanimous.

Douglas Palmer, MHC Limited License Applicant

Mr. Palmer is requesting a limited license. The law states that the applicant must have retired or intends to retire. His limited license application showed that he does not intend to retire – see section 4. Mr. Palmer sent an e-mail on June 16, 2008 that he had chosen to change his application to show that he intended to retire on July 1, 2010.

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

Motion: by Ms. Macomber to deny the application.

Second: by Ms. White.

Vote: Unanimous.

TOPIC DISCUSSIONS

Can a Limited Licensee be a Qualified Supervisor

Dr. Obney was present and was not represented by counsel. Dr. Obney was issued a limited license in May 2008 and she is asking to become a qualified supervisor. Board counsel has asked for the board's interpretation of active license. The board discussed that an active license meant that the licensee was able to practice in all areas, not just critical need areas.

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

Motion: by Ms. Macomber to deny her request to become a qualified supervisor.

Second: by Dr. Day.

Vote: Unanimous.

Can Psychology Applicant Transfer Experience to MHC

Dr. Hippmann-West has submitted a letter asking that her psychology doctoral internship count toward the MHC post-master's supervised clinical experience requirement. S. 491.005(4)(c), F.S., states that one must register as an intern prior to commencing practice. She has applied for internship with the 490 board.

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

Motion: by Ms. Macomber to deny due to registration requirement in law.

Second: by Ms. White.

Vote: Unanimous.

History Questions on the Intern and Licensure Applications

Questions on the intern and licensure applications under Applicant History – General need to be revised to be in compliance with current ADA laws. The proposed changes are:

- C. In the last five years, have you been enrolled in, required to enter into, or participated in any drug and/or alcohol recovery program or impaired practitioner program for treatment of drug or alcohol abuse that occurred within the past five years?
- D. In the last five years, have you been admitted or referred to a hospital, facility or impaired practitioner program for treatment of a diagnosed mental disorder or impairment?

- E. ~~In~~ During the last five years, have you been treated for or had a recurrence of a diagnosed mental disorder ~~or impairment that has impaired your ability to practice your profession within the past five years?~~ ~~or impairment~~
- F. In the last five years, were you admitted or directed into a program for the treatment of a diagnosed substance-related (alcohol/drug) disorder, or, if you were previously in such a program, did you suffer a relapse within the last five years?
- G. ~~In~~ During the last five years, have you been treated for or had a recurrence of a diagnosed substance-related (alcohol/drug) ~~addictive disorder that has impaired your ability to practice your profession within the last five years~~ ~~addictive disorder?~~
- H. In the last five years, have you been treated for or had a recurrence of a diagnosed physical ~~impairment disorder that has impaired your ability to practice your profession?~~ If you answered “YES” to question H., please provide an explanation.

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

Motion: by Ms. Macomber to accept the proposed changes.

Second: by Mr. Roberts.

Vote: Unanimous.

Inappropriate Baker Acts

The Board office has received information concerning inappropriate completion of Baker Act forms as well as concerns expressed regarding clients/patients being directed for involuntary exams inappropriately by mental health counselors and psychologists. It is suggested that they need additional training. Following discussion, the following action was taken by the board: the 491 website will be changed to allow a direct link to the Baker Act Information, regarding the law, training, required forms, etc. Ms. White asked that information about the Marchman Act also be added to the website.

Foreign Credential Evaluators

Board staff sent letters to the following evaluation services requesting information regarding their ability to evaluate foreign applicant coursework review: World Education Services, Educational Credential Evaluators, Inc (ECE), International Education Research Foundation, Inc., and Josef Silny and Associates, Inc. ECE was the only response. The board requested that a draft rule be presented at the next meeting.

Questions for CEU Provider Renewals

The Board determined that adding additional criteria to be met by CE Providers on renewal applications would be too cumbersome and difficult to monitor, however; some of the information would be appropriate to request upon initial application. The board asked for board counsel to draft additional language for Rule 64B4-6.004, F.A.C. to include the following criteria:

- (1) Describe how your organization infuses cultural competency and diversity when developing its programs.
- (2) Describe any anticipated organizational changes.
- (3) Describe your policy to accommodate individuals with disabilities who participate in your course and provide documentation of how this is shown on any promotional materials.

- (4) Provide the Board a sample program evaluation form that includes the following:
 - a. Learning objectives (specific, behavioral and measurable).
 - b. Session appropriateness to participant's education, experience and licensure level.
 - c. Effectiveness of the presentation.
 - d. Relevance to practice.
 - e. Currency of information.
 - f. Presenter's knowledge of subject matter, effectiveness, presentation clarity and responsiveness to participants.
 - g. Presenter's ability to utilize appropriate technology or support participant learning.
 - h. Suitability and/or usefulness of instructional materials to session topic.
 - i. Instructions for requesting accommodations for disability.
 - j. Location, facilities, technology and administration of the program.
- (5) Describe how participant evaluations will be used to improve the quality of the course.

Motion: by Ms. Macomber to notice for rule development.

Second: by Mr. Roberts.

Vote: Unanimous.

RULES DISCUSSION

64B4-3.007 Social Work – Title Protection

The Department's draft rule language was presented to the board for informational purposes.

OTHER BUSINESS

Ratification of Approved Continuing Education Providers

Motion: by Ms. Macomber to ratify Linda Condon through Transformational Studies Institute.

Second: by Ms. White.

Vote: Unanimous.

Application Denials

Motion: by Ms. White to deny A. Wilson through T. Woodruff.

Second: by Ms. Macomber.

Vote: Unanimous.

Committee of One Actions

Motion: by Ms. Macomber to ratify M.Canetta through T. Kadoch committee of one actions.

Second: by Dr. Otis.

Vote: Unanimous.

HB 7109 Relating to Small Business Regulatory Relief

Board counsel spoke to the board about this new law which was effective July 1, 2008.

Whenever there is a rule change or rule promulgation, the board will need to vote on whether or not the change will impact small businesses in any way, and if so, issue a statement of estimated regulatory costs (SERC).

Rule 64B4-4.002(1)(b and c), F.A.C.

The Board asked board counsel to develop language to delete the examination fees for marriage and family therapy and mental health counseling as they are no longer taken through the board.

Motion: by Ms. Macomber to develop language to delete the examination fees.

Second: by Dr. Day.

Vote: Unanimous

Motion: by Ms. Macomber to state that this will not impact small business in any way.

Second: by Ms. White.

Vote: Unanimous.

REPORTS

Assistant Attorney General

A rules report was provided for the board members review:

64B4-5.006	Probable Cause Panel
64B4-6.002	Approved Courses for Continuing Education
64B4-6.0025	Approved Continuing Education Course for Supervisors 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

Mr. Butler reported that as of July 28, 2008 there were 49 open disciplinary cases. Of the 49 cases, 2 are being held for further information, 29 are pre-probable cause, 2 are agendaed for PCP and 16 are open cases where probable cause has been found.

Executive Director

Board staff will bring a 2009 calendar to the October board meeting to determine board meeting dates for next year. Budget information was provided in the agenda for the board member's review.

INFORMATIONAL ONLY – NO ACTION TAKEN

June Compliance Report

ADJOURNMENT

The meeting adjourned at 12:15 p.m.