

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

**GENERAL BUSINESS MEETING MINUTES**

**Friday, October 31, 2008 at 8:30 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 at 8:30 a.m. and adjourned at 2:00 p.m. by Ms. Zachary, Chair. Those present for all or part of the meeting included the following:

Members present:

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

Staff present:

Mary Ellen Clark, Board Counsel  
Patrick Butler, Prosecutor  
Laura Lopez, Prosecutor  
Sue Foster, Executive Director  
Robin McKenzie, Program Administrator  
Dee Ramer, Regulatory Supervisor  
Court Reporter – American Court Reporting  
Cindy Green, (407) 896-1813

**REVIEW AND APPROVAL OF MINUTES**

The minutes of the August 8, 2008 board meeting were reviewed and following review, the following action was taken by the board:

Motion: by Ms. Macomber to accept the minutes.  
Second: by Ms. Bridgman.  
Vote: Unanimous.

**DISCIPLINARY PROCEEDINGS**

**Jennifer B. Baxt, LMHC, LMFT, Case No. 2006-34919 (PCP: Roberts, Shyers, Bridgman)**

Ms. Baxt was present and was represented by Carol Glasgow, Esq. A two count administrative complaint filed July 24, 2008 alleged violations of s. 491.009(1)(i), F.S., of willfully making or filing a false report with the Medicaid program and s. 491.009(1)(l), F.S., of making misleading, fraudulent or untrue representations in the practice of mental health counseling.

A settlement agreement was presented to the board with the following terms: reprimand, \$2000 fine, costs of \$3,239.57 to be paid within 6 months of the final order, suspension of both the MFT and MHC licenses until June 25, 2013. 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. Macomber to reject the stipulation as presented.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber to amend the terms of the stipulation to include the original terms with the addition that respondent must petition for re-instatement prior to 2013 and appear before the board; and the board reserves jurisdiction to impose probation and set the terms of probation at that time.

Second: by Ms. Lubowicz.

Vote: Unanimous.

The counter stipulation was accepted by Ms. Baxt.

**Marvin M. Kowalewski, Registered MHC Intern, Case No. 2007-38598**

**(PCP: Zachary, Adejokun-Ojo, Day)**

Dr. Kowalewski was present but was not represented by counsel. An administrative complaint filed May 27, 2008 alleged violations of s. 491.009(1)(r), F.S., of failure to meet minimum standards when he continued to treat patients without the consent of both parents in accordance with marital settlement agreement.

A Motion for Final Order After Hearing Not Involving Disputed Issues of Material Fact was filed in this case. 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. Macomber to adopt the findings of fact and conclusions of law set forth in the administrative complaint as the board's findings of fact and conclusions of law.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. Macomber to find the respondent in violation of the Florida Statutes as charged in the administrative complaint and accept the investigative report into evidence.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. Macomber to assess a \$250 fine and actual costs of \$2,391.24 to be paid within 12 months and 6 hours of continuing education in ethics and laws and rules to be completed face to face within one year along with a signed laws and rules affidavit.

Second: by Ms. Lubowicz.

Vote: Unanimous.

**Carlos A. Rueda, LCSW, Case No. 2005-68363 (PCP: Waived)**

Mr. Rueda was not present nor represented by counsel. An administrative complaint filed August 8, 2006 alleged violations of s. 491.009(1)(k), F.S., sexual misconduct in practice.

A voluntary relinquishment of license form was executed by respondent in which he agrees to never reapply for licensure under Chapter 491 in Florida.

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

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

Second: by Mr. Roberts.

Vote: Unanimous.

**George B. Perlin, LCSW, Case No. 2008-04961 (PCP: Zachary, Adejokun-Ojo, Day)**

Mr. Perlin was not present nor represented by counsel. A two count administrative complaint filed May 27, 2008 alleged violations of s. 456.072(1)(hh), F.S., of termination from a treatment program for impaired practitioners, and s. 491.009(1)(p), F.S., of inability to practice with reasonable skill and safety due to mental or physical condition; alcohol abuse.

A Motion for Determination of Waiver and Entry of Final Order Following Hearing was presented to the board. Also, a Motion to Assess Costs of \$2,399.54 was presented to the board. 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. Macomber to find that the respondent was properly served and waived his right to request a formal hearing.

Second: by Dr. Otis.

Vote: Unanimous.

Motion: by Ms. White to adopt the findings of fact and conclusions of law set forth in the administrative complaint as the board's findings of fact and conclusions of law.

Second: by Dr. Otis.

Vote: Unanimous.

Motion: by Ms. Bridgman to find the respondent in violation of the Florida Statutes as charged in the administrative complaint and accept the investigative report into evidence.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. Macomber to assess a \$1000 fine and actual costs of \$2,399.54 plus suspension of his license until respondent appears before the board with a PRN evaluation that indicates he is able to practice with reasonable skill and safety and respondent agrees to comply with any PRN recommendations. Upon reinstatement the respondent's license will be placed on probation for a period of 5 years and the board reserves jurisdiction to set the terms of probation at that time.

Second: Ms. Lubowicz.

Vote: Unanimous..

Motion: by Ms. Macomber that the payment of fine and costs must be made within 30 days of the final order.

Second: by Ms. Lubowicz.

Vote: Unanimous.

**John Vanwicklin Registered MHC Intern, Case No. 2007-17203**

Dr. Vanwicklin was not present nor represented by counsel. An administrative complaint filed January 31, 2008 alleged violations of s. 491.009(1)(t), F.S., violation of previous final order of

the board. Ms. Macomber and Dr. Day were recused due to service on the probable cause panel. Ms. Zachary was also recused.

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

Motion: by Ms. White to find that the respondent was properly served and waived his right to request a formal hearing.

Second: by Dr. Otis.

Vote: Unanimous.

Motion: by Ms. Lubowicz to adopt the findings of fact and conclusions of law set forth in the administrative complaint as the board's findings of fact and conclusions of law.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. White to find the respondent in violation of the Florida Statutes as charged in the administrative complaint and accept the investigative report into evidence.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. White to accept the department's recommendation to suspend the license until he complies with the previous final order. Costs of \$1,413.66 to be paid within 30 days.

Second: by Ms. Lubowicz.

Vote: Unanimous.

## **APPEARANCES**

### **John Evangelinelis, CSW Exam Applicant**

Application was withdrawn.

### **Taly Kadoch, Registered MHC Intern Applicant**

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

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

Motion: by Ms. Lubowicz to table the application.

Second: by Ms. Macomber.

Vote: Unanimous.

Ms. Kadoch verbally waived the 90 day requirement.

## **REVIEW OF APPLICATIONS**

### **Michelle Lind, CSW Endorsement Applicant**

Ms. Lind was present and was not represented by counsel. She has applied for licensure by endorsement; however, the school she received her master's degree from was not accredited by CSWE at the time she graduated. The board discussed in-candidacy status and will accept candidates who graduated up to three years before the MSW program was granted full accreditation by CSWE as several other boards currently are doing.

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

Motion: by Ms. Lubowicz that her education meets the licensure requirements as school is now accredited and was in-candidacy at time she had graduated.

Second: by Ms. Macomber.

Vote: Unanimous.

Motion: by Ms. White to accept the incomplete application.

Second: by Ms. Lubowicz.

Vote: Unanimous.

**Shannon Martin, CSW Endorsement Applicant**

Ms. Martin was present and was not presented by counsel. She received her master's degree from a program that was not accredited at the time of her graduation, but was in candidacy. Her post-master's experience was obtained in Florida, with supervision by an approved supervisor, but she was never a registered intern. She became licensed in Massachusetts on September 12, 2008.

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

Motion: by Ms. Macomber to accept the passing exam score.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. Macomber to Vacate the Order of Intent to Deny her registered intern application on February 8, 2006.

Second: by Ms. Lubowicz.

Vote: Unanimous.

Motion: by Ms. Lubowicz to approve the original application for registered internship.

Second: by Ms. White.

Vote: Unanimous.

Ms. Martin asked to change her application from application by endorsement to application by examination.

Motion: by Ms. Macomber to accept Ms. Martin's application for licensure by examination.

Second: by Ms. White.

Vote: Unanimous.

**Sharon K. Parmer, Registered MHC Intern Applicant**

Ms. Parmer was not present nor represented by counsel. She had applied for mental health counselor intern with a master's degree in special education learning disabilities which is not related to mental health counseling.

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

Motion: by Ms. Macomber to deny the application based on lack of coursework in all required areas, a 1000 hour practicum and the determination that her degree is not in a major related to mental health counseling.

Second: by Dr. Otis.

Vote: Unanimous.

**Denise Auffant, Registered Mental Health Counselor Intern Applicant**

Ms. Auffant was present and was not represented by counsel. Board staff was not able to determine that she has completed a graduate level course in psychopathology or abnormal psychology.

Application was withdrawn.

**Denise Auffant, Mental Health Counselor Exam Applicant**

Ms. Auffant was present and was not represented by counsel. Board staff has not been able to determine that applicant has completed two years of post-master's supervised clinical experience subsequent to completing a course in psychopathology or abnormal psychology.

Motion: by Ms. Lubowicz to accept the withdrawal of her application for licensure by exam and to waive the application and licensure fee if she reapplies.

Second: by Ms. White.

Vote: Unanimous.

**Dantas Lima, MHC Limited Licensure Applicant**

Mr. Lima was not present nor represented by counsel. The law states that a limited license applicant must have been licensed to practice in any jurisdiction of the U.S for at least 10 years in the profession for which the applicant seeks a limited license. In addition, the law states that the applicant must have retired or intends to retire. Mr. Lima wrote "license Christian counselor Florida" and Florida does not license Christian counselors and his application showed he does not intend to retire – see section 4.

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

Motion: by Ms. Macomber to deny the application for limited licensure pursuant to Section 456.015(2), F.S., in that he does not have a license in another jurisdiction and is not retired.

Second: by Ms. White.

Vote: Unanimous.

**Everett Tessmer, MHC Limited Licensure Applicant**

Mr. Tessmer requested a continuance to the next meeting.

**REVIEW OF CONTINUING EDUCATION PROVIDERS**

**Act Corporation**

Ms. Rand was not present nor represented by counsel. The CE Provider is on the agenda due to an audit of their continuing education course in which evaluations from course attendees were not available and the course did not meet CE requirements.

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

Motion: by Ms. Macomber to rescind the approval of their medical errors provider status.

Second: by Dr. Otis.

Vote: Unanimous.

### **Central Florida Community College**

Ms. Mackey was present and not represented by counsel. She is appearing due to an audit of their continuing education course in which rule requirements were not met – no course evaluations, no vitas of presenters, coursework was not clinical or at a graduate level.

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

Motion: by Dr. Day to allow continuance as a CE provider with the corrections made.

Second: by Mr. Roberts.

Vote: Unanimous.

To minimize information distributed by CE providers at the meeting and to ensure Board members have adequate information, the Board asked board staff to advise CE providers for documentation in advance of the meeting of how they have improved their processes to ensure compliance with rules and identify what actions have been taken to meet the deficiencies.

### **Florida Certification Board**

Ms. Pamela Waters was not present and was not represented by counsel. The CE Provider is on the agenda due to an audit of their continuing education supervision course in which rule requirements were not initially met – no information about course, no objectives, no course content, and no agenda. Additional information was sent prior to the board meeting.

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

Motion: by Mr. Roberts to rescind the provider status to offer the supervisory training course because it is not applicable to all licensees who are pursuing supervision privileges and there are no individual evaluations.

Second: by Dr. Day.

Vote: Unanimous.

### **Melody Kipp**

Dr. Kipp was present and was not represented by counsel. Dr. Kipp is appearing due to an audit of her continuing education course which lacked evaluations. Dr. Kipp presented a plan to ensure requirements are met for all future programs.

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

Motion: by Mr. Roberts to allow continuation of the CE provider status.

Second: by Ms. White.

Vote: Unanimous.

## **TOPIC DISCUSSIONS**

### **Clinical Needs of the Non-Profits/Limited Licensees Supervising Interns**

Mr. James McCloud, Genesis Health Services, addressed the board concerning the decision at the last board meeting to not allow limited licensee holders to supervise interns.

### **Request of Limited Licensee to Supervise MFT Interns**

Ms. Joyce Rubin works at the Genesis Health Center as a volunteer. She is requesting the authority to supervise MFT interns and has submitted her transcripts, confirmation of membership in the AAMFT, etc.

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

Motion: by Ms. Lubowicz to deny the request.

Second: by Ms. White.

Vote: Unanimous.

### **University of West Florida SW Accreditation**

Dr. Rohrer was present to discuss the Council of Social Work Education (CSWE) accreditation process, noting he wanted to specifically address eligibility of the future intern status of the first graduating class. In July 2007, the legislature authorized the University of West Florida (UWF) to establish a master of social work program. Based on Chapter 491.005(1) Florida Statutes, there were concerns that UWF's first social work graduating class might have difficulty becoming licensed in Florida. Dr. Dean Pierce, Director of the Office of Social Work Accreditation and Educational Excellence with the Council of Social Work Education (CSWE) provided the board office written communication that the standards are the same for initial and reaffirmation of candidacy. Initial accreditation is retroactive to the class that was admitted during the academic year the program received candidacy.

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

Motion: by Ms. Macomber that UWF graduates may register as interns and take the clinical exam if the master's social work program they graduated from was in candidacy status and became fully accredited within 3 years of the applicant's graduation.

Second: by Ms. Lubowicz.

Vote: Unanimous.

### **Making False Claims of Academic Degree or Title**

Dr. Robert Woody is requesting that the board look into doctorates from California Graduate Institute – bogus doctorate degrees. This is a misdemeanor – Chapter 817, Florida Statutes. Jim Akin, executive director of the Florida Chapter of the National Association of Clinical Social Workers spoke and Susan Hansen-Engelhard, LMHC, interim president of the Florida Mental Health Counselors Association spoke to this issue.

## **RULES DISCUSSION**

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

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

Motion: by Ms. Macomber to notice the rule for development 64B4-6.004(3), F.A.C., to include the post-tests if the CE provider course is an on-line and/or distance learning course. It will not impact small business.

Second: by Ms. Bridgman.

Vote: Unanimous.

### **64B4-6.007 Reapproval of Continuing Education Providers**

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

Motion: by Dr. Otis to notice the rule for development to delete 64B4-6.007(2)(e), F.A.C. It will not impact small business.

Second: by Mr. Roberts.

Vote: Unanimous.

### **64B4-6.008 Audit of Continuing Education Providers**

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

Motion: by Dr. Otis to notice the rule for development to replace the word ~~each~~ with one (CE program) in 64B4-6.008(3), F.A.C., and to delete the last sentence of (3). It will not impact small business.

Second: by Mr. Roberts.

Vote: Unanimous.

### **OTHER BUSINESS**

#### **Ratification of Approved Continuing Education Providers**

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

Motion: by Ms. Macomber to approve.

Second: by Ms. Bridgman.

Vote: Unanimous.

#### **Application Denials**

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

Motion: by Ms. Macomber to deny these applicants.

Second: by Ms. Bridgman.

Vote: Unanimous.

#### **Committee of One Actions**

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

Motion: by Ms. Macomber to approve.

Second: by Ms. Bridgman.

Vote: Unanimous.

The board asked staff to add the date the decision was made on future actions.

#### **Letter from National Association of Scholars**

Tabled.

### **REPORTS**

#### **Assistant Attorney General**

A rules report was provided by board counsel for review.

Rule 64B4-4.002 Application, Examination & Initial Active Status License for Licensure by Examination.

The following rules went into effect on 08/13/08.

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, interim prosecuting attorney, introduced Laura Lopez as the new prosecuting attorney for the board. Mr. Butler reported that as of October 27, 2008 there were 62 open disciplinary cases. Of the 62 cases, 4 are agendaed for PCP, 40 are pre-probable cause, and 18 are open cases where probable cause has been found.

### **Executive Director**

Budget information was provided in the agenda for the board members review.

### **Board Members**

Ms. Zachary and Ms. Macomber will be attending the ASWB Delegate Assembly in Providence, Rhode Island.

### **FOR YOUR INFORMATION**

Information from Josef Silny & Associates, Inc.

MQA Detailed Strategic Plan

Online Services

Unlicensed Activity Information

Commission on Open Government Reform Recommendations

Final Action against Grant Allen Houser

2009 Meeting Dates

The board asked to return to two ½ day meetings in 2009. They would like the meeting to begin at 2:30 p.m. on the first day and 8:30 a.m. on the second day.

January 29-30, 2009

April 30-May 1, 2009

July 23 24, 2009

October 22-23, 2009

Article: Should You Counsel Patients Electronically?

The board asked that this issue be placed on the next agenda for discussion.

### **ADJOURNMENT**

The meeting adjourned at 2:00 p.m.