

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

**AMENDED GENERAL BUSINESS MEETING MINUTES**

**Thursday, February 8, 2007 at 1:00 p.m.**

**Friday, February 9, 2007 at 9:00 a.m.**

**Omni Jacksonville Hotel  
245 Water Street  
Jacksonville, FL 32202  
(904) 355-6664**

**CALL TO ORDER/ROLL CALL**

The meeting was called to order by Ms. Zachary, Chair at 1:00 p.m. on Thursday and recessed at 3:45 p.m. on Thursday and called back to order at 9:00 a.m. on Friday and adjourned at 11:30 a.m. Those present for all or part of the meeting included the following:

Members present:

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

Staff present:

Joy Tootle, Board Counsel  
Sue Foster, Board Director  
Cynthia Jakeman, Prosecuting Attorney  
Robin McKenzie, Program Administrator  
Dee Ramer, Regulatory Supervisor  
Court Reporter: Statewide Reporting Service,  
(904) 353-7706

**REVIEW AND APPROVAL OF MINUTES**

The minutes of the October 26-27, 2006 general business meeting were reviewed and following review, the following action was taken by the board:

Motion: by Ms. Macomber to accept the minutes as presented.

Second: by Mr. Roberts.

Vote: Unanimous.

**DISCIPLINARY PROCEEDINGS**

**Pamela Susan Goldsmith, LMHC, Case No. 2002-17305 (PCP: Zachary, Shyers, Adejokun-Ojo)**

Ms. Goldsmith was present and was represented by Jonathan S. Grout, Esq. A two count administrative complaint filed June 10, 2004 alleged violations of s. 491.009(1)(r), F.S., of failure to meet minimum standards involving recommendation regarding custody or visitation without obtaining sufficient data from all parties.

A settlement stipulation was presented to the board with the following terms: to appear before the board, a fine of \$500 and costs of \$1459.06 to be paid within 60 days of the final order, 6 hours of continuing education to be determined by the board and completed within one year of the filing of the final order. The complainant in this case, L.A.K., appeared and spoke to the board.

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

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

Second: by Ms. Lubowicz.

Vote: Unanimous.

Motion: by Ms. White to require the continuing education coursework to be: 6 hours in ethics.  
Second: by Ms. Macomber.  
Vote: Unanimous.

Motion: by Ms. Macomber to investigate Ms. Goldsmith's supervisors and the head of the agency while she was a registered intern.  
Second: by Ms. White.  
Vote: Unanimous.

**Connie L. Ingram, LMHC, Case No. 2004-28871(PCP: Roberts, Lobnitz, Sherrard)**

Ms. Ingram was present and was not represented by counsel. An administrative complaint filed June 26, 2006 alleged violation of s. 491.009(1)(u), F.S., by failing to maintain patient confidentiality.

A settlement stipulation was presented to the board with the following terms: appearance, reprimand, fine of \$1,000 and costs of \$801.17 to be paid within 30 days of the filing of the final order, 12 hours of continuing education to be determined by the board and completed within one year of the filing of the final order, and a laws and rules affidavit within 30 days of the final order.

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

Motion: by Ms. Macomber to accept the stipulation as presented.  
Second: by Ms. Bridgman.  
Vote: Motion carries with Dr. Otis and Ms. White opposed.

Motion: by Ms. Macomber to require the following continuing education coursework : 6 hours in ethics and boundary issues and 6 general hours.  
Second: by Ms. Bridgman.  
Vote: Unanimous.

**Linda K. Nelson, Registered MHC Intern, Case No. 2004-04147 (PCP: Roberts, Lobnitz, Sherrard)**

Ms. Nelson was not present (appearance waived) and was not represented by counsel. An administrative complaint filed on July 5, 2005 alleged violation of s. 491.009(1)(r), F.S., of failure to meet minimum standards involving money loaned to respondent by persons known through a psychotherapist-client relationship.

A stipulation was presented to the board with the following terms: appearance, reprimand, fine of \$1,000 and actual costs of the case to be paid within one year of the final order, 3 years probation with supervision, 12 hours of continuing education relating to the practice for each year of the probationary period. Actual costs for this case are \$5,798.42.

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

Motion: by Ms. Bridgman to waive the appearance of Ms. Nelson.  
Second: by Dr. Day.  
Vote: Unanimous.

Motion: by Ms. Macomber to accept the stipulation as presented.  
Second: by Ms. Bridgman.  
Vote: Unanimous.

Motion: by Ms. Macomber to require the continuing education coursework in the following subject areas: ethics, record keeping, boundary issues, and diagnostics and treatment planning.  
Second: by Ms. Lubowicz.  
Vote: Unanimous.

Motion: by Ms. Macomber to require the continuing education as follows: 4 hours each year in ethics with the remainder of the 8 hours each year to be distributed in record keeping, boundary issues and diagnostics and treatment planning.

Second: by Ms. White.

Vote: Unanimous.

**Clifford A. Anderson, LCSW, Case No. 2001-11419(PCP: Lobnitz, Roberts)**

Mr. Anderson was not present and was not represented by counsel. A two count administrative complaint filed March 20, 2006 alleged violations of s. 491.009(1)(p), F.S., inability to practice due to illness, alcohol, drugs, or as result of any physical or mental condition involving relapse with oxycontin, and s. 491.009(1)(h), F.S., of failure to perform a legal obligation, failing to comply with terms of PRN contract.

A settlement stipulation was presented to the board with the following terms: fine of \$100 and costs of \$1526.30 to be paid within 60 months of the filing of the final order; suspension until respondent appears before the board with adequate evidence of being able to practice with reasonable skill and competence, to include a PRN evaluation; monitoring for 3 years by 491 licensee tolled until appearance and during any time respondent leaves state of Florida or does not practice; demonstrate continuing education compliance beginning with the renewal biennium ending March 31, 2005 and running current with notice of intent to practice.

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

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

Second: by Dr. Otis.

Vote: Unanimous.

**Cathy Ann Lambert, LCSW, Case No. 2006-10754 (PCP: Zachary, Shyers, Adejokun-Ojo)**

This case was continued due to illness of counsel for respondent.

**John Michael Bone, LMHC, Case No. 2005-66289 and 2005-66637**

**(PCP: Zachary, Shyers, Adejokun-Ojo / Lobnitz, Sherrard, Roberts)**

Mr. Bone was not present and was not represented by counsel. A four-count administrative complaint filed May 11, 2006 alleged violations of s. 491.009(1)(w), F.S., by violating Rule 64B4-7.006(2)(a), F.A.C., by providing an evaluation of a minor when respondent had a prior relationship with one of the parties; Rule 64B4-7.006(2)(b), F.A.C., by failing to interview minor's treating mental health professions, family physician, immediate relatives, teachers, and school counselor; Rule 64B4-7.006(2)(b), F.A.C., by failing to use testing methods in data gathering; s. 456.072(1)(j), F.S., by aiding, assisting, or procuring a person not licensed to practice psychology or psychotherapy, to practice psychology or psychotherapy.

A two-count administrative complaint filed on October 2, 2006 alleged violations of s. 491.009(1)(t), F.S., by violating Rule 64B4-7.006(2)(b), F.A.C., of failing to use multiple avenues of data gathering including testing and interviewing all persons central to evaluation of a minor; and s. 491.009(1)(h), F.S., by failing to perform a legal obligation of including psychological evaluations and substance abuse evaluations of the parties as part of evaluation by order of the Circuit Court.

A voluntary relinquishment of license was submitted to the department in lieu of further administrative/disciplinary action, in which respondent agrees to never reapply for licensure under Chapter 491, Florida Statutes.

Following discussion, the board took the following action:

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

Second: by Dr. Otis.

Vote: Unanimous.

**Bawaka S. Rappe, Registered CSW Intern, Case No. 2005-523021581**

(PCP: Lobnitz, Sherrard, Roberts)

Mr. Rappe was not present nor represented by counsel. An administrative complaint filed June 26, 2006 alleged violation of s. 456.072(1)(a), F.S., by making misleading, deceptive, or fraudulent representations related to the practice.

Following discussion, the board took the following action:

Motion: by Ms. Macomber to accept the investigative report into evidence and find the respondent was properly served and waived his right to a formal hearing.

Second: by Dr. Otis.

Vote: Unanimous.

Motion: by Ms. Macomber to adopt the findings of fact and conclusions of law as set forth in the administrative complaint and that they constitute a violation of the Florida Statutes.

Second: by Ms. Bridgman.

Vote: Unanimous.

Motion: by Ms. Macomber to revoke this license.

Second: by Dr. Day.

Vote: Unanimous.

**LICENSURE PROCEEDINGS**

**Taylor Phillips, Registered MHC Intern Applicant**

Mr. Phillips was present and was not represented by counsel. An order of intent to deny was issued on December 20, 2005 for failure to show evidence of 3 semester hours or 4 quarter hours of graduate level coursework in (1) psychopathology, (2) career & lifestyle assessment, (3) counseling in community settings, (4) human sexuality theories, and (5) substance abuse; and at least 1000 hours of supervised clinical practicum.

Following discussion, the board took the following action:

Motion: by Ms. Macomber to continue the case and allow board staff to review the additional material received yesterday and refer to Dr. Day for approval/denial.

Second: by Ms. White.

Vote: Unanimous.

**Cristalina Albis, MHC Exam Applicant**

This matter was continued at request of respondent's attorney, Mr. Howard Hochman, Esq.

**Maureen (Midge) Lansat, LMHC, CE Provider Applicant**

Ms. Lansat was present and was not represented by counsel. She is appearing due to an order of intent to deny issued on November 7, 2006 regarding her application for continuing education provider status. The program provided did not appear to be graduate level, have stated learning objectives, be appropriate for furthering and maintaining clinical skills or knowledge, nor identify the number of CE hours.

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

Motion: by Ms. Macomber to uphold the denial.

Second: by Dr. Day.

Vote: Unanimous.

## **APPEARANCES**

### **Tristine Barry, Registered MHC Intern Applicant**

Ms. Barry is appearing before the board due to an affirmative response on the applicant history section of the application. Debbie Troupe from PRN was present. Ms. Barry discussed the PRN contract and several of the modifications she requested will be made by PRN.

Following discussion, the board took the following action:

Motion: by Ms. Macomber to approve Ms. Barry's application for registered mental health counselor intern on the condition that she enter into a modified PRN contract.

Second: by Ms. Bridgman.

Vote: Unanimous.

### **Fiona Osborne, Registered MHC Intern Applicant**

Ms. Osborne is appearing before the board due to an affirmative response on the applicant history section of the application.

Following discussion, the board took the following action:

Motion: by Ms. Macomber to approve Ms. Osborne's application for registered mental health counselor intern on the condition that she enter into a PRN contract.

Second: by Ms. White.

Vote: Motion carries with Ms. Lubowicz opposed.

## **REVIEW OF APPLICATIONS**

### **Erin Madden, Registered CSW Intern Applicant**

Ms. Madden was present and was not represented by counsel. This application is being presented to the board due to an affirmative response on the applicant history section of the application.

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

Motion: by Ms. White to conditionally approve her application as a registered clinical social worker intern. Ms. Madden must first obtain a PRN evaluation and comply with any PRN recommendations.

Second: by Ms. Lubowicz.

Vote: Unanimous.

### **Adekunle Ojelade, Registered MHC Intern Applicant**

Mr. Ojelade was present and was not represented by counsel. Mr. Ojelade was educated in Ireland, Finland, and the United Kingdom. An order of intent to deny was issued on December 1, 2005 for failure to meet the requirements of s. 491.005(4), F.S. No evidence of an earned master's degree in a field related to mental health counseling which included 60 semester or 80 quarter hours of graduate level coursework and no evidence of 3 semester or 4 quarter hours of graduate level coursework in (1) psychopathology, (2) human sexuality theories, (3) individual evaluation & assessment, (4) substance abuse, and (5) legal, ethical, and professional standards.

An informal hearing was requested and a final order was filed on June 5, 2006 for failure to meet the requirements of s. 491.005(4), F.S.

Mr. Ojelade has submitted another application for registration as a mental health counselor intern along with additional documentation for the board's review.

Following discussion, the board took the following action:

Motion: by Ms. Macomber to deny the application for registered mental health counselor internship based on lack of evidence of an earned master's degree in a field closely related to mental health counseling, lack of evidence of 60 semester or 80 quarter hours of graduate level coursework and no evidence of 3 semester or 4 quarter hours of graduate level coursework in (1) psychopathology, (2) human sexuality theories, (3) individual evaluation & assessment, (4) substance abuse, and (5) legal, ethical, and professional standards.

Second: by Ms. White.

Vote: Unanimous.

#### **Anacleto Orta, MHC Exam Applicant**

Dr. Orta was awarded the degree of Doctor of Medicine by the Higher Institute of Medical Sciences of Havana on August 20, 1988. Dr. Orta was also awarded the First Degree of Specialist in Psychiatry on April 20, 1998. According to the evaluation of Josef Silny & Associates, Inc., this is a professional qualification that does not have academic equivalence in the United States.

Following discussion, the board took the following action:

Motion: by Dr. Otis to deny Dr. Orta's application for mental health counselor licensure based on lack of evidence of an earned master's degree in a field closely related to mental health counseling; lack of 3 semester or 4 quarter hours in (1) human growth and development, (2) diagnosis and treatment of psychopathology, (3) human sexuality theories, (4) individual evaluation and assessment, (5) career and lifestyle assessment, (6) social and cultural foundations, (7) counseling in community settings, (8) substance abuse, and (9) legal, ethical; and professional standards; and lack of evidence of two years post-master's supervised experience under a qualified supervisor or the equivalent.

Second: by Ms. White.

Vote: Unanimous.

#### **Dennis DelVecchio, Registered MHC Intern Applicant**

Mr. DelVecchio was present and was not represented by counsel. This application is being presented to the board due to affirmative responses in the history section of his application.

Following discussion, the board took the following action:

Motion: by Ms. White to approve Mr. DelVecchio's application for registered mental health counselor intern.

Second: by Dr. Otis.

Vote: Unanimous.

### **TOPIC DISCUSSIONS**

#### **S. 491.009(1)(n), F.S., re: copies of tests** [also see 456.057(6)]

The board discussed this law, noted it would take a legislative change and agreed that since this was in the disciplinary section – the probable cause panel would not find probable cause against a practitioner for not supplying a test which is copyrighted. This needs to be changed and it was suggested the associations pursue this change during the legislative session. Section 456.057 is very clear on not giving up patient records but a report of the record, etc.

#### **Certified Mental Health Professional (CMHP)**

Board Counsel provided the Board with information about an investigation into the Florida Certification Board. Ms. Tootle gave the following update to the board:

Rule 59G-4.050, F.A.C., states that all providers must be in compliance with the Florida Medicaid Community Behavioral Health Coverage and Limitations Handbook, October 2004. That handbook, in

turn, requires that certain mental health workers be certified in order for their provider employers to be reimbursed. Peter Antonacci, attorney for the Florida Certification Board, provided a letter whereby the Board has modified all the practices that caused this investigation to be opened. The letter now says, "You have been certified by the Florida Certification Board, a non-profit corporation, as a Certified Mental Health Professional." The logo now says, "Certifying Professionals since 1983." The bottom of the letterhead now states, "A private, non-profit corporation." The case is closed.

### **Brochure: A Look at Florida's Mental Health Professionals**

The Board discussed possible changes to the current pamphlet: Board of CSW/MFT/MHC on the front page, include the state seal, explain how to find licensed professionals, and a new picture. Board members were asked to e-mail the executive director with suggestions for content changes to the brochure. It was suggested the new brochure also be placed on the website.

### **RULES DISCUSSION**

#### **64B4-9.001, F.A.C., Requirements for Client Records**

There is a question about how long the newspaper ad needs to run when closing or relocating a practice. Ms. Tootle distributed a rule draft for the members to review. Following review, the board took the following action:

Motion: by Ms. Macomber to approve the draft adding language in Rule 64B4-9.001(3), F.A.C., which states, "The notice shall appear at least once a week for 4 consecutive weeks".

Second: by Ms. White.

Vote: Unanimous.

### **OTHER BUSINESS**

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

Motion: by Ms. Macomber to approve Advanced Continuing Education Institute, Inc. through The Women's Center.

Second: by Mr. Roberts.

Vote: Unanimous.

Motion: by Ms. Macomber to deny Schleifer and Associates through Watershed Addiction Treatment Programs.

Second: by Dr. Day.

Vote: Unanimous.

#### **Ratification of Licensure Deny Orders**

Motion: by Ms. Macomber to deny the applications of Dinna Alexanyan, Richard Allen, Russell Correa, Arturo Don, Angel Fernandez, Corby Pathanos and Charlotte Zaback.

Second: by Ms. White.

Vote: Unanimous.

#### **Annual Renewal of Delegations**

Motion: by Ms. Macomber to approve the annual renewal of delegations.

Second: by Mr. Roberts.

Vote: Unanimous.

Ms. Foster reported the following:

During the 05/06 year there were 114 new applications for providers received and there are currently 620 approved CE providers. There were 1070 new applications received for Clinical Social Work, 255 new applications for Marriage and Family Therapists and 1100 new applications received in the board office for Mental Health Counselors.

### PRN Costs

Mr. Roberts asked about the cost of the PRN program. Debbie Troupe from PRN presented information to the board and answered questions about costs incurred when applicants or licensees are referred to PRN for evaluation and/or treatment. Participants are not charged for PRN services and PRN has no financial relationship with any evaluator, treatment provider, or facilitator. Participants pay directly to the providers. PRN approved evaluators charge from \$200 to several thousand dollars, depending on the type of evaluation required (e.g.: chemical abuse \$250-\$500, boundary issue \$1000-\$2500). Ms. Troupe advised the board that PRN is willing to work with individuals on the costs. Individuals being monitored are required to attend a regional PRN group and the group facilitator is paid \$50 a month to \$125 a month by each participant.

### Probable Cause Panel

The Board members indicated that they would like the opportunity to participate on a Probable Cause Panel to learn more about the process. Ms. Zachary was in agreement that some changes could be made on the Panels to accommodate this request so that members could see the entire process, including complaints which are closed due to no probable cause found. A list of probable cause panel dates was disseminated to the members. Board staff will work directly with board members to schedule participation in the meetings.

### ASWB Meeting

Motion: by Mary Macomber to invite ASWB to come to Florida for a future national meeting.

Second: by Ms. White.

Vote: Unanimous.

### REPORTS

#### Assistant Attorney General

A rules report was provided for the board members review.

Ms. Tootle advised the board that Rule 64B4-11.007(4), 21.007(4), and 31.007(3) needed to be deleted based upon discussion at the January 2006 board meeting and subsequent amendment to 64B4-5.009. The rules are currently in conflict with 64B4-5.009. The board had previously voted for the change, but due to the passage of time since that discussion, Ms. Tootle asked the Board to reaffirm that decision. The board reviewed the draft language provided and took the following action:

Motion: by Ms. Macomber to approve the rule drafts.

Second: by Mr. Roberts.

Vote: Unanimous.

#### **64B4-11.007 Definition of “Licensed Clinical Social Worker, or the Equivalent, Who Is a Qualified Supervisor.”**

(1) - (3) No Change.

~~(4) Any licensee who has had his or her clinical social work, marriage and family therapy, or mental health counseling license, or any other license to practice psychotherapy, disciplined by any jurisdiction within the last ten (10) years shall not be eligible to serve as a qualified supervisor.~~

#### **64B4-21.007 Definition of “a Licensed Marriage and Family Therapist with at Least Five Years Experience or the Equivalent, Who Is a Qualified Supervisor.”**

(1) - (3) No Change.

~~(4) Any licensee who has had his or her clinical social work, marriage and family therapy, or mental health counseling license, or any other license to practice psychotherapy, disciplined by any jurisdiction within the last ten (10) years shall not be eligible to serve as a qualified supervisor.~~



**64B4-31.007 Definition of a “Licensed Mental Health Counselor, or the Equivalent, Who Is a Qualified Supervisor.”**

(1) - (2) No Change.

~~(3) Any licensee who has had his or her clinical social work, marriage and family therapy, or mental health counseling license, or any other license to practice psychotherapy, disciplined by any jurisdiction within the last ten (10) years shall not be eligible to serve as a qualified supervisor.~~

**Prosecuting Attorney**

Ms. Jakeman reported that as of 2/8/2007 there are 45 open cases. Of the 45 cases, 17 are pre-probable cause and 28 are open cases where probable cause was found. 26 of the cases are more than one year old. 1 case has been referred to the Division of Administrative Hearings.

**Executive Director**

Ms. Foster asked if any board member would like to attend the new board member training in March given by the ASWB. Ms. Foster provided budget information in the agenda materials and the file folders for the members review.

**Board Members**

Ms. Zachary and Ms. Macomber will be attending the Association of Social Work Boards (ASWB) April 26-29, 2007 Spring Education Meeting in Mobile, Alabama. Ms. Foster will represent Florida at the meeting for board directors from each state.

Ms. Macomber requested that at future meetings the board recognize any students in attendance.

**FOR YOUR INFORMATION**

Impaired Practitioners Program Workshop Synopsis  
Congress Passes Legislation to Include MHCs in VA Programs  
Arkansas “Technology-Assisted Distance Counseling” Rule

**ADJOURNMENT**

The meeting recessed at 3:45 p.m. on Thursday and adjourned at 11:30 a.m. on Friday.