

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

**GENERAL BUSINESS MEETING MINUTES**

**October 13, 2011 at 2:00 p.m.**

**October 14, 2011 at 8:30 a.m.**

**Wyndham Tampa Westshore**

**700 N. Westshore Blvd.**

**Tampa, FL 33609**

**(813) 289-8200**

**CALL TO ORDER/ROLL CALL**

The meeting was called to order on Thursday, October 13, 2011 at 2:00 p.m. by Mr. Roberts, Chair, and recessed at 5:00 p.m. The meeting was called back to order on Friday, October 14, 2011 at 8:30 a.m. and adjourned at 10:00 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.  
Helen Douglas, RD

**Staff present:**

Deborah Loucks, Board Counsel  
Manshi Shah, Prosecutor  
Sue Foster, Executive Director  
Robin McKenzie, Program Administrator  
Dee Ramer, Regulatory Supervisor  
Court Reporter: Argus Bay Park Reporting  
and Legal (813) 490-0003

**Members absent:**

Sandra Barlow, LCSW (excused)  
Susan Gillespy, LMFT (excused)

**REVIEW AND APPROVAL OF MINUTES**

The minutes of the July 14-15, 2011 general business meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Ms. Macomber to approve.

Second: by Ms. Douglas.

Vote: Unanimous.

Ms. Shah introduced herself to the Board as one of a team of new prosecuting attorneys for the 491 Board. Ms. Shah will be the attorney attending the board meetings. She asked the Board if they would like someone from the Department of Children and Families to come speak at the next board meeting regarding the 491 professions responsibility to report child abuse. The Board indicated they would.

**DISCIPLINARY PROCEEDINGS**

**Richard I. Portnoy, LMHC, Case No. 2008-15867** (PCP: Shyers, White, Macomber)

This was tabled as it was determined this was a settlement agreement that was rejected at a previous board meeting brought to the Board by a former prosecuting attorney.

**Sandra J. Harrison, LCSW, Case No. 2010-18799** (PCP: Buller, Mallery, Roberts)

Ms. Harrison was present and was not represented by counsel. An administrative complaint filed February 23, 2011, alleged violations of s. 491.009(1)(b), and s. 456.072(1)(f), F.S., of having a license to practice acted upon by another state involving a consent decree and voluntary relinquishment of her Nevada clinical social work license.

Mr. Roberts was recused due to service on the probable cause panel and Ms. Bridgman, Vice-Chair, presided over this proceeding.

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

Motion: by Ms. White to find that the respondent was properly served with the administrative complaint.

Second: by Ms. Douglas.

Vote: Unanimous.

Motion: by Ms. Macomber to find the materials facts as alleged in the administrative complaint are not in dispute and to adopt the allegations of fact in the administrative complaint as the Board's findings of fact.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber to adopt the allegations of law set forth in the administrative complaint as the Board's conclusions of law and find that the respondent has violated the practice act.

Second: by Ms. Douglas.

Vote: Unanimous.

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

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. White to accept the department's recommendation of a \$1000 fine and costs, to be paid within one year (365 days), a reprimand, and the addition of an 8 hour in person laws and rules course.

Second: by Ms. Douglas.

Vote: Motion passed with Dr. Day opposed.

Motion: by Ms. Macomber to reconsider the vote to reassess the penalty phase of the previous motion.

Second: by Ms. White

Vote: Unanimous.

Motion: by Ms. Macomber to accept the department's recommendation of a \$1000 fine and costs, to be paid within one year (365 days), a reprimand, with the addition of an 8 hour in person laws and rules course and a 3 hour continuing education course on boundary issues and probation for one year. Ms. Harrison is to provide her supervisor with the

complaint and administrative review from Nevada. Probation is to include monthly meetings with her supervisor, indirect supervision for one year with the standard probationary conditions; quarterly reports and the supervisory and supervisee review of 25% of respondent's records. Ms. White will review and approve the probation supervisor.

Second: by Ms. White.

Vote: Unanimous.

Motion: by Ms. Macomber to assess costs of \$1,477.51 payable within one year.

Second: by Ms. White.

Vote: Unanimous.

**Jolyn Caplan-Steier, LMHC, Case No. 2010-08292** (PCP: Sherrard, Macomber, White)

This was tabled because there was not a board quorum.

**Aldo Ivan Rodriguez, LMFT, Case No. 2010-02195**

**Aldo Ivan Rodriguez, LMFT, Case No. 2010-07191** (Buller, Macomber, Sherrard)

Mr. Rodriguez was not present nor represented by counsel. Two administrative complaints, both with two counts, were filed on September 19, 2011 and alleged violations of s. 491.009(1)(r), F.S., of failure to meet minimum standards with attempt to engage in sexual activity with patient, and s. 456.072(1)(v), F.S., for engaging or attempting to engage in sexual activity by using professional relationship with patient.

A voluntary relinquishment of license was presented to the Board in which respondent agrees to never reapply for licensure under Ch. 491, Florida Statutes.

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

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

Second: by Ms. Douglas.

Vote: Unanimous.

**John Edward Van Lente, LCSW, Case No. 2007-21700** (PCP: Shyers, Bridgman, Gillespy)

This case was pulled from the agenda.

**Suzanne O'Hara Hancock, Registered CSW Intern, Case No. 2010-19375**

(Waived Probable Cause)

Ms. Hancock was not present and was not represented by counsel. A Motion of Voluntary Relinquishment of License was submitted to the Board with the following terms: respondent agrees to never reapply for licensure under Ch. 491, F.S., based upon complaint received from Professionals Resource Network concerning inability to practice due to mental, physical condition, illness or excessive use of drugs or alcohol.

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

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

Second: by Ms. Macomber.

Vote: Unanimous.

**William E. Hayes, LMHC, Case No. 2011-02525** (Waived Probable Cause)

Mr. Hayes was not present and was not represented by counsel. A Motion of Voluntary Relinquishment of License was submitted to the Board with the following terms: respondent agrees to never reapply for licensure under Ch. 491, F.S., based upon violation of s. 491.0111 (c), (k), (r), (w), F.S, and s. 456.063, F.S., of being convicted or found guilty, regardless of adjudication, sexual misconduct conviction of indecent exposure.

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.

**Irma Rebecca Truluck, LMHC, Case No. 2011-08438** (Waived Probable Cause)

Ms. Truluck was not present and was not represented by counsel. A Motion of Voluntary Relinquishment of License was submitted to the Board with the following terms: respondent agrees to never reapply for licensure under Ch. 491, F.S. based upon alleged violation of s. 491.009(1)(c), F.S., of being convicted or found guilty, regardless of adjudication, or entering a plea of nolo contendere, failing to meet minimum standards of practice involving shoplifting convictions, wreckless driving, driving under the influence.

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

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

Second: by Ms. Bridgman.

Vote: Unanimous.

Ms. Shah asked the Board to recognize the investigators who were present in the audience from the Tampa Investigative Services Unit. Also in attendance were graduate students from Rollins College.

**PETITION FOR DECLARATORY STATEMENT**

**Irina Fredericks, LMHC - Dr. Lisa Arango, LMHC Sections 491.003(9)-491.003(9)(b), F.S.**

Ms. Fredericks and Dr. Arango were not present and not represented by counsel. They have requested further clarification of “appropriately trained” in s. 491.003(9)(b), F.S. – what part of the 1000 hours should be dedicated to psychological assessment to legally administer, interpret, charge for and sign off on the reports of psychological assessment? Also they are asking if a LMHC who is a qualified supervisor who has completed the majority of hours of practicum and internship in psychological testing is eligible to charge for and sign off on reports of psychological testing and supervise the Professional Counseling Psychology Master’s Program students who are interested in receiving the Graduate Certificate in Psychological Assessment.

It was discussed that one should check with the 490 Board to see what courses they use to train their students, but the Board cannot issue a blanket statement for all of the various tests, and cannot call it a psychological report.

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

Motion: by Ms. Macomber to decline to issue a Declaratory Statement.

Second: by Ms. White.

Vote: Unanimous.

### **PETITION FOR VARIANCE OF RULE**

#### **Valerie Hoelscher Garoutte: Rule 64B4-3.003(3)(c), F.A.C.**

Ms. Garoutte was not present and was not represented by counsel. She is requesting a variance to rule 64B4-3.003(3)(c), F.A.C., with regard to obtaining a passing score on the Marriage and Family Therapy examination. She states that she struggles with extreme test anxiety, maintained a 4.0 in her Master's program and is studying in a PhD program. She states inaccuracies in scaled scoring.

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

Motion: by Ms. White to deny the petition for variance of waiver. She has not provided documentation that this would create a substantial hardship or would violate principles of fairness.

Second: by Ms. Douglas.

Vote: Unanimous.

### **APPEARANCES**

#### **John C. James, Registered MHC Intern Applicant**

Mr. James was present and was not represented by counsel. He is appearing due to an affirmative response on the history section of his application.

Mr. James asked to withdraw his application. Following discussion the following action was taken by the Board:

Motion: by Ms. White to deny his application.

Second: by Ms. Macomber.

Vote: Unanimous.

#### **Christine Eve De Jesus, Registered MHC Intern Applicant**

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

Debbie Troupe, PRN spoke to the Board about Ms. De Jesus. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to deny her application. Ms. De Jesus does not agree with all of the terms of the PRN contract and has refused to sign. Therefore; the Board cannot determine that she is not a danger to the public's health, safety and welfare.

Second: by Ms. White.

Vote: Unanimous.

#### **Paul Kenneth Dempsey, Registered CSW Intern Applicant**

Mr. Dempsey's appearance was waived.

**Alicia M. Gamache, Registered MHC Intern Applicant**

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

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

Motion: by Ms. Macomber to approve her application when she has met the requirements of the PRN contract allowing her to become licensed as a registered intern.

Second: by Ms. Douglas.

Vote: Unanimous.

**Tommy Craig McGee, Registered MHC Intern Applicant**

Mr. McGee's appearance was waived.

**Susan Denise Sorensen, Registered CSW Intern Applicant**

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

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

Motion: by Ms. White to approve her application once Ms. Sorensen signs the contract agreeing to comply with the PRN recommendations.

Second: by Ms. Macomber.

Vote: Unanimous.

**Marie R. Gianotti, Registered MHC Intern Applicant**

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

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

Motion: by Ms. Macomber to approve her application based on her signing a monitoring contract with PRN.

Second: by Ms. White.

Vote: Unanimous.

**REVIEW OF APPLICATIONS**

**George A. Woodley, Limited MFT Licensure Applicant**

Mr. Woodley was not present and was not represented by counsel. He is applying for a limited license. According to Arkansas Board office, he has not held a license since 1995.

Following discussion, the Board took the following action:

Motion: by Ms. Macomber to deny the application as he has never been licensed as a marriage and family therapist in any state.

Second: by Ms. Douglas.

Vote: Unanimous.

### **Michele T. Band, Registered MFT Intern Applicant**

Ms. Band was present and was not represented by counsel. Ms. Band has applied to become a MFT registered intern, her master's degree is in pastoral counseling. She had withdrawn her application, but is now appealing to the Board to review her coursework to determine if this is a closely related field and whether she has met any of the coursework from the 3 universities. Ms. Band has provided additional information about the pastoral counseling program and additional course descriptions.

The Board agreed that Ms. Band's master's degree in pastoral counseling is a closely related field. Her coursework was discussed and it was determined that she will need 4 more courses to have her education certified. She can become a registered intern when she has met 2 of the 4 courses.

### **OTHER BUSINESS**

#### **Linda Dunn, LMHC: Approval of Probation Supervisor**

Ms. Dunn was not present nor represented by counsel. Ms. White has given temporary approval of the supervisor as stated in the final order, and the Board is required to ratify this. Ms. Dunn was not required to attend. Following discussion, the following action was taken by the Board:

Motion: by Ms. Macomber to ratify the approval of the probation supervisor for Ms. Dunn.  
Second: by Ms. Bridgman.  
Vote: Unanimous.

The Board welcomed graduate students in the audience from the University of North Florida, Rollins College and South University.

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

Motion: by Ms. Macomber to ratify the revised list of providers from Smile Again, LLC through Office of the State Courts Administrator/Office of Court Improvement.  
Second: by Ms. Douglas.  
Vote: Unanimous.

#### **Review and Ratification of Exemption Applications**

Motion: by Ms. Macomber to approve the exemption applications.  
Second: by Ms. Douglas.  
Vote: Unanimous.

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

Motion: by Ms. Macomber to ratify the revised committee of one actions.  
Second: by Ms. Douglas.  
Vote: Unanimous.

#### **Application Denials**

Motion: by Ms. Macomber to deny Duran through National Institute for Holistic Addiction Studies.  
Second: by Ms. Douglas.  
Vote: Unanimous.

## **REPORTS**

### **Assistant Attorney General**

The following rules were approved by the Board on 7/14/2011 and the notice of rule development was published on 9/16/2011.

- |                  |   |
|------------------|---|
| Rule 64B4-5.001  | Disciplinary Guidelines.  |
| Rule 64B4-7.002  | Qualifications Necessary for clinical Social Workers, Marriage and Family Therapists and Mental Health Counselors to Practice Hypnosis. |
| Rule 64B4-7.0081 | Requirements to be a Qualified Practitioner for completing Risk Assessments and Treatment of Sexual Offenders.                          |

Ms. Loucks provided the Board members with a copy of the memorandum from the Governor's Chief of Staff and the Whiley vs. Scott Opinion for their review.

### **Prosecuting Attorney**

Ms. Shah reported that as of September 30, 2011, the Prosecution Services Unit had 97 open disciplinary cases. Of the 97 cases, 36 are under legal review, 28 are pre-probable cause, 28 are public cases where probable cause has been found (of the 28 cases, 3 have been filed with DOAH), 1 case is in holding status, 3 cases are awaiting supplemental investigation and 1 is in intake status.

### **Executive Director**

Ms. Foster reviewed the budget information in the agenda – expenditures for the period ending June 30, 2011 and the cash balance report. Ms. Foster also provided the agenda from the Board/Council Chairs and Vice Chairs Annual Long-Range Planning Meeting on September 27, 2011 in Tallahassee.

### **Board Member**

Mr. Roberts and Ms. Bridgman shared information with the Board members about the board chair and board vice chair meeting in Tallahassee. They were pleased to inform the Board that during the meeting, Wings Benton, attorney for the Appellate Section, cited a favorable appellate opinion that was heavily influenced by the Board's thorough discussion and clear delineation of the evidence supporting its decision at the informal hearing.

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

Health News Article: DOH to speed up suspensions  
DOH News Release Regarding Emergency Suspension Orders  
Tennessee Social Work Notices  
Correspondence from Ann D. White, LMFT  
Emails Received Through the AASCB  
Information from the Chairs/Vice Chairs Annual Meeting

### **ADJOURNMENT**

The meeting adjourned at 10:00 a.m.