



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MIKE KENNEALY
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts
Division of Occupational Licensure
Board of Registration of Allied Mental Health
and Human Services Professions**

1000 Washington Street, Suite 710
Boston, Massachusetts 02118

EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

Public Meeting Minutes

February 18, 2022

Board Members Present:

Bill Ahearn, Acting Chair
Cynthia Belhumeur, Public Member
Amy Vercillo, Member
Frank Gomez, Member (left meeting at 10:50 a.m., returned at 11:30 a.m.)
Ashley Williams, Member (arrived at 10:14 a.m.)
Kristen Woodbury, Member

Staff Members Present:

Brian Bialas, Executive Director
Lynn Read, Board Counsel
Clinton Dick, General Counsel (arrived at 11:17 a.m., left at 12:05 p.m.)
Kristina Gasson, Deputy General Counsel
Doris Lugo, Investigator

All board members and staff appeared by videoconference.

Call to Order: The meeting was called to order at 10:08 a.m.

Board Business

- **Public Meeting Minutes of January 21, 2022:** After a brief discussion, a MOTION was made by Ms. Woodbury, seconded by Ms. Belhumeur, to approve the Public Meeting Minutes of January 21, 2022 as drafted. The motion passed unanimously by a roll call vote.
- **Executive Session Minutes of January 21, 2021:** After a brief discussion, a MOTION was made by Mr. Gomez, seconded by Ms. Belhumeur, to approve the Executive Session Minutes of January 21, 2022 as drafted. The motion passed unanimously by a roll call vote.
- **Adjudicatory Hearings:** Mr. Bialas reported on the scheduling of an adjudicatory hearing in 2020-000446-IT-ENF (CC) for April 26-28, 2022, and in 2020-001171-IT-



ENF (BS) for May 11-13. Dr. Ahearn expressed interest in attending the hearing on April 27.

- **Ratification of Decisions by Board Staff to Approve Applications:** The Board considered whether to approve the decisions made by staff on applications processed since the last meeting. A MOTION was made by Ms. Woodbury, seconded by Ms. Belhumeur, to approve the decisions made by staff on applications processed since the last Board meeting. The motion passed unanimously by a roll call vote.
- **Application Processing Under Application Review Policy:** Mr. Bialas reported on the 2022 to date application data concerning applications reviewed under the Board's Application Review Policy. Dr. Ahearn questioned why LABA applicants showed a higher deficiency rate this month than in previous months. Mr. Bialas stated that he will investigate and report back to the Board.

Dr. Williams arrived at 10:14 a.m.

LMHC Application Review – Discipline in Another Jurisdiction

- **Gail Lewis:** The Board reviewed Ms. Lewis's application, including her disclosure of discipline in Maine for a continuing education violation. After a brief discussion, a MOTION was made by Ms. Woodbury, seconded by Mr. Gomez, to allow Ms. Lewis to continue with the licensing process. The motion passed unanimously by a roll call vote.

NCMHCE ESL Accommodation Request

- **Seunguen Lee:** The Board reviewed Ms. Lee's request. After a brief discussion, a MOTION was made by Mr. Gomez, seconded by Dr. Williams, to allow Ms. Lee 50% extra time and the use of a word-for-word translation dictionary. The motion passed unanimously by a roll call vote.

Monitoring Reports

- **Cassandra DeQuevedo, 2020-001070-IT-ENF, 1st Quarterly Monitoring Report:** The Board reviewed Ms. DeQuevedo's report. After a brief discussion, a MOTION was made by Ms. Woodbury, seconded by Dr. Williams, to accept the report. The motion passed unanimously by a roll call vote.

The Board directed Mr. Bialas to notify Ms. DeQuevedo's supervisor that she should sign the reports that she submits to the Board.

- **Charlene Kelly, 2020-000430-IT-ENF, Petition to Terminate Suspension:** The Board reviewed Ms. Kelly's petition and proposed supervisor. After a brief discussion, a MOTION was made by Ms. Woodbury, seconded by Dr. Williams, to accept the petition and to approve Laura O'Meara as Ms. Kelly's supervisor. The motion passed unanimously by a roll call vote.

- **Lynn Oski, 2019-000401-IT-ENF, Petition to Terminate Stayed Suspension:** The Board reviewed Ms. Oski's petition and directed Mr. Bialas to invite Ms. Oski and her supervisor Nychele Clark to a meeting for an interview.
- **Virginia Childs, 2018-000909-IT-ENF, 7th Quarterly Monitoring Report:** The Board reviewed Ms. Childs' report. After a brief discussion, a MOTION was made by Mr. Gomez, seconded by Ms. Belhumeur, to accept the report. The motion passed unanimously by a roll call vote.

Monitoring Interview

- **Bryan Frascati, 2019-001151-IT-ENF, 2nd and 3rd Quarterly Monitoring Reports**
 - **Interview of Bryan Frascati:** Mr. Frascati appeared to discuss his assessment of a person involved in the complaint that led to his discipline, which was disclosed in a report to the Board. He was the emergency room clinician on call at the time, it was late at night, and no one else was available to do the assessment. Before doing the assessment, he called his supervisor, and his supervisor instructed him to do the assessment.

Mr. Frascati explained that he works in a small community, and although he instructs clients about how to interact with him in public, it can be more difficult to protect boundaries where he works than in larger communities. His group practice now has a system in place for back-up coverage. In the future, he will not do an assessment that creates a conflict and instead will wait for someone else to do it.

After a brief discussion, a MOTION was made by Ms. Woodbury, seconded by Dr. Williams, to accept Mr. Frascati's second and third reports. The motion passed unanimously by a roll call vote.

LMHC Application Reviews – Hearings on Applications

- **José Cruz Rodríguez:**

Mr. Gomez recused himself from the discussion of Mr. Cruz Rodriguez's application and left the meeting.

Mr. Cruz Rodriguez appeared for a hearing on the preliminary denial of his application. Mr. Bialas announced that the hearing will be recorded.

Ms. Read discussed the reasons for the Board's preliminary denial of Mr. Cruz Rodriguez's application.

Mr. Cruz Rodriguez admitted that he does not have additional information for the Board and instead recounted his personal challenges both before and after he received his master's degree. He explained that the institution where he received his degree in Puerto Rico is not well known, but he went there because that is what he could afford at the time. He asked the Board to consider all his qualifications together, including his

complaint-free record and years of experience as a clinician, and allow him to proceed with the licensing process.

Ms. Woodbury thanked Mr. Cruz Rodriguez and asked him about his coursework and how it matches with the requirements of the regulations. Mr. Cruz Rodriguez then discussed his coursework.

After a brief discussion, a MOTION was made by Ms. Woodbury, seconded by Ms. Belhumeur, to deny Mr. Cruz Rodriguez's application because his master's degree is not from a Recognized Educational Institution required by 262 CMR 2.04, and his graduate education lacks required course content in the areas of Clinical Skills, Group Work, and Appraisal under 262 CMR 2.04(3)(a). The motion passed unanimously by a roll call vote.

Mr. Dick arrived at 11:17 a.m.

- **Siye Niu:** Ms. Niu appeared for a hearing on the denial of her application. Mr. Bialas announced that the hearing will be recorded.

Ms. Read explained the Ms. Niu's post-master's degree experience in China under the supervision of a mental health counselor licensed in Virginia is acceptable because of the formal contract arrangement between the site and the supervisor. Because Ms. Niu received experience at an acceptable site under the supervision of an acceptable supervisor, her application should be approved.

After a brief discussion, a MOTION was made by Ms. Woodbury, seconded by Dr. Williams, to allow Ms. Niu to continue with the licensing process. The motion passed unanimously by a roll call vote.

Mr. Gomez returned to the meeting at 11:30 a.m.

Discussion

- **Private Practices as Clinical Field Experience Sites:** Mr. Dick explained that, although the Board's regulations at 262 CMR 2.02 and 262 CMR 3.03 prohibit LMHC and LMFT applicants from earning post-master's degree experience hours at private practices, those regulations conflict with G.L. ch. 112, § 165, which states applicants may earn hours at certain sites or under approved supervisors. For this reason, the Board's Policy on Appropriate Sites for Post-Master's Degree Experience approved last month cannot take effect, and the Board should focus on regulating the qualifications of supervisors and the parameters of supervision rather than on appropriate sites.

The Board heard comments from Midge Williams of MaMHCA, Melissa Koen of MARIACES, and Deb Spragg of Lesley University regarding the impacts of this on supervision and pre-master's degree experiences. Ms. Spragg asked whether the Board's Emergency Policy on Pre-Master's Degree Experience has been extended, and Mr. Bialas explained that he would discuss the issue with Ms. Read and get back to her.

The Board directed staff to propose a supervision policy and regulation changes for the Board's consideration at the next meeting.

Open Session for Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of Meeting

Ms. Williams informed the Board that Mr. Bialas should be receiving a letter from NBCC regarding the rollout of the new NCMHCE, which she expects to begin in June 2022.

Francis Cintron asked about the status of her LMFT application. Mr. Bialas told her that someone would contact her.

Mr. Dick and Ms. Gasson left the meeting at 12:05 p.m.

Executive Session (Closed Session under G.L. c. 30A, § 21(a)(7) to comply with G.L. c. 4, § 7, ¶ 26(c) and G.L. c. 214, § 1B, to review sensitive medical information)

At 12:06 p.m., a MOTION was made by Dr. Williams, seconded by Ms. Belhumeur, to exit the public meeting and enter into a closed executive session under G.L. c. 30A, § 21(a)(7) to comply with G.L. c. 4, § 7, ¶ 26(c) and G.L. c. 214, § 1B, to review sensitive medical information in NCMHCE accommodation requests and an interview regarding a request for reinstatement, then enter into investigative conference under G.L. c. 112 § 65C to conduct a case interview, and then, after the conclusion of the investigative conference, not return to the public meeting and adjourn. The motion passed unanimously by a roll call vote.

See separate minutes of Executive Session.

Investigative Conference (Closed Session under G.L. c. 112, § 65C)

The Board entered investigative conference at 12:42 p.m.

During the investigative conference, the Board took the following action:

Case Interview

2021-000829-IT-ENF (TC):

Interviewed respondent

Adjournment

At 1:05 p.m., a MOTION was made by Dr. Williams, seconded by Ms. Belhumeur, to adjourn the meeting. The motion passed unanimously by a roll call vote. The meeting adjourned at 1:05 p.m.

The above minutes were approved at the public meeting held on March 18, 2022.



Brian Bialas, Executive Director

List of Documents Used by the Board at the Public Meeting:

- Agenda for Meeting of February 18, 2022
- Public Meeting Minutes of January 21, 2022
- Executive Session Minutes of January 21, 2022
- Applications Reviewed Under Application Review Policy: January 1, 2022 through February 1, 2022
- Documents from LMHC Application of Gail Lewis
- NCMHCE ESL Accommodation Request of Seunguen Lee
- Cassandra DeQuevedo, 2020-001070-IT-ENF, 1st Quarterly Monitoring Report
- Charlene Kelly, 2020-000430-IT-ENF, Petition to Terminate Suspension
- Lynn Oski, 2019-000401-IT-ENF, Petition to Terminate Stayed Suspension
- Virginia Childs, 2018-000909-IT-ENF, 7th Quarterly Monitoring Report
- Bryan Frascati, 2019-001151-IT-ENF, 2nd and 3rd Quarterly Monitoring Reports
- Documents from LMHC Application of Jose Cruz Rodriguez
- Documents from LMHC Application of Siyue Niu