

Commonwealth of Massachusetts
Board of Allied Mental Health and Human Services Professions
Public Meeting
February 19, 2021
1000 Washington Street
Boston, MA 02118

Board Members Present:

Bill Ahearn, Acting Chair
Amy Vercillo, Member
Jacqueline Gagliardi, Member (left meeting at 11:52 a.m.)
Ashley Williams, Member
Frank Gomez, Member (arrived at 10:15 a.m.)
Cynthia Belhumeur, Public Member
Susan Egan, Member

Staff Members Present:

Brian P. Bialas, Executive Director
Lynn Read, Board Counsel

Pursuant to Governor Charles D. Baker's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, s. 20, dated March 12, 2020, 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 15, 2021:** After a brief discussion, a MOTION was made by Ms. Gagliardi, seconded by Ms. Belhumeur, to approve the Public Meeting Minutes of January 15, 2021 as drafted. The motion passed unanimously by a roll call vote.
- **Executive Session Minutes of January 15, 2021:** After a brief discussion, a MOTION was made by Ms. Gagliardi, seconded by Dr. Williams, to approve the Executive Session Minutes of January 15, 2021 as drafted. The motion passed unanimously by a roll call vote.
- **Ratification of Decisions by Board Staff to Approve Applications:** After a brief discussion, a MOTION was made by Ms. Gagliardi, seconded by Ms. Vercillo, to approve the decisions made by staff on applications processed since the last Board meeting. The motion passed unanimously.

Mr. Gomez arrived at 10:15 a.m.

- **Adjudicatory Hearing in 2020-000330-IT-ENF (RB) on June 1-4 and 8, 2021 at 10 a.m.:** Mr. Bialas reported that an adjudicatory hearing has been scheduled and asked members interested in attending to contact him.

Application Review Interview – Discipline in Another Jurisdiction

- **Lindsey Bergeron, Applicant for Temporary Emergency License as LMHC:** Ms. Bergeron appeared to discuss her past discipline in New Hampshire for providing letters to the father of a child patient without the consent of the mother that the father then used against the mother in a divorce. The New Hampshire Board reprimanded Ms. Bergeron and imposed continuing education requirements and other conditions. When questioned by the Board, Ms. Bergeron explained what she has learned from the experience, including the importance of informed consent, checking in with parents more frequently, and not taking a side in a divorce situation. She now is a clinical director and passes this knowledge on to her supervisees.

After a brief discussion, a MOTION was made by Ms. Gagliardi, seconded by Mr. Gomez, to allow Ms. Bergeron to continue with the licensing process. The motion passed unanimously by a roll call vote.

Discussion

- **Report from I. Scott Cohen, State Delegate to AMFTRB:** Mr. Cohen reported on his activities with AMFTRB and CLEAR. Within these organizations, he has been exploring whether boards should adopt matrices of sanctions for specific violations, what will happen when state emergency orders permitting teletherapy across state lines expire, licensing compacts, complaints about unlicensed practice and other violations, examinations, work experience in lieu of academic credits, and how to assess the competency of supervisors. The Board asked Mr. Cohen questions about these topics.
- **1.18.21 Email from S. Egan re: Out-of-State Experience and Supervision:** The Board reviewed an email from a prospective educational psychologist applicant asking whether she can obtain supervision from a Massachusetts educational psychologist while working in California. The Board directed staff to respond that she cannot.
- **2.11.21 Email from A. Renzi re: Private Practice Experience:** The Board reviewed an email from a prospective LMHC applicant asking the Board to approve regulations that, like the Social Worker Board regulations, would allow LMHC applicants to gain experience hours for licensure in private practice. The Board discussed the reasons why it does not permit LMHC applicants to earn experience hours in a private practice. First, the quality of applicants' experience is better in a more structured, regulated setting such as a non-profit clinic. Second, the Social Worker Board licenses social workers who earn experience hours for the Licensed Independent Clinical Social Worker (LICSW) license – the license most like the LMHC – which adds additional structure to the social worker applicant's experience that is not available for LMHC applicants. The Board directed staff to respond to the emailer.

- **Revision to 262 CMR 8.01(5): Ethics Code for Behavior Analysts:** After a brief discussion, a MOTION was made by Ms. Vercillo, seconded by Dr. Williams, to approve the draft changes to 262 CMR 8.01(5) to adopt the new Ethics Code for Behavior Analysts. The motion passed unanimously by a roll call vote.

LMHC Application Review

- **Sara Burd:** The Board discussed Ms. Burd's LMHC application. After a brief discussion, a MOTION was made by Ms. Belhumeur, seconded by Ms. Gagliardi, to deny Ms. Burd's application because she does not meet the educational requirements for licensure for the reasons listed in Erin Murphy's email to Ms. Burd dated June 23, 2016. The motion passed unanimously by a roll call vote.
- **Vincent Forleo, Applicant for Emergency Temporary License:** The Board discussed Ms. Forleo's past discipline in Rhode Island. The Board directed staff to invite Mr. Forleo to a meeting to discuss his application and past discipline.

LMHC Application Review – Request for Hearing on Denial of Application

- **Chelsea Shea:** Ms. Shea appeared to discuss her application, which the Board denied because Ms. Shea did not complete a practicum required under the regulations. The Board allowed Ms. Shea to submit materials to show that she completed a practicum that the Board will consider at its next meeting.
- **Terence Waldron and Kristy Waldron:** The Board discussed the Waldrons' applications. After a brief discussion, a MOTION was made by Ms. Gagliardi, seconded by Ms. Belhumeur, to ask each of the applicants for more specificity regarding their reasons for requesting a hearing on the denial of their applications. The motion passed unanimously by a roll call vote.

NCMHCE ESL Accommodation Request

- **Cristina Cruz-Thompson:** The Board reviewed Ms. Cruz-Thompson's accommodation request. After a brief discussion, a MOTION was made by Dr. Williams, seconded by Ms. Vercillo, to allow Ms. Cruz-Thompson 50% extra time and a separate room. The motion passed unanimously by a roll call vote.

Monitoring Report

- **Virginia Childs, 2018-000909-IT-ENF, 5th Quarterly Monitoring Report:** After a brief discussion, a MOTION was made by Ms. Gagliardi, seconded by Mr. Gomez, to accept the report. The motion passed unanimously by a roll call vote.

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

Midge Williams from MaMHCA asked when the public hearings on the approved changes to the LMHC and LMFT licensing regulations would take place. Ms. Read said that she would investigate.

Adjourn Public Meeting, Enter Executive Session, and then Enter Investigative Conference

(Closed Executive Session under G.L. c. 30A, s. 21(a)(7) to comply with G.L. c. 4, s. 7, para. 26(c) and G.L. c. 214, s. 1B to review sensitive medical information in NCMHCE accommodation requests, and Closed Investigative Conference under G.L. c. 112, s. 65C to review an order to show cause, settlement offers, and cases)

At 11:52 a.m., a MOTION was made by Ms. Gagliardi, seconded by Mr. Gomez, to: (1) adjourn the public meeting; (2) enter into a closed executive session under G.L. c. 30A, s. 21(a)(7) to comply with G.L. c. 4, s. 7, para. 26(c) and G.L. c. 214, s. 1B to review sensitive medical information in a NCMHCE accommodation requests; (3) then enter into a closed investigative conference under G.L. c. 112 s. 65C to review an order to show cause, settlement offers, and cases; and (4) then, after investigative conference, not return to the public meeting and adjourn. The motion passed unanimously by a roll call vote.

Executive Session (Closed under G.L. c. 30A, s. 21(a)(7) to comply with G.L. c. 4, s. 7, para. 26(c) and G.L. c. 214, s. 1B to review sensitive medical information in NCMHCE accommodation requests)

The Board entered executive session at 11:52 a.m. See separate minutes.

Ms. Gagliardi left the meeting at 11:52 a.m.

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

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

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

Review of Order to Show Cause

2019-001030-IT-ENF (MD):

Gave direction to prosecutor

Settlements

2019-001151-IT-ENF (BF):

Gave direction to prosecutor

2019-001367-IT-ENF and 2020-000446-IT-ENF (CC):

Gave direction to prosecutor

2020-000704-IT-ENF (JH):

Gave direction to prosecutor

Cases

2020-000706-IT-ENF (CW):

Dismiss. Open complaint for CE violation.

2020-001306-IT-ENF (KM):

Refer to Office of Prosecutions

Adjournment

At 1:28 p.m., a MOTION was made by Ms. Vercillo, seconded by Ms. Belhumeur, to adjourn the meeting. The motion passed unanimously by a roll call vote.

The meeting adjourned at 1:28 p.m.

The above minutes were approved at the public meeting held on March 19, 2021.



Brian Bialas, Executive Director

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

- Agenda for Meeting of February 19, 2021
- Draft Public Meeting Minutes of January 15, 2021
- Draft Executive Session Minutes of January 15, 2021
- Temporary Emergency License Application of Lindsey Bergeron
- 1.18.21 Email from S. Egan re: Out-of-State Experience and Supervision
- 2.11.21 Email from A. Renzi re: Private Practice Experience
- Draft Revisions to 262 CMR 8.01(5)
- LMHC Application of Sara Burd
- Temporary Emergency License Application of Vincent Forleo
- NCMHCE ESL Accommodation Request of Cristina Cruz-Thompson
- Virginia Childs, 2018-000909-IT-ENF, 5th Quarterly Monitoring Report