

RSM

7-15-04

By: Heather Coleman
Deputy Agency Clerk

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

DEPARTMENT OF HEALTH

Petitioner,

v.

CASE NO. 2000-02291

CHRISTOPHER BARBIN DeBELLEVUE, L.C.S.W.,

Respondent,

FILED
04 SEP 30 PM 1:17
DEPARTMENT OF HEALTH
TALLAHASSEE, FLORIDA

04-0302 PL

REM-CWS

FINAL ORDER

THIS MATTER came before the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling (hereinafter the "Board") at a duly noticed public meeting held on August 20, 2004, in Tallahassee, Florida. The hearing was conducted pursuant to Sections 120.569 and 120.57(1), Florida Statutes, for the purpose of considering the Administrative Law Judge's Recommended Order, (a copy of which is attached hereto as Exhibit A) in the above styled cause. Respondent was present but was not represented by counsel at the concerned hearing.

Upon review of the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

RULINGS ON THE EXCEPTIONS

1. The Board rejects Respondent's Notice of Intent to file Exceptions. Section 120.57(1)(k), Florida Statutes, allows each party 15 days in which to submit written exceptions to the recommended order. In addition, an agency need not rule on an exception that does not clearly identify the disputed portion of the recommended order by page number or paragraph, that

does not identify the legal basis for the exception, or that does not include appropriate and specific citations to the record. Respondent's July 30, 2004 filing of a notice of intention to file exceptions at some future date fails to fulfill either the 15 day requirement or the specificity requirements of Section 120.57(1)(k), Florida Statutes.

FINDINGS OF FACT

2. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

3. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

4. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 491, Florida Statutes.

5. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

6. There is competent substantial evidence to support the conclusions of law.

DISPOSITION

7. Upon a complete review of the record in this case, the Board determines that the disposition recommended by the Administrative Law Judge is accepted.

8. Respondent's license is placed on probation for a period of five years pursuant to the following terms:

(a) Probationer shall comply with all state statutes and rules pertaining to the practice of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling in Chapter 456 and 491, Florida Statutes, and Rule Chapter 64B4, Florida Administrative Code. (b) Probationer shall appear before the Board at the first meeting after said probation commences, at the last

meeting of the Board preceding termination of probation, and at such other times as requested by the Board. (c) In the event Probationer leaves the State of Florida for a period of thirty days or more, or otherwise does not engage in practice in Florida, Probationer's probation shall be tolled and shall remain in a tolled status until Probationer returns to active practice in the State of Florida, at which time the probationary status shall resume. Probationer must keep current residence and business addresses on file with the Board. Probationer shall notify the Board within ten (10) days of any changes of said addresses. (d) Probationer shall practice only under the supervision of a psychotherapist fully licensed under Chapter 491 to be approved by the Board or its designee. Probationer shall have the supervising psychotherapist with the Probationer at the Probationer's first probation appearance before the Board. Prior to approval of the supervising psychotherapist by the Board or its designee, the Probationer shall provide to the supervising psychotherapist a copy of the administrative complaint filed in this case. A failure of the Probationer or the supervising psychotherapist to appear at the scheduled Board meeting shall constitute a violation of the Board's Final Order. Prior to the approval of the supervising psychotherapist by the Board or its designee, Probationer shall submit to the Board or its designee a current curriculum vitae and description of the current practice from the proposed supervising psychotherapist. Said materials shall be received in the Board office no later than fourteen (14) days before Probationer's first scheduled probation appearance. Probationer shall be responsible for ensuring that the supervising psychotherapist submits the required reports. The responsibilities of the supervising psychotherapist shall include: (1.) Submit quarterly reports, which shall include: (a.) Brief statement of why Probationer is on probation. (b.) Description of Probationer's practice. (c.) Brief statement of Probationer's compliance with terms of probation. (d.) Brief statement of Probationer's relationship with supervising psychotherapist. (e.) Detail any

problems which may have arisen with Probationer. (2.) Review 25% of Probationer's patient records selected on a random basis at least once every two (2) weeks. (3.) Consult with Probationer on all cases involving or relating to boundary issues with any patient. (4.) Report to the Board any violations by the Probationer of Chapter 456 and 491, Florida Statutes, and the rules promulgated pursuant thereto. (e) Probationer shall submit quarterly reports to the Board. The reports shall include: (1.) Brief statement of why Probationer is on probation. (2.) Practice location. (3.) Description of current practice stating type and composition. (4.) Brief statement of compliance with probationary terms. (5.) Description of relationship with the supervising psychotherapist. (6.) Description of any problems.

9. Imposition of a fine of \$2,000.00, to be paid within five years from the filing of this final order.

10. Assessment of costs against the Respondent in the amount of Eleven Thousand Nine Hundred Sixteen Dollars and Sixty-Three Cents (\$11,916.63), to be paid within five years from the filing of this final order.

11. Completion of 100 hours of continuing education hours. The required continuing education hours shall include, and not be in addition to, the required 30 biennium hours with the remaining 40 hours to include courses in the area of ethics, boundary violations, and record keeping. Such continuing education hours must be completed within five years from the filing of this final order.

This Final Order shall become effective upon filing with the clerk of the Department of Health.

DONE AND ORDERED this 28 day of September, 2004.

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



Susan J. Foster
Executive Director

NOTICE OF APPEAL RIGHTS

Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a notice of appeal with the Clerk of the Department of Health and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: Dirk Lorenzen, Caruana and Lorenzen, P.A. , 1000 Courthouse Tower, Miami, Florida 33130; Christopher Barbin DeBellevue, 10804 Forest Run Drive, Bradenton, Florida 34211; Jeffrey D. Jones, Senior Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; Robert E. Meale, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and Kathryn E. Price, Assistant General Counsel, Department of Health, Prosecution Services Unit, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265, on this 29th day of September, 2004.

