

19/11

Final Order No. DOH-06-0442-FC-MOA  
FILED DATE - 2/2/06  
Department of Health  
By: Silvi Bailey  
Deputy Agency Clerk

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

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**vs.**

**CASE NO.: 2002-18593**

**ROSEMARY WOLFF, L.M.H.C.,**

**Respondent.**

**FINAL ORDER**

THIS CAUSE came before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, in Orlando, Florida on January 27, 2006, for the purpose of considering the Administrative Law Judge's Recommended Order in the above-styled cause. Petitioner was represented by Lynette Norr, Assistant General Counsel. Respondent was present and was represented by William Swift.

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.

**FINDINGS OF FACT**

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
2. There is competent substantial evidence to support the findings of fact.

### CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 491, Florida Statutes.
2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

### DISPOSITION

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

**WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED** that:

1. Respondent is issued a reprimand.
2. Respondent's license shall be placed on probation for a period of one (1) year commencing upon approval of a supervising psychotherapist. The terms of probation shall be as follows:

(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 the 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 a Board Monitor. 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 Monitor, 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 Monitor, Probationer shall submit to the Board a current curriculum vitae and description of the current practice from three proposed supervising psychotherapists. Said materials shall be received in the Board office no later than thirty (30) days from the date of entry of this Final Order. The Board monitor shall select one of the proposed supervising psychotherapists prior to the Probationer's first appearance before the Board.

(e) 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 ten percent (10%) of Probationer's patient records selected on a random basis at least once every sixty (60) days.
3. Report to the board any violations by the Probationer of Chapter 456 and 491, Florida Statutes, and the rules promulgated pursuant thereto.

(f) 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 probationer's current practice, stating type and composition.
- 4. Brief statement of compliance with probationary terms.
- 5. Description of probationer's relationship with the supervising psychotherapist.
- 6. Description of any problems and attempts at resolution.

(g) Probationer shall comply with all terms of the final order in this matter on a timely basis.

(h) Dr. Sharon Otis was appointed as Board Monitor.

3. Respondent shall pay a fine of **\$1,000.00** within 30 days of the entry of this order.

Payment shall be made to the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, and mailed to DOH-Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320.

**RULING ON MOTION TO ASSESS COSTS**

The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of \$2,391.70 to be paid within 30 days from the date of entry of this Order. Payment shall be made to the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, and mailed to DOH-Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 2<sup>nd</sup> day of March, 2006.



SUSAN J. FOSTER, Board Executive Director  
for the Board of Clinical Social Work, Marriage and  
Family Therapy, and Mental Health Counseling

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a notice of appeal with the Agency Clerk of the Department of Health and a second copy, accompanied by filing fees prescribe by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the appellate district where the party resides. The notice of appeal must be filed within thirty (30) days of rendition of the Order to be reviewed.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to **Rosemary Wolff**, 216 East Osceola Street, Stuart, Florida 34994 and **William Swift, Esquire**, 901 Martin Downs Boulevard, Suite 208, Palm City, Florida 34990; by interoffice mail to **Michael T. Flury**, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; **Lynette Norr**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265 this 3<sup>rd</sup> day of March, 2006.

  
**Deputy Agency Clerk**