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Department of Professional Regulation
AGENCY CLERK

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STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF PSYCHOLOGICAL EXAMINERS

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DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

DPR Case No. 0106257

PINCUS GROSS,

Respondent.

FINAL ORDER ADOPTING STIPULATION OF THE PARTIES

THIS CAUSE came to be heard by the Board of Psychological Examiners, pursuant to Section 120.57(3), Florida Statutes, at its meeting of February 26, 1990, in Tallahassee, Florida. The Department of Professional Regulation was represented by counsel. Dr. Pincus Gross was also present. He was not represented by counsel.

The parties had entered into a stipulated agreement in resolution of the administrative complaint that had been filed by the Department against Dr. Gross. A copy of that administrative complaint and a copy of the stipulated agreement are attached to the order.

Being fully advised in the premises, the Board hereby accepts the stipulated agreement, the terms of which are incorporated into this order by reference.

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FINDINGS OF FACT

The Board hereby adopts the stipulated facts, including paragraphs 5 and 6 of the administrative complaint, which is incorporated into this order by reference.

CONCLUSIONS OF LAW

Consistent with the stipulated agreement and the administrative complaint, the Board concludes that Dr. Gross has violated Section 490.009(2)(h), Florida Statutes, and Section 490.009(2)(u), Florida Statutes, and hereby dismisses Counts Two, Three, and Four of the administrative complaint.

PENALTY

Consistent with the stipulated agreement, it is hereby ORDERED that Respondent, Dr. Pincus Gross, shall pay an administrative fine of \$1,000 to the Executive Director of the Board of Psychological Examiners within thirty (30) days of the entry of this final order.


It is further ORDERED that Respondent, Dr. Pincus Gross, may not supervise a candidate for licensure as psychologist for one (1) year from the date of this final order.

It is further ORDERED that Respondent, Dr. Pincus Gross, shall abide by the terms of the stipulated agreement in all its respects.

THIS ORDER SHALL BE EFFECTIVE UPON FILING WITH THE AGENCY
CLERK.

DONE AND ORDERED on this 22 day of March,
1990.

BOARD OF PSYCHOLOGICAL
EXAMINERS


Dr. E. Carol Webster,
Chairman
Board of Psychological
Examiners

NOTICE OF RIGHT TO JUDICIAL REVIEW

UNLESS WAIVED BY STIPULATION, 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 PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED 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.

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF PSYCHOLOGICAL SERVICES

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

CASE NO. 0106257

PINCUS GROSS, Ph.D.

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Psychological Services against PINCUS GROSS, Ph.D., hereinafter referred to as "Respondent", and alleges:

1. Petitioner is the state agency charged with regulating the practice of psychology pursuant to Section 20.30, Florida Statutes, Chapter 455, and Chapter 490, Florida Statutes.
2. Respondent is, and has been at all times material hereto a licensed Psychological Examiner, license number PY 2960, whose address of record is 3701 River Grove Drive, Tampa, Florida 33610.
3. In or around October of 1987, a patient of Respondent's was referred to psychological resident, Dr. James R. Flens, for testing. Dr. Flens was unlicensed by the State and under supervision by the Respondent.
4. The patient was not informed of Dr. Flens' unlicensed status or that he was under the supervision of the Respondent.

5. The Respondent failed to countersign Dr. Flens reports, as he was required by Rule of the Board.

6. In the process of Dr. Flens' licensure, the Respondent filed a verification of compliance, when in fact he had not complied with Rule 210-17.002, Florida Administrative Code.

COUNT ONE

7. Petitioner realleges and incorporates by reference the allegations contained in the above paragraphs.

8. Based on the foregoing, the Respondent has violated Section 490.009(2)(h), Florida Statutes, by failing to perform any statutory or legal obligation placed upon a person licensed under this Chapter.

COUNT TWO

9. Petitioner realleges and incorporates by reference the allegations contained in the above paragraphs.

10. Based on the foregoing, the Respondent has violated Section 490.009(2)(i), Florida Statutes, by willfully making or filing a false report or record, required by State and Federal Law, willfully impeding or obstructing the filing of a report or record or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record. Such report or record includes a report or record which requires the signature of a person licensed under this Chapter.

COUNT THREE

11. Petitioner realleges and incorporates by reference the allegations contained in the above paragraphs.

12. Based on the foregoing, the Respondent has violated Section 490.009(2)(s), Florida Statutes, by failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.

COUNT FOUR

13. Petitioner realleges and incorporates by reference the allegations contained in the above paragraphs.

14. Based on the foregoing, the Respondent has violated Section 490.009(2)(t), Florida Statutes, by delegating professional responsibilities to a person whom the licensee knows or has reason to know is not qualified by training or experience to perform such responsibilities.

COUNT FIVE

15. Petitioner realleges and incorporates by reference the allegations contained in the above paragraphs.

16. Based on the foregoing, the Respondent has violated Section 490.009(2)(u), Florida Statutes, by violating a rule relating to the regulation of the profession or a lawful order of the Department previously entered in a disciplinary hearing, specifically, Rule 21U-17.002, Florida Administrative Code.

WHEREFORE, Petitioner respectfully requests the Board of Psychological Examiners to enter an Order imposing one or more of the following penalties: revocation or suspension of the

Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 14th day of July, 1989.

Larry Gonzalez
Secretary

Charles F. Tunnick
By: Charles F. Tunnick
Chief Attorney
Professions

COUNSEL FOR DEPARTMENT:

Laura P. Gaffney
Senior Attorney
Department of Professional
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LPG/MT/pr
07/13/89

FILED

Department of Professional Regulation
AGENCY CLERK

Stacy Cope

CLERK

DATE

7/14/89

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

DPR CASE NO. 0106257

vs.

PINCUS GROSS, Ph.D.,

Respondent.

STIPULATION

Pursuant to Section 120.57(3), a Florida Statute, the above-named parties hereby offer this Stipulation to the Board of Psychological Examiners, as disposition of the Administrative Complaint attached hereto as exhibit "A", in lieu of any other Administrative proceedings. The terms herein become effective only if and when a final order accepting this Stipulation is issued by the Board and filed. In considering this Stipulation, the Board may review all investigative materials regarding this case. If this stipulation is rejected, it, and its presentation to the board, shall not be used against either party.

STIPULATED FACTS

1. Respondent admits the allegations of fact contained in paragraphs 5 and 6 of the Administrative Complaint.
2. For all times pertinent herein, respondent was a licensed psychologist in the State of Florida, having been issued license number PY 2960.

STIPULATED LAW

3. Respondent admits that the stipulated facts constitute violations of the Florida Statutes charged in Count One and Count Five of the Administrative Complaint.

4. Respondent denies any willful violation of a Statute or a lawful order of the Department.

5. Counts Two, Three and Four are hereby dismissed.

STIPULATED DISPOSITION

6. The Respondent shall be present when this Stipulation is presented to the Board, and under oath shall answer questions by the Board concerning this case and the disposition thereof.

7. Respondent hereby waives any rights to appeal or further review of the Stipulation made herein.

8. Respondent hereby waives any claim for attorneys fees generated by the case.

9. Respondent shall not violate Chapters 455 and 490, Florida Statutes, or the Rules promulgated thereunder.

10. The Respondent shall pay an Administrative Fine of one thousand dollars (\$1,000.00) to the Executive Director of the Board of Psychological Examiners within thirty (30) days of the entry of the Final Order.

11. The Respondent shall not supervise a candidate for licensure as a Psychologist for one (1) year from the date of the Final Order adopting this Stipulation.

WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

12/4/89
Date signed

[Signature]
RESPONDENT

Sworn to and subscribed
before me this 4th day
of December, 1989.

[Signature]
Notary Public State of Florida
My Commission Expires: Sept. 26, 1993
Bonded Thru Troy Fair - Insurance Inc.

APPROVED this 12th day of December, 1989.

Larry Gonzalez
Secretary

[Signature]
BY: Charles F. Tunncliff
Chief Attorney
Allied Health Section