

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

AGENCY FOR HEALTH CARE
ADMINISTRATION,

Petitioner,

vs.

CASE NC. 93-01663

DAVID C. CONGDON,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Agency for Health Care Administration, hereinafter referred to as "Petitioner," files this Administrative Complaint before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling against DAVID C. CONGDON, hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, pursuant to Section 20.42, Florida Statutes, Chapter 455, Florida Statutes; and Chapter 451, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed Clinical Social Worker, having been issued license number SW 0002150.

3. Respondent's address of record is 1520 Bonnie Burns Circle, Winter Park, Florida 32789-5705.

4. Petitioner was at all times material hereto, the vice- president of Project III.

5. During 1990, Project III applied for a Drug Abuse Treatment Waiting Period Reduction Grant from the federal government.

6. The "Drug Abuse Treatment Waiting Period Reduction Grant Program," known as the Waiting List Reduction Grant, was a federally-funded program offered to states to reduce the number of drug abuse clients who were waiting for services.

7. The Respondent, while preparing and compiling the information used in the Waiting List Reduction Grant Application, ordered Project III counselors to falsify State of Florida documents, federal government documents, and company records.

8. During his term as vice-president of Project III, the Respondent maintained a professional relationship with another licensee who, under the guide of "work therapy," arranged for clients to provide labor for personal friends and businesses in which both licensees had an interest.

COUNT ONE

9. Petitioner realleges and incorporates the allegations contained in paragraphs one (1) through eight (8), as if fully stated herein.

10. Based upon the foregoing, Respondent has violated Section 491.009(2)(a), Florida Statutes, by willfully making or filing a false report or record; failing to file a report or record required by state or 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 only a report or record which requires the signature of a person licensed or certified under this chapter.

COUNT TWO

11. Petitioner realleges and incorporates the allegations contained in paragraphs one (1) through eight (8), as if fully stated herein.

12. Based on the foregoing, the Respondent has violated Section 491.009(2)(b), Florida Statutes, by making misleading, deceptive, untrue, or fraudulent misrepresentations in the practice of any profession licensed or certified in this chapter.

COUNT THREE

13. Petitioner realleges and incorporates the allegations contained in paragraphs one (1) through eight (8), as if fully stated herein.

14. Based on the foregoing, the Respondent has violated Section 491.009(2)(s), Florida Statutes, by failing to meet minimum standards of performance in professional activities when measured against generally prevailing peer performance.

WHEREFORE, Petitioner respectfully requests that the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling enter an ORDER imposing (1) 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's license on probation for a period of time and subject to terms and/or conditions, and/or any other relief which the Board deems appropriate.

SIGNED this 26th day of June, 1997.

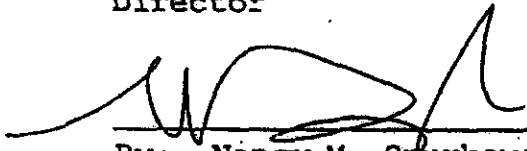
Douglas M. Cook
Director

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK Stephanie D. Dixon

DATE 7-7-97


By: Nancy M. Smurkowski
General Counsel's Office-MQA
Chief Attorney- Allied Health

COUNSEL FOR DEPARTMENT:

Angela T. Hall, Staff Attorney
Agency for Health Care Administration
P.O. Box 14229
Tallahassee, FL 32317-4229
ph. (904) 487-3908
fax (904) 414-1991

PCP: J. Gygi, O. Connor

PCP date: 4/17/97

ATH
ATH/kmw

RECEIVED - LEGAL

99 MAR -2 AM 10:54

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

RECEIVED - LEGAL

99 MAR 26 AM 10:09

AGENCY FOR HEALTH CARE
ADMINISTRATION,

Petitioner,

vs.

DAVID C. CONGDON,

Respondent.

DOAH Case No. 97-005592

Agency Case No. 93-1663

*6/23/98
present
attorney
stipulation accepted*

SETTLEMENT STIPULATION

DAVID C. CONGDON, a licensed Clinical Social Worker, hereinafter referred to as "Respondent," and the Department of Health, hereinafter referred to as "the Agency," do stipulate and agree to the following joint Settlement Stipulation and Final Order of the Board of Clinical Social Work, Marriage & Family Therapy, and Mental Health Counseling, hereinafter referred to as "the Board," incorporating this Settlement Stipulation in the above-styled matter. If this Stipulation is rejected by the Board, it, and its presentation to the Board, shall not be used against either party.

STIPULATED FACTS

1. For all times material hereto, Respondent has been a licensed Clinical Social Worker in the State of Florida, having been issued license number SW0002150.
2. The Respondent was charged by an Administrative Complaint filed by the Agency and properly served upon Respondent alleging violations of Chapter 491, Florida

Statutes. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. The Respondent denies the allegations of fact contained within the Administrative Complaint, attached hereto as Exhibit "A", but enters into this Stipulation for the sole purpose of amicably resolving this dispute.

STIPULATED CONCLUSIONS OF LAW

1. The Respondent, in his capacity as a Clinical Social Worker, admits that in such capacity he is subject to the provisions of Chapter 455 and Chapter 491, Florida Statutes, and the jurisdiction of the Agency and the Board.

2. The Respondent admits that the allegations of fact set forth in the Administrative Complaint, if proven true, constitute violations of Chapter 491, Florida Statutes, and/or the rules enacted pursuant thereto.

3. Respondent admits that the Stipulated Disposition in this case is fair, appropriate, and acceptable to Respondent.

STIPULATED DISPOSITION

1. ATTENDANCE. The Respondent shall be present when this Settlement Stipulation is presented to the Board.

2. FUTURE CONDUCT. The Respondent shall not in the future violate Chapters 455 and 491, Florida Statutes, and/or the rules enacted pursuant thereto.

3. FINE. The Respondent shall pay an Administrative Fine of one thousand, five hundred dollars (\$1,500.00). This fine shall be paid by the Respondent to the Executive Director of the Board of Clinical Social Work, Marriage and Family Therapy, and Mental

Health Counseling, 1940 N. Monroe Street, Tallahassee, FL 32399, within thirty (30) days of the entry of the Final Order adopting this Settlement Stipulation.

4. COSTS. The Respondent shall pay Costs of one thousand, one hundred, eighty four dollars (\$1,184.00). These Costs shall be paid by the Respondent to the Executive Director of the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, 1940 N. Monroe Street, Tallahassee, FL 32399, within thirty (30) days of the entry of the Final Order adopting this Settlement Stipulation.

5. REPRIMAND. Respondent's license to practice Clinical Social Work shall receive a reprimand for failing to more closely supervise the licensed and certified managers who collected, reported and maintained grant data so that they were more accountable in their activities.

6. EDUCATION. Respondent shall complete ten (10) hours of continuing education in management or ethics issues. These hours must be from a Board-approved course or courses. These continuing education hours shall be in addition to those continuing education hours required for licensure renewal. Upon completion of said continuing education hours, the Respondent shall request the provider to submit verification of completeness to the Board of Marriage and Family Therapy, Clinical Social Work, and Mental Health Counseling.

7. Respondent agrees to cooperate with the Agency in the investigation and administrative proceedings against the other licensee who is currently undergoing administrative action for charges, arising from the same factual allegations as the Administrative Complaint herein by providing truthful testimony and information known to

him concerning same.

8. It is expressly understood that this Settlement Stipulation is subject to the approval of the Board and the Agency and except as noted, has no force or effect until an Order based upon it is entered by the Board.

9. This Settlement Stipulation is executed by the Respondent for the purpose of avoiding further expense on his part or further action by the Board of Marriage and Family Therapy, Clinical Social Work, and Mental Health Counseling regarding the allegations set forth in the Administrative Complaint, attached as exhibit "A". In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning the above-styled matter prior to, or in conjunction with, the Board's consideration of this Settlement Stipulation. Furthermore, should this joint Settlement Stipulation not be accepted by the Board, it is agreed that the presentation and consideration of this Settlement Stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

10. The Respondent agrees not to withdraw from or in any manner revoke or repudiate the terms of this Settlement Stipulation prior to the time of its presentation and full consideration by the Board. Should the Respondent withdraw from or in any manner repudiate or revoke the terms of this Settlement Stipulation prior to its presentation and/or full consideration by the Board, Respondent agrees to waive all rights he might have to seek attorney's fees and costs incurred as the result of this disciplinary proceeding up to and including the date of his withdrawal from this Settlement Stipulation or the date of his attempt

to repudiate or revoke the terms of this Settlement Stipulation.

11. The Respondent and the Department fully understand that this joint Settlement Stipulation and subsequent Final Order incorporating same will not preclude additional proceedings by the Department and/or Board against the Respondent for the acts or omissions which are not the subject of the filed Administrative Complaint, attached hereto as exhibit A. This Stipulation relates solely to the current disciplinary proceedings arising from the above-mentioned Administrative Complaint and does not preclude further action by other divisions, department, and/or sections of the Agency, including, but not limited to, the Agency's Medicaid Program Integrity office.

12. Provided that the Agency and the Board accept, approve and enter an Order pursuant to the terms of this joint Stipulation, Respondent shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law.

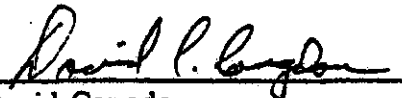
13. Respondent expressly waives any and all rights he might have to seek judicial review of, or to otherwise challenge or contest the validity of this joint stipulation and the facts, conclusions of law, imposition of discipline therein, or the Final Order of the Board incorporating said Stipulation.

14. Respondent expressly waives any and all rights he might have to seek attorney's fees and/or costs from the Agency and/or the Board in connection with this disciplinary proceeding.

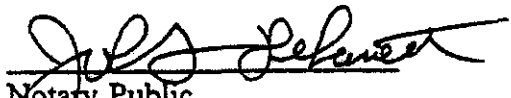
15. This Stipulation contains all of the understandings and agreements of the parties and there are no other oral agreements or side agreements other than is expressly said herein and this Stipulation shall constitute the full and complete disposition of this matter upon entry

of the Board's order approving and incorporating the provisions of this Stipulation.

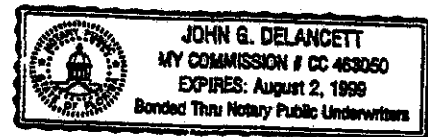
WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.


David Congdon
Respondent

Before me, personally appeared David C. Congdon whose identity is known to me by personally
(type of identification) and who, under oath, acknowledges that his/her signature appears above. Sworn to and subscribed by Respondent before me this 27 day of March, 1998.


Notary Public

[SEAL]



APPROVED this 3rd day of April, 1998.

Douglas M. Cook
Director


by: Nancy Snurkowski
General Counsel's Office-MQA
Chief Attorney-Allied Health

13

STATE OF FLORIDA
BOARD OF CLINICAL SOCIAL V
FAMILY THERAPY, AND MENTA

Final Order No. DOH-98-1003 Date 9-4-98

FILED

Department of Health
Angela Hall, AGENCY CLERK

By: Stephanie J. Dr.
Deputy Agency Clerk

AGENCY FOR HEALTH CARE
ADMINISTRATION,

Petitioner,

vs.

CASE NO. 93-01663
LICENSE NO. SW 0002150

DAVID C. CONGDON,

Respondent.

_____ /

FINAL ORDER APPROVING SETTLEMENT STIPULATION

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 June 23, 1998, in Palm Beach Gardens, Florida, for a determination of whether to accept the Settlement Stipulation (a copy of which is attached and incorporated herein by reference) entered into between the parties in the above-styled case. The Petitioner was represented by Susan Branson, Senior Attorney. The Respondent was present, and was represented by John G. Delancett, at the hearing.

Upon consideration of the Administrative Complaint, the Settlement Stipulation in this matter, and being otherwise fully advised in the premises, it is hereby ORDERED and ADJUDGED.

1. The Administrative Complaint is hereby approved and adopted in toto and incorporated herein by reference.

2. The Settlement Stipulation is hereby approved and adopted in its entirety and incorporated herein by reference.

3. Respondent will adhere to and abide by all of the terms and conditions of the Settlement Stipulation.

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

DONE AND ORDERED this 21st day of August, 1998.

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


Charles Landis, Chairman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to David C. Congdon, c/o John G. Delancett, Esquire, Post Office Box 2631, Orlando, Florida 32802, and to Susan Branson, Senior Attorney, Office of the General Counsel, MQA - Allied Health, Post Office Box 14229, Tallahassee, Florida 32317-4229, on this _____ day of _____, 1998.
