

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF PSYCHOLOGY

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

vs.

CASE NO. 93-16816

JOHNNY L. ARNETTE,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Business and Professional Regulation, hereinafter referred to as "Petitioner", files this Administrative Complaint before the Board of Psychology against Johnny L. Arnette, hereinafter referred to as "Respondent", and alleges:

1. Petitioner is the state agency charged with regulating the practice of psychology pursuant to Section 20.165, Florida Statutes, Chapter 455, Florida Statutes, and Chapter 490, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed Psychologist, license number PY 0002022, whose address of record is: 2632 NW 43rd Street; Suite 81, Gainesville, Fl 32606.

3. On or about April 14, 1992, the Respondent was the psychologist of record for the spouse of I.J.S.

4. On or about April 17, 1992, the Respondent met with and counseled I.J.S. concerning marital and family problems.

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5. On or about June 18, 1993, the Respondent released clinical impressions of I.J.S. to I.J.S.'s spouse and to her attorney which were contained in a written, notarized statement. The statement was later utilized in a court hearing.

6. The Respondent's statement concluded that I.J.S. had numerous characteristics found in persons with a sociopathic/psychopathic disorder.

7. In the Respondent's statement, the Respondent listed such characteristics as a marked discrepancy between level of intelligence and conscience development, self-centeredness, impulsiveness, manipulative behavior, disregard for the needs and rights of others, ability to make a good first impression, quick ability to rationalize and project blame on others, often promising to change but rarely making permanent changes, often lying, lack of insight into own behavior, trouble learning from past mistakes, trouble maintaining close relationships for extended periods, and internalized anger.

8. For all times material hereto, the Respondent made the statement with such determinations without any consent or release from I.J.S.

9. By making and releasing such a statement about I.J.S., the Respondent made public statements which were derived from client contacts and damaged I.J.S., and violated I.J.S.'s confidentiality, and failed to meet the minimum standards of performance of a psychologist.

COUNT ONE

10. Based on the foregoing, the Respondent violated Section 490.009(2)(s), Florida Statutes, by failing to meet the minimum standards of practice in professional activities.

COUNT TWO

11. Based on paragraphs one through nine, the Respondent violated Section 490.009(2)(w), Florida Statutes, by making public statements, which were derived from client contacts and identified and/or damaged I.J.S..

COUNT THREE

12. Petitioner realleges and incorporates as if fully stated herein, the allegations contained in paragraphs one through nine.


13. Based on the foregoing, the Respondent is in violation of Section 490.009(2)(v), Florida Statutes, for failing to maintain in confidence a communication made by a patient or client in the context of such service, except by written permission or in the face of a clear and immediate probability of bodily harm to the patient or client or to others.

WHEREFORE, Petitioner respectfully requests the Board of Psychology 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 24th day of March, 1994.

George Stuart
Secretary



By: Nancy M. Snurkowski
Chief Attorney
Allied Health

COUNSEL FOR DEPARTMENT:

Lisa M. Bassett
Senior Attorney
Department of Business and Professional Regulation
1940 North Monroe Street, Suite 60
Tallahassee, FL 32399-0792
(904) 488-0062


 LB/dw

PCP: March 14, 1994
Wilmoth/Dennard

FILED

Department of Business and Professional Regulation
DEPUTY CLERK

CLERK



DATE

3/29/94

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STATE OF FLORIDA
BOARD OF PSYCHOLOGY

AGENCY FOR HEALTH CARE
ADMINISTRATION,

Petitioner,

vs.

JOHNNY L. ARNETTE,

Respondent.

Final Order No. AHCA-9700267 Date 3-12-97

FILED

Agency for Health Care Administration
AGENCY CLERK

R.S. Power, Agency Clerk

By: Stephanie J. Dixon
Deputy Agency Clerk

AHCA CASE NO.: 93-16816

ORDER REJECTING SETTLEMENT STIPULATION
and
ORDER ACCEPTING COUNTERPROPOSAL

The Board of Psychology (hereinafter the Board) met at its regularly scheduled meeting on February 28, 1997, in Orlando, Florida. The Petitioner, Agency for Health Care Administration, was represented by Angela T. Hall, Esquire. The Respondent, JOHNNY L. ARNETTE, was present with his counsel, Jeffrey R. Dollinger, Esq. The Respondent holds Florida license number PY 0002022. The Petitioner filed an Administrative Complaint against the license. The parties entered into a settlement stipulation for the disposition of this case. The Board voted to reject the consent agreement as an inadequate disposition in this case.

The Board offered a counterproposal, which after consideration by both parties was accepted. The Respondent was charged by an Administrative Complaint filed by the Agency and properly served upon the Respondent alleging violations of Chapter 490, Florida Statutes. A true and correct copy of the Administrative Complaint is attached

hereto as Exhibit A. The Respondent denies the allegations of fact contained in the Administrative Complaint. The Respondent, in his capacity as a licensed psychologist, admits that in such capacity he is subject to the provisions of Chapter 455 and Chapter 490, Florida Statutes, and the jurisdiction of the Agency and the Board. The Respondent admits that the allegations of fact set forth in the Administrative Complaint, if proven true, constitute violations of Chapter 490, Florida Statutes, and/or the rules enacted thereto.

The terms of the counterproposal are as follows:

1. The Respondent shall not in the future violate Chapter 490, Florida Statutes, and the rules enacted pursuant thereto.

2. The Respondent shall pay an administrative fine of one thousand dollars (\$1000.00). Such costs shall be paid by the Respondent to the **Executive Director, Board of Psychology, 1940 North Monroe Street, Tallahassee, Florida 32399** within **thirty days** of the entry of this Final Order.

3. The Respondent shall submit an affidavit attesting to his reading the Board's laws and rules. Said affidavit was submitted to the Board on February 28, 1997.

4. The Board, through its representative Nathan Perry, shall offer to the Respondent the names of three licensed psychologists to whom the Respondent shall consult with in order to obtain ten continuing education hours. These ten hours of continuing education shall encompass the following areas of practice: dealing with confidentiality, lack of adequacy of record keeping, lack of clarity of roles, ethics and adequacy of assessment. These ten hours may be included as part of the 40 hours of continuing education requirement for the renewal of the Respondent's license, however there is a two year time limit in which to obtain these ten hours. The Respondent shall

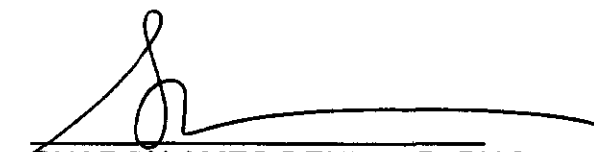
obtain the approval of the supervising psychologist in order to assure that the appropriate courses are selected. This order shall not prohibit the use of a seven hour course the Respondent is currently scheduled to attend (Legal Aspects of Counseling), should the supervising psychologist deem it appropriate. The Respondent shall be responsible for any fee charged by the supervising psychologist, however, the Respondent is only required to consult with the supervising psychologist for a total of three hours.

6. The Respondent expressly waives the right to seek attorney's fees and costs from the Agency and the Board in connection with this proceeding.

This final order and its attachments shall be placed in and become a part of the Respondent's official records and shall become effective upon filing with the clerk of the Agency for Health Care Administration.

DONE and ORDERED this 14th day of March, 1997.

BOARD OF PSYCHOLOGY


SHARON AMES DENNARD, PH.D.
CHAIR

NOTICE OF RIGHT TO APPEAL

Pursuant to Section 120.68, 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 Agency for Health Care Administration, 2727 Mahon Drive, Tallahassee, Florida 32308, and by filing the filing fee and one copy of the Notice of Appeal with the District Court of Appeal within thirty (30) days of the effective date of this Order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by United State Mail to Jeffrey R. Dollinger, Esq., Attorney for Respondent, P.O. Box 23109, Gainesville, FL. 32602; and by interoffice mail to Angela T. Hall, Agency for Health Care Administration, Palmer Building, 2727 Mahan Drive, Tallahassee, FL 32308, this ____ day of March, 1997.

Paula Jones, Program Administrator