

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION
BOARD OF PSYCHOLOGICAL EXAMINERS

AGENCY FOR HEALTH CARE
ADMINISTRATION,

Petitioner,

vs.

CASE NO. 93-17686

PHILIP EDWARD HELLER,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Agency For Health Care Administration, hereinafter referred to as "Petitioner", represented in this matter by the Department of Business and Professional Regulation, files this Administrative Complaint before the Board of Psychological Examiners, against Philip Edward Heller, 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 and Section 20.42, 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 1003822, whose address of record is: 21202 Sweetwater Lane, Boca Raton, Florida 33428-1022.

3. Respondent was court appointed to evaluate A.P. and his ex-wife, in regards to custody of their minor child.

4. Pursuant to said evaluation, Respondent administered the MMPI. As A.P. was not able to finish the test in the Respondent's office, he was allowed to take the MMPI home.

5. In allowing A.P. to do so, Respondent failed to protect an instrument of his practice, and possibly allowed a compromise of the test results due to the fact that the MMPI has a lie scale. Furthermore, Respondent failed to address the fact that he allowed the MMPI to be finished at home, in his report to the court.

COUNT ONE

6. Based upon the foregoing the Respondent is in violation of Section 490.009 (2) (s), Florida Statutes for failing to meet minimum standards of performance in professional activities when measured against generally prevailing peer performance.

WHEREFORE, Petitioner respectfully requests the Board of Psychological Examiners 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 16th day of March, 1995.

Douglas M. Cook
Director



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/

ppp: 2-15-95
Wilmoth
Frank
Gardner

FILED

AGENCY FOR
HEALTH CARE ADMINISTRATION
DEPUTY CLERK

CLERK *Brandon H. Moore*

DATE 3-20-95

FILED

Agency for Health Care Administration
AGENCY CLERK

By: Stephanne J. Exz
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF PSYCHOLOGY

AGENCY FOR HEALTH CARE
ADMINISTRATION,

Petitioner,

vs.

Case No. 93-17686

PHILIP E. HELLER,

Respondent.

FINAL ORDER IMPOSING DISCIPLINARY MEASURES
AFTER AN INFORMAL HEARING WHERE RESPONDENT ADMITTED
THE FACTUAL ALLEGATIONS IN THE ADMINISTRATIVE COMPLAINT

Respondent is a licensed Florida psychologist. Petitioner filed an Administrative Complaint against Respondent, a copy of which is attached to and incorporated by reference into this order. Respondent admitted the factual allegations of the Administrative Complaint and requested an informal hearing pursuant to Section 120.57(2), Florida Statutes. Accordingly, this cause came before the Board of Psychology at its last meeting for final agency action. Petitioner was represented by Nancy Snurkowski. Respondent was represented by Robert C. Stone, Esq

FINDINGS OF FACT

Based upon the admission of the factual allegations, the Board adopts the factual allegations of the Administrative Complaint as its own findings of fact.

CONCLUSIONS OF LAW

Based upon the foregoing, and despite argument of counsel for Respondent, the Board adopts the conclusions of law set out in the Administrative Complaint as its own Conclusions of Law.

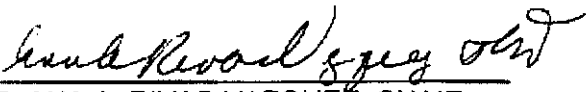
PENALTY

Wherefore, it is hereby ORDERED that Respondent is hereby reprimanded and shall pay an administrative fine of \$1000 within thirty (30) days of the rendition of this order..

THIS ORDER TAKES EFFECT UPON FILING WITH THE AGENCY CLERK.

DONE AND ORDERED on this 15 day of July, 1996.

BOARD OF PSYCHOLOGY


DR. ANA A. RIVAS-VAZQUEZ, CHAIR

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 Agency for Health Care Administration 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this order has been mailed to Philip E. Heller and Robert C. Stone, Esq., at the address on file at the Board office, Nancy Snurkowski, Attorney, Legal Section, Agency for Health Care Administration, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, and Virginia Daire, Assistant Attorney General, Office of the Attorney General, Counsel to the Board of Psychology, The Capitol, Tallahassee, Florida 32399-1050, this _____ day of _____, 1996.



PAULA GIBSON
BOARD ADMINISTRATOR