

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

AGENCY FOR HEALTH CARE
ADMINISTRATION,

Petitioner,

vs.

CASE NUMBER: 94-12777
94-12779

CHARLENE H. RATCLIFF,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Agency for Health Care Administration, hereinafter referred to as "Petitioner", represented in this matter by the Department of Business and Professional Regulation, and files this Administrative Complaint before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, against CHARLENE H. RATCLIFF, hereinafter referred to as "Respondent", and alleges:

1. Petitioner is the state agency charged with regulating the practice of Clinical Social Work pursuant to Chapter 455, Florida Statutes, Chapter 491, Florida Statutes, and Section 20.42, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed Marriage and Family Therapist, license number 0001302, whose address of record is 329 Pauls Drive, Brandon, Florida 33511.

COUNT ONE

3. Between 1992 and April, 1994, the Respondent was employed by Behavioral Healthcare Options, Inc., which is owned by Dr. Kevin Butler.

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4. At various times during her employment, the Respondent requested that other employees call-in prescriptions for her for Xanax and other medications, to various pharmacies, including Pharmor #108, Brandon, Florida, and Eckerd Drugs #31, Brandon, Florida.

5. The employees, K [redacted] and T [redacted] attest that Respondent requested that they call-in prescriptions for Xanax, Habitrol, Ceftin, and Darvocet under Dr. Butler's name. Respondent would indicate that she had "ok'd it with Kevin," or Dr. Butler. Neither Cook nor Robinson independently verified the prescriptions before calling-in same.

6. Dr. Butler states that the only prescriptions which were authorized by him, were those that he called-in himself or provided in writing. Dr. Butler denies that he authorized any of the call-ins by Cook or Robinson.

7. The prescribing of medications, including controlled substances, is not included within the definition of Marriage and Family Therapy. The prescribing of medications is beyond those activities that may be undertaken by Marriage and Family Therapists.

8. The Respondent's activities amount to self-prescribing.

9. Based on the foregoing, the Respondent is in violation of Section 491.009 (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, to wit: by self-prescribing medications.

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COUNT TWO

10. Petitioner realleges and incorporates as if fully-stated herein, the allegations contained in paragraphs three through six.

11. On or about December 4, 1993 and March 2, 1994, prescriptions were called-in to the Phar-Mor #108 in Respondent's name.

12. These prescriptions were for Ceclor and Alprazolam and were allegedly authorized by Dr. D^I B^{_____} who was also employed by Behavioral Healthcare Options.

13. "Xanax" is a brand of Alprazolam tablet, and is a controlled substance. Respondent admits that she has taken Xanax for stress and anxiety.

14. The prescribing of medications, including controlled substances, is not included within the definition of Marriage and Family Therapy. The prescribing of medications is beyond those activities that may be undertaken by Marriage and Family Therapists.

15. The Respondent's activities amount to self-prescribing.

16. Based on the foregoing, the Respondent is in violation of Section 491.009 (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, to wit: by self-prescribing medications.

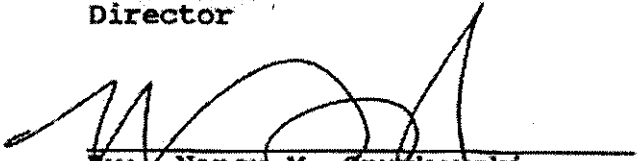
WHEREFORE, Petitioner respectfully requests the Board of Clinical Social Work, Marriage and Family Therapy, and Mental

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Health Counseling 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 18th day of August, 1995.

Douglas Cook
Director


By: Nancy M. Snurkowski
Chief Attorney
Allied Health Division
Department of Business and
Professional Regulation


COUNSEL FOR THE DEPARTMENT:

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LMB/dsk6

ff: K. Francis
D. Fowles
5-14-95

FILED
AGENCY FOR
HEALTH CARE ADMINISTRATION
DEPUTY CLERK

CLERK 
DATE 8-22-95

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

Final Order No. AHCA-96-001012 Date 9-6-96
FILED

AGENCY FOR HEALTH CARE
ADMINISTRATION.

Agency for Health Care Administration
AGENCY CLERK

By: Stephanie L. Rison
Deputy Agency Clerk

Petitioner.

vs.

Case Nos. 94-12777, 94-12779

Charleen Ratcliff,

Respondent.

FINAL ORDER

This matter came on to be heard before the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling pursuant to the Petitioner's Motion for Default. The Respondent, Charleen Ratcliff, was not present nor was she represented by counsel. The hearing was conducted at a duly convened meeting of the Board on August 24, 1996, in Tampa, Florida.

FINDINGS OF FACT

1. The Petitioner filed an administrative complaint against the Respondent, Charleen Ratcliff, a licensed marriage and family therapist with license number 0001302, seeking suspension, revocation and other disciplinary actions.
2. The Petitioner made a good faith effort to serve the Respondent by personal service. The Respondent was served by publication with the administrative complaint.
3. The Respondent failed to file any papers, pleadings, or other responsive documents with the clerk.

4. The Petitioner presented a prima facie case based on the allegations contained in the administrative complaint by introducing the entire investigatory files for the case into evidence.

5. The findings of fact and conclusions of law contained in the administrative complaint are accepted and a copy of the administrative complaint is attached to and incorporated in this Final Order.

CONCLUSIONS OF LAW

The findings of fact constitute grounds for finding that the Respondent has committed the violation as charged in the administrative complaint .

It is, therefore, ORDERED AND ADJUDGED:

A. That the Motion for Default is granted.

B. That the Respondent is found guilty of the violations charged in the administrative complaint .

C. That the Respondent, Charleen Ratcliff, is given the following penalty based on the disciplinary guidelines:

1. \$2,000 fine to be paid to the Executive Director of the Board within thirty (30) days of the filing of this Final Order.

2. A suspension until the Respondent demonstrates competence to practice. The Respondent must personally appear before the Board when and if she attempts to demonstrate her competency to practice.

3. If the Respondent demonstrates competency, the Respondent shall be placed on probation for a period of time to be determined by the Board and on terms and conditions as set by the Board.

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 and by filing the filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty (30) days of the date this Order is filed.

This order shall become effective upon filing with the clerk.

DONE AND ORDERED this 3rd day of September, 1996.

Mary Jo Monahan, LCSW

MARY JO MONAHAN
Chairperson
BOARD OF CLINICAL SOCIAL WORK,
MARRIAGE AND FAMILY THERAPY
AND MENTAL HEALTH COUNSELING