

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

AGENCY FOR HEALTH CARE
ADMINISTRATION,

Petitioner,

vs.

CASE NO. 96-05998

RUBEN LUNA ALOYO, LMFT,

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 RUBEN LUNA ALOYO hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of Marriage and Family Therapy pursuant to Section 20.42, Florida Statutes, Chapter 455, Florida Statutes, and Chapter 491, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed Marriage and Family Therapist, license number MT 0001264.

3. Respondent's address of record is 3206 West Holloway Road, Plant City, Florida 33567-8795.

4. From during or around April 1993 until during or around February 1996, the Respondent was an independent contractor for Tampa Bay Consortium. As an independent contractor, the Respondent provided mental health services to clients referred to him by Tampa Bay Consortium.

5. During the time that the Respondent was associated with Tampa Bay Consortium, the Respondent billed for mental health services which were not actually provided to clients.

6. On or about April 25, 1996, the Respondent was arrested for grand theft for submitting fraudulent billings for services which were not rendered to clients.

7. On or about April 26, 1996, the Respondent was charged with one (1) count of grand theft.

8. On or about September 26, 1996, the Respondent entered a plea of nolo contendere to the charge of grand theft.

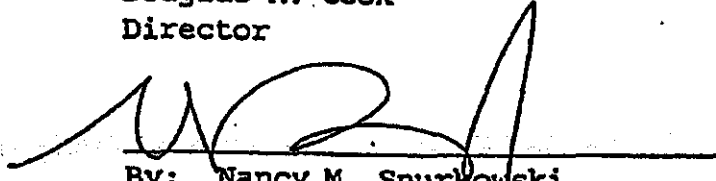
9. Based upon the foregoing, the Respondent has violated Section 491.009(2)(c), Florida Statutes, by being convicted or found guilty of, regardless of adjudication, or having entered a plea of nolo contendere to, a crime in any jurisdiction which directly relates to the practice of his profession or the ability to practice his profession.

WHEREFORE, Petitioner respectfully requests that the Board of

Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling enter an ORDER imposing one (1) 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/conditions, and/or any other relief that the Board deems appropriate.

SIGNED this 26th day of June, 1997.

Douglas M. Cook
Director



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

COUNSEL FOR DEPARTMENT:
Angela T. Hall
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Agency for Health Care Administration
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Tallahassee, Florida 32317-4229
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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Stephanie D. Dier*
DATE 7-7-97

PCP: *R. Szuch, O. Connor*
PCP date: *4/17/97*
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STATE OF FLORIDA
BOARD OF CLINICAL SOCIAL WORK
FAMILY THERAPY AND MARRIAGE AND MENTAL HEALTH COUNSELING

Final Order No. DOH-99-0963-FOI-MOA Date 8-24-99

DEPARTMENT OF HEALTH,

Petitioner,

vs.

RUBEN LUNA ALOYO,

Respondent.

FILED
Department of Health
Angela Hall, AGENCY CLERK
By: *Stephanie D. O'Neil*
Deputy Agency Clerk

Case No.: 96-05998

FINAL ORDER

Respondent, RUBEN L. ALOYO, a licensed Marriage and Family Therapist, holds Florida license number MT0001264. Petitioner has filed an Administrative Complaint seeking disciplinary action against the licensee. A copy of the Administrative Complaint is attached to and made a part of this Final Order.

This matter appeared before the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling on July 27, 1999, in Orlando, Florida, for informal hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Petitioner was represented by James A.G. Davey, Jr. Respondent was present at the Board meeting but was not represented by a legal counsel.

FINDINGS OF FACT

Based upon the admission of the factual allegations, the Board adopts as its finding of facts paragraphs one (1) through eight (8) of the Administrative Complaint.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Board concludes the licensee has violated Section 491.009(2)(c), Florida Statutes.

The Board is empowered by Section 491.009, Florida Statutes, to impose a penalty against the licensee. Therefore it is ORDERED that:

1. Respondent's license to practice Mental Health Counseling shall be immediately suspended for one (1) year but said suspension shall be stayed as long as the Respondent fully complies with the terms of probation set forth below. Any deviation from the terms of probation without the Board's prior consent shall constitute a violation of probation. Upon a finding of probable cause that a violation of this probation has occurred, the Respondent's license to practice shall be subject to immediate and automatic suspension upon the recommendation of the Probable Cause Panel pending the Respondent's appearance before the next Board meeting. The licensee will be given notice of the hearing and an opportunity to defend. The probationary period shall automatically terminate at the end of a prescribed time, but only if all terms and conditions have been met. Otherwise, the probation shall be terminated only by order of the Board upon proper petition of the Respondent's, supported by evidence of compliance with this Final Order.

2. Respondent shall comply with all statutes and rules pertaining to the practice of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling in Chapters 455 and 491, Florida Statutes, and Rule Chapter 64B4, Florida Administrative Code.

3. Respondent shall appear before the Board at the first meeting after said probation commences, at the last meeting of the Board preceding termination of probation, and at such other times as requested by the Board.

4. In the event Respondent leaves the State of Florida for a period of thirty days or more, or otherwise does not engage in the practice of Mental Health Counseling in Florida for any period of time, Respondent's probation shall be tolled and shall remain in a tolled status until Respondent returns to practice in the State of Florida and the Respondent informs the Board, or its staff, in writing that he has resumed practice. Respondent must keep current residence and business addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses.

5. Respondent shall practice under monthly supervision of a psychotherapist fully licensed under Chapter 491 to be approved by the Board or its designee. Respondent shall have the supervising psychotherapist with the Respondent at the Respondent's first probation appearance before the Board. Prior to approval of the supervising psychotherapist by the Board or its designee, the Respondent shall provide to the supervising psychotherapist a copy of the administrative complaint filed in this case. Failure of the Respondent or the supervising psychotherapist to appear at the scheduled Board meeting shall constitute a violation of the Board's Final Order. Prior to the approval of the supervising psychotherapist by the Board or its designee, Respondent shall submit to the Board or its designee a current curriculum vitae and description of the current practice from the proposed supervising psychotherapist. Said materials shall be received in the Board office no

later than twenty-one (21) days before Respondent's first scheduled probation appearance. Respondent shall be responsible for ensuring that the supervising psychotherapist submits the required reports. The responsibilities of the supervising psychotherapist shall include:

a. Submit quarterly reports, which shall include:

I. Brief statement of why Respondent is on probation.

II. Description of Respondent's practice.

III. Brief statement of Respondent's compliance with terms of probation.

IV. Brief statement of Respondent's relationship with supervising psychotherapist.

V. Detail any problems which may have arisen with Respondent.

b. Review 25% of Respondent's patient records selected on a random basis at least every two weeks.

c. Report to the Board any violations by the Respondent of Chapters 455 and 491, Florida Statutes, and the rules promulgated pursuant thereto.

d. Respondent shall submit quarterly reports to the Board. The reports shall include:

I. Brief statement of why Respondent is on probation.

II. Practice location.

III. Description of current practice, stating type and composition.

IV. Brief statement of compliance with probationary terms.

V. Description of relationship with the supervising psychotherapist.

VI. Description of any problems.

VII. Notarized copies of five (5) patient records of patients examined or treated by the Respondent within the previous sixty (60) days with all identification of patient suitably obliterated.

e. Respondent shall attend and complete three (3) semester hours of graduate level courses in ethics of practice. These courses shall not count toward the Respondent's continuing education hours required for renewal of licensure.

6. Respondent shall pay an administrative fine in the amount of One Thousand dollars (\$1,000.00) and Four-Hundred Thirty-Four dollars and Fifty-Two cents (\$434.52) in administrative costs. The fine and costs shall be paid by Respondent to the Executive Director of the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, 1940 North Monroe Street, Tallahassee, Florida 32399, within thirty (30) days of the date of entry of this Final Order.

7. Respondent's probation shall commence once Respondent's supervisor is approved by the Board or its designee.

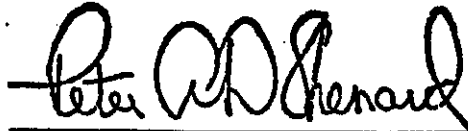
8. There is competent, substantial evidence to support the Board's findings and conclusions, and penalty imposed.

Pursuant to Section 120.569, 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 department and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this Final Order is filed.

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

DONE AND ORDERED this 23rd day of August, 1999.

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



Peter A. D. Sherrard, Ed.D, LMFT,
LMHC, NCC
Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail to RUBEN LUNA ALOYO, 3218 Pine Club Drive, Plant City, Florida 33567, and by interoffice mail to James A.G. Davey, Jr., Senior Attorney, Agency for Health Care Administration, P.O. Box 14299, Tallahassee FL 32317-4229, this 24th day of August, 1999.

