

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

AGENCY FOR HEALTH CARE  
ADMINISTRATION,

PETITIONER,

vs.

CASE NUMBER: 96-12940

ASTRID HASTAY,

RESPONDENT.

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ADMINISTRATIVE COMPLAINT

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

1. Petitioner, Agency for Health Care Administration, is the state agency charged with regulating the practice of Mental Health Counseling 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 Mental Health Counselor in the State of Florida, having been issued license Number MH 0002744.

Respondent's address of record is Post Office Box 881, Melrose, Florida 32666.

3. Section 491.007, Florida Statutes, states that "[e]ach applicant for renewal shall present satisfactory evidence that, in the period since the license or certificate was issued, the applicant has completed continuing education requirements set by rule of the board or department."

4. Respondent is required, as a Mental Health Counselor, to complete thirty (30) hours of continuing education for license renewal for the 1993 to 1995 biennium pursuant to Fla. Admin. Code R. 59P-6.001.

5. On or about July 17, 1995, a random audit was conducted by the Board requesting verification of continuing education hours for the 1993-1995 biennium.

6. Respondent submitted documentation indicating that she had completed continuing education hours; however, of these hours, only twenty-four (24) of them were from Board-approved courses completed during the 1993-1995 biennium.

7. Based on the foregoing, the Respondent is deficient six (6) hours of continuing education for the 1993-1995 biennium.

8. Based on the foregoing, the Respondent has violated Section 491.009(2)(h), Florida Statutes, through violation of Section 491.007, Florida Statutes.

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 to practice Mental Health Counseling on probation for a period of time, and/or any other relief which the Board deems appropriate.

SIGNED this 4th day of February, 1997.

Douglas M. Cook  
Director



BY: Nancy M. Shurkowski  
Chief Attorney  
General Counsel's Office - MQA  
Allied Health

**FILED**  
AGENCY FOR  
HEALTH CARE ADMINISTRATION  
DEPUTY CLERK

CLERK Stephen D. Dixon  
DATE 2-7-97

COUNSEL FOR PETITIONER:

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*ATH*  
ATH/sdw/kmw

PCP: *C. Landis, M. Ackard*

PCP DATE: *1/8/97*

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

AGENCY FOR HEALTH CARE  
ADMINISTRATION,

Petitioner,

vs.

ASTRID HASTAY,

Respondent.

Final Order No. AIICA-97-0153 Date 4-29-97

FILED

Agency for Health Care Administration  
AGENCY CLERK

By: J.R.S. Power, Agency Clerk  
Deputy Agency Clerk

Case No. 96-12940

FINAL ORDER

This matter came on to be heard before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling for a hearing not involving disputed facts pursuant to section 120.57(2), Florida Statutes, at a public meeting on April 18, 1997, in Tallahassee, Florida, based on the Respondent's election of rights in which the Respondent did not dispute facts.

Findings of Fact

The Board, having reviewed the file and heard the testimony, adopts and incorporates the findings of fact of the Administrative Complaint.

Conclusions of Law

Based on the findings of fact, the Board finds that the facts as adopted show a violation as alleged in the Administrative Complaint of section 491.009(2)(h), Florida Statutes, by violating section 491.007 by failing to obtain the required continuing education hours. Consistent with rule 59P-5.001(1)(h)2.c., Florida Administrative Code, the Board directs that the Respondent pay

an administrative fine of \$500 to be paid within thirty (30) days of the date of filing of this final order with the clerk and that the Respondent submit proof of (6) hours of continuing education from Board approved continuing education providers within ninety (90) days of the date of filing of this final order with the clerk.


IT IS THEREFORE ORDERED AND ADJUDGED:

That the Respondent timely pay the administrative fine and submit the required continuing education hours.

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 Final Order is filed.

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

DONE AND ORDERED this 24<sup>th</sup> day of April, 1997.

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