

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE No.: 98-03920

RUSSEL AMERICUS BOURNE, JR.

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

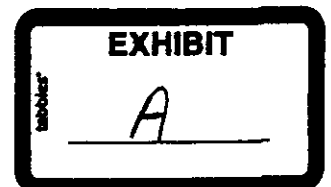
COMES NOW, the Petitioner, Department of Health, hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Psychology against RUSSEL AMERICUS BOURNE, JR., hereinafter referred to as "Respondent", and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of psychology pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 490, Florida Statutes. Pursuant to the authority of Section 20.43(3) (g), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards as appropriate.

2. Respondent is, and has been at all time material hereto, a licensed Psychologist in the State of Florida, having been issued license number PY 0005579.

3. Respondent at all times material hereto, is and has been a licensed psychologist in the Commonwealth of Virginia having been issued license number 0801-000412.

4. Respondent's last known address is 35 Ocean Drive, Jupiter, Florida 33469.



5. On or about December 10, 1996, Respondent was disciplined by the Virginia Board of Psychology for misrepresentation of services, improper record keeping and failure to obtain written authorization prior to discussing confidential information.

6. Respondent was put on probation on or about December 10, 1996, for an indefinite period of not less than a year.

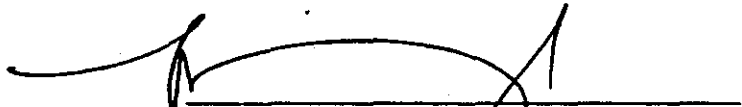
7. Based on the foregoing, the Respondent has violated 490.009(2)(b), F.S., by having a license acted upon by another State.

WHEREFORE, Petitioner respectfully requests that the Board of Psychologist 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 3rd day of August, 2000.

Robert G. Brooks, M.D.
Department of Health

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Victoria Kenon
DATE 8-30-2000


By: Nancy Snurkowski, Chief Attorney
On Behalf of Agency for
Health Care Administration

Shannon R. Fleming, Senior Attorney SRF
Agency for Health Care Administration
General Counsel's Office - MQA
P.O. Box 14229
Tallahassee, Florida 32317-4229
(850) 488-1474

PCP: RIVAS-VAZQUEZ, GOLDSTEIN, SCHWARTZ
Date: 7-25-00

SRF/dja 06/30/2000

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 98-039201

RUSSELL AMERICUS BOURNE, JR.,

Respondent.

_____ /

STIPULATION

Pursuant to Section 120.57(4), Florida Statutes, the above named parties hereby offer this Stipulation to the Board of Psychology as disposition of the Administrative Complaint, attached hereto as Exhibit "A", in lieu of any other administrative proceedings. The terms herein become effective only if and when a Final Order accepting this Stipulation is issued by the Department and filed. In considering this Stipulation, the Board may review all investigative materials regarding this case. If this Stipulation is rejected, it, and its presentation to the Board, shall not be used against either party.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent was a licensed a Psychologist in the State of Florida, having been issued license number PY 0005579. Respondent's last known address is 35 Ocean Drive, Jupiter, Florida 33469.

2. The Respondent was charged in an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapters 456 and 490,

Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.

3. Respondent admits the factual allegations contained in the Administrative Complaint for purposes of settling these proceedings only.

STIPULATED LAW

1. Respondent admits that Respondent is subject to the provisions of Chapters 456 and 490, Florida Statutes, and the jurisdiction of the Board, Department, and the Agency.

2. Respondent admits that the stipulated facts, if proven true, constitute violations of law as alleged in the Administrative Complaint.

3. Respondent admits that the stipulated disposition in this case is fair, appropriate, and acceptable to Respondent.

PROPOSED DISPOSITION

1. The Respondent shall be present when this Stipulation is presented by the Department to the Board and under oath shall answer questions by the Board concerning this case and the disposition thereof.

2. The Board of Psychology shall reprimand the license of the Respondent.

3. The Board of Psychology shall impose an administrative fine of Five Hundred Dollars (\$500) dollars against the license of the Respondent. The Respondent must also pay the administrative costs One Hundred Ninety One dollars (\$191) associated with the complaint analysis and investigation of this matter. Both the administrative fine imposed by the Board and the administrative costs shall be paid by the Respondent to the Executive Director of the Board of Psychology, within thirty (30) days from entry of the Final Order accepting this stipulation.

4. The license of Respondent shall be placed on probation for a period of one (1) year. During this period of probation, the Respondent shall be subject to the following terms and conditions:

4a. The Respondent shall agree to indirect supervision of practice with a Board approved supervising monitor. The supervision of the Respondent's practice shall continue for a period of one (1) year. The Respondent shall submit ten (10) cases to the supervising monitor every four (4) months. The Respondent agrees to contact the Board of Psychology within fifteen (15) days of the filing of a Final Order adopting this stipulation for the purpose of obtaining a qualified supervising monitor. The supervising monitor shall be licensed in both the State of Florida and Virginia.

4b. If the Respondent leaves the State of Florida for a period of thirty days or more, or ceases the professional practice of psychology in the State, Respondent's probation shall be tolled until such time as the licensee returns to the active, professional practice of psychology in the State of Florida.

5. Respondent shall pay all costs necessary to comply with the terms of the Final Order issued to resolve this cause. Such costs include, but are not limited to, the costs of preparation of the investigative reports detailing compliance with the terms of this proceeding, and costs associated with the Respondent's probation.

6. It is expressly understood that a violation of the terms of this Stipulation shall be considered a violation of a Final Order of the Board of Psychology, for which disciplinary action may be initiated pursuant to Chapter 456 or 490, Florida Statutes.

7. It is expressly understood that this Stipulation is subject to approval of the Department and has no force or effect until a Final Order is entered by the Board approving this Stipulation.

8. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action by the Board of Psychology regarding the acts or omissions specifically set forth in the Administrative Complaint, attached as Exhibit A. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Stipulation. Respondent agrees to support this stipulation at the time it is presented to the Board and shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this Stipulation not be accepted by the Board, it is agreed that the presentation and consideration of this Stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

9. The Respondent and the Department fully understand that this Stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Department against the Respondent for acts or omissions which are not the subject of the Administrative Complaint, attached as Exhibit A. This Stipulation relates solely to the current disciplinary proceedings arising from the aforementioned complaint and does not preclude further action by other divisions, departments, and/or sections of the Department, including but not limited to the Agency's Medicaid Program Integrity Office.


10. The Respondent waives the right to seek attorney's fees and/or costs from the Department in connection with this disciplinary proceeding.

11. Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise

challenge or contest the Agreement and the Final Order of the Board incorporating said Agreement.

WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

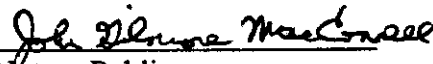
SIGNED this 30 day of March, 2001.



Russell Americus Bourne, Jr.
CASE NO. PY 98-039201

Before me, personally appeared Russell Americus Bourne, Jr., whose identity is known to me by personally known to me (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed by Respondent before me this 30th day of March, 2001.




Notary Public
My Commission Expires:



John Gilmore MacConnell
MY COMMISSION # CC905972 EXPIRES
February 5, 2004
BONDED THROUGH TROY FAHNS INSURANCE, INC.

APPROVED this 20th day of April, 2001.

Robert G. Brooks, M.D.
Department of Health



By Nancy M. Snurkowski, Chief Attorney
On behalf of the Agency for Health
Care Administration

COUNSEL FOR THE PETITIONER:

Mary Denise O'Brien, Senior Attorney
FL Bar No. 306754
Agency for Health Care Administration
General Counsel's Office - MQA
Practitioner Regulation - Legal
P.O. Box 14229
Tallahassee, Florida 32317-4229
(850) 488-1474

MDO/SRF/dja

Final Order No. DOH-01-1660-S-MOA
FILED DATE - 10/14/01
Department of Health
By: Vicki R. Kenon
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF PSYCHOLOGY

DEPARTMENT OF HEALTH,
BOARD OF PSYCHOLOGY,

Petitioner,

vs.

AHCA CASE NO.: 98-03920
LICENSE NO.: PY 0005579

RUSSELL A. BOURNE Jr.,

Respondent.

FINAL ORDER ACCEPTING STIPULATION

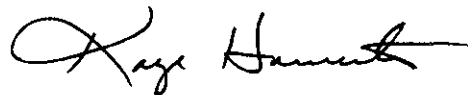
RUSSELL A. BOURNE, Jr., Respondent, (hereinafter "Respondent"), is licensed as a psychologist by the Board of Psychology (hereinafter "the Board"). The Department of Health (hereinafter "the Department") filed an Administrative Complaint against the Respondent on August 30, 2000. Following the Department's Administrative Complaint, a copy of which is attached hereto as Exhibit "A" and incorporated by reference into this Final Order, the Respondent and the Department entered into a Stipulation settling all issues in the case pursuant to § 120.57(4), Florida Statutes. The Board reviewed the case and the Stipulation at its duly noticed public meeting held by telephone conference call on September 14, 2001. The Respondent appeared by telephone at the Board's September 14, 2001, public meeting, and he was represented by Steven R. Ballinger, Esquire, at the hearing on this matter. The Department was represented by Mary Denise O'Brien, Esquire. The Board accepted the Stipulation, which is attached as Exhibit "B" and incorporated by reference into this Final Order.

WHEREFORE, the Board hereby accepts the Stipulation, settling all matters in this case consistent with the terms of the agreement between the parties, and the Respondent is hereby **ORDERED** to abide by the terms of the Stipulation. This Final Order shall be placed in and made a part of the Respondent's official records.

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

DONE AND ORDERED, this 7 day of October, 2001.

BOARD OF PSYCHOLOGY



Kaye Howerton, Executive Director
for Herbert Goldstein, Ph.D., Chair

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY ANY PARTY PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE , BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(D), FLORIDA RULES OF APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE DEPARTMENT'S CLERK OF AGENCY PROCEEDINGS, WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER.