

STATE OF FLORIDA
DEPARTMENT OF HEALTH

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

Petitioner,

vs.

AHCA Case Number: 99-62772

ROBERT FORTUNA,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, 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 ROBERT FORTUNA, hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of clinical social work pursuant to Section 20.43, Florida Statutes, Chapter 456, Florida Statutes (formerly Chapter 455, Part II; see Chapter 2000-160, Laws of Florida), and Chapter 491, Florida Statutes. Pursuant to Section 20.43 (3) (g), Florida Statutes, the Department 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 times material hereto, a licensed clinical social worker in the State of Florida, having been issued Florida license number SW 733.
3. The last address of record for the Respondent is 533 Lake Road, Ponte Vedra Beach, Florida 32802.

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4. On or about April 8, 1997, a Final Order was entered by the Board of Clinical Social Work, Marriage and Family and Mental Health Counseling incorporating a counter-proposal of a settlement stipulation offered by the parties to resolve AHCA Case Number 1994-08899.
5. The terms of this counter-proposal and settlement included: that the Respondent pay an administrative fine in the amount of \$1000; the Respondent would undergo a comprehensive mental health assessment or psychological evaluation including addiction and substance abuse issues; a probationary period of three years under the supervision of a probation monitor; Respondent would undergo random urinalysis on a quarterly basis for eighteen months; the Respondent would submit self reports on a quarterly basis to the probation monitor; the Respondent would appear before the Board at the end of the first and second years of probation and prior to his release from probation; the Respondent was to be re-evaluated at the end of the first eighteen months; and the Respondent was to provide the Board with quarterly reports regarding the medications he was prescribed and the name of the doctor who prescribed them.
6. On or about December 15, 1999, the Allied Health Compliance Unit of the Agency for Health Care Administration notified the Consumer Services Division that the Respondent had not yet paid the administrative fine as required by the Final Order; failure to comply with the terms of a Final Order is a violation of Florida Statute.
7. The Agency for Health Care Administration attempted to notify the Respondent of this new complaint; however, the letter was returned stating that the forwarding order had expired.
8. The Respondent has not notified the Department or the Board Office of a new address as is required by Florida Statute.

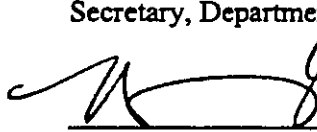
Based on the foregoing, the Respondent is subject to discipline for violation of Section 491.009(2)(u), Florida Statutes, by violating a rule relating to the regulation of the profession or a lawful order of the department or the board previously entered in disciplinary hearing;

and violation of Section 491.009(2)(q), Florida Statutes, through a violation of Section 456.035 (1), Florida Statutes (formerly Section 455.717 (1), Florida Statutes), by failing to notify the Department in writing of the licensee's current mailing address and place of practice.

WHEREFORE, Petitioner respectfully requests that Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling to enter an order imposing one or more of the following penalties: revocation or suspension of Respondent's license; restriction of 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 and/or conditions; and/or any other relief which the Board deems appropriate.

SIGNED this 21st day of February, 2001.

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



By: Nancy M. Snurkowski
Chief Attorney
General Counsel's Office - MQA
Practitioner Regulation - Legal

COUNSEL FOR PETITIONER:

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PCP 3/16/01

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Vicki R. Kenon*
DATE 3/16/01

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

Final Order No. DOH-03-0417-~~FO~~MOA
FILED DATE - 5/2/03
Department of Health

DEPARTMENT OF HEALTH,

Petitioner,

By: Vicki R. Icenon
Deputy Agency Clerk

vs.

**DOH Case No.: 1999-62772
License No.: CSW0000733**

ROBERT SOLMS FORTUNA,

Respondent.

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FINAL ORDER

THIS CAUSE came before the BOARD OF CLINICAL SOCIAL WORK, MARRIAGE AND FAMILY THERAPY, AND MENTAL HEALTH COUNSELING (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on April 25, 2003, in Jacksonville, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause.

Respondent was served with the Administrative Complaint by publication. Because Respondent failed to submit an Election of Rights or otherwise dispute the facts or respond in any other way, this cause was treated as a default. At the hearing, Petitioner was represented by Kathryn Price, Senior Attorney. Respondent was not present. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board.

2. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the conclusions of law by the Board.

3. The violations set forth warrant disciplinary action by the Board. THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative fine in the amount of \$1,000 to the Board within 30 days from the date this Final Order is filed.

2. Respondent's license to practice clinical social work in the State of Florida is hereby REVOKED.

In accordance with the provisions of §456.072(4), Florida Statutes, Respondent shall pay the costs associated with this case in the amount of \$615.14. Said costs shall be paid within 30 days from the date this Final Order is filed.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 1st day of May, 2003.

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


Susan Foster, Executive Director