

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: 2000-04103

MILES FERRIS,

Respondent.

AMENDED ADMINISTRATIVE COMPLAINT

Petitioner, DEPARTMENT OF HEALTH, hereinafter referred to as "Petitioner," files this Amended Administrative Complaint before the Board of Clinical Social Work, Marriage and Family - Therapy and Mental Health Counseling, against MILES FERRIS, hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the profession 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 Clinical Social Worker, licensed in the State of Florida, having been issued license number SW 649.
3. The last address of record of the Respondent is 2479 Sunnyside Lane, Sarasota, Florida 34239.
4. The information alleged that the Respondent submitted a claim for psychotherapy services provided to MW on May 30, 1995 and June 1, 1995.
5. The alleged Medicaid fraud arose from the Respondent's practice of clinical social work.
6. On or about May 12, 1998, the Respondent pleaded guilty to one count of Causing a False Claim to be Made to the United States in the United States District Court, Middle District of Florida, Tampa Division.

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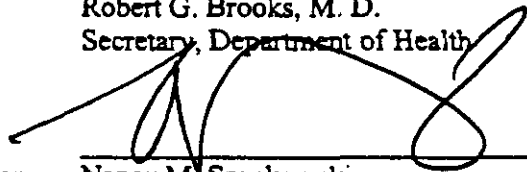
7. Chapter 491, Florida Statutes state that a licensee is subject to discipline if the licensee is convicted or found guilty (regardless of adjudication) to a crime which directly relates to the practice of clinical social work.

Based on the foregoing, the Respondent is subject to discipline for violation of 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 clinical social work.

WHEREFORE, Petitioner respectfully requests the 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 the 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 imposed by the Board; and/or any other relief that the Board deems appropriate.

SIGNED this 26th day of September, 2001.

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


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

COUNSEL FOR PETITIONER:

Deborah B. Loucks *dl*
Senior Attorney
Florida Bar Number 0169889
Agency for Health Care Administration
Practitioner Regulation - Legal
General Counsel's Office - MQA
Post Office Box 14229, Mail Stop #39
Tallahassee, Florida 32317-4229
(850) 487-9694

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Vicki R. Kenon*
DATE 9/28/01

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STATE OF FLORIDA
DEPARTMENT OF HEALTH

RE: Miles Ferris

CASE NO. SW 2000-04103

ELECTION OF RIGHTS

(PLEASE SELECT ONLY 1 OF THE 4 OPTIONS)

I have read the Explanation of Rights form and understand my options. (If you do not understand these options, please consult with your administrative law attorney or contact my office at (850) 487-9694 before executing this form).

1. () I have executed the enclosed settlement stipulation or voluntary relinquishment offered by the Department and request a final order be entered pursuant to Section 120.57(4), Florida Statutes.

2. () I do not dispute the allegations of fact in the Administrative Complaint, but do wish to be accorded a hearing not involving disputed issues of material facts (formerly known as "informal hearing") pursuant to Sections 120.569 and 120.57(2), Florida Statutes, at which time I will be permitted to submit oral and/or written evidence in mitigation of the complaint to the Board.

3. () I do not dispute the allegations of fact contained in the Administrative Complaint and waive my right to object or to be heard. I request that the Board enter a final order pursuant to Section 120.57, Florida Statutes.

4. I do dispute the following allegations of material fact contained in the Administrative Complaint and request this to be considered a petition for hearing involving disputed issues of material fact, pursuant to Sections 120.569 and 120.57(1), Florida Statutes, before an administrative law judge appointed by the Division of Administrative Hearings. I specifically dispute the following paragraphs of the Administrative Complaint:

4, 5, 6, 9, 7

Regardless of which option I have selected, I understand that I will be given notice by the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling of the time, date and place when this matter is being considered by the Board for final action at a scheduled meeting.

(Please sign and fill in your current address.)

Miles
Respondent

2479 Sunnyside Lane
Address

SARASOTA FL 34239

Lic. No. 0000649 Phone No. _____

STATE OF FLORIDA
COUNTY OF Sarasota
Before me, personally appeared Miles Edward Ferris
whose identity is known to me by DL 9620595480980
type of identification and who, acknowledges that his/her signature appears above.
Sworn to or affirmed by Affiant before me this 1 day of June, 2001.

Alma Dell Johnson 3/7/2003
Notary Public-State of Florida My Commission Expires

ALMA DELL JOHNSON
Type or Print Name

PLEASE MAIL COMPLETED FORM TO: Deborah Loucks, Senior Attorney, Agency for Health Care Administration, P.O. Box 14229, Tallahassee, Florida 32317-4229; Telephone (850) 487-9694.

RECORDED
01 JUN 11 2003



Alma Dell Johnson
MY COMMISSION # CCB14662 EXPIRES
March 7, 2003
BOUNDED THROUGH FIDELITY INSURANCE INC

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By: Vicki R. Kenon
Deputy Agency Clerk

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

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 00-04103

MILES FERRIS,

Respondent.

FINAL ORDER

Respondent, MILES FERRIS, holds Florida license number SW 0000649.

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 30, 2002, in Tallahassee, Florida, for an informal hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Respondent was present at the Board meeting but was not represented by legal counsel.

A request for a second continuance, filed on July 25, 2002, was denied previously by order of the Chair. The Respondent stated that he needed more time to negotiate a reduction in the restitution imposed upon him as a result of his criminal case. The continuance was denied on the grounds that it was not filed on a timely basis and because the matter was had already been continued in April of 2002 to give the Respondent additional time to negotiate a criminal restitution reduction.

FINDINGS OF FACT

Based upon the admission of the factual allegations, the Board adopts as its finding of facts paragraphs one (1) through six (6) 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 through violation of Section 491.007, Florida Statutes.

PENALTY

The Board is empowered by Section 491.009(2), and 456.072(2) Florida Statutes, to impose a penalty against the licensee. In this case, the Board found the presence of aggravating circumstances. Specifically, it found that the offense and the underlying criminal act not only have a negative effect upon the government, but also the public, who must ultimately pay for the cost associated with the crime and prosecuting the crime, and upon the profession, which ultimately becomes subject to

further regulation imposed as a result of those who violated the law such as the Respondent.

The Board also found that the negative impact upon society brought about by the Respondent's action are so severe that the Respondent merits a penalty that has a strong deterrent effect.

Therefore it is ORDERED that:

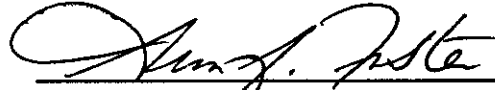
1. The license of MILES FERRIS, SW 0000649, is hereby revoked.
2. The licensee must pay costs in the amount of \$351.96 within 30 days from the date of entry of this order. Partial payments shall not be accepted. Payment shall be made to the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling and forwarded to DOH - Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320.

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 27th day of August, 2002.

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



Susan J. Foster
Board Executive Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail to: MILES FERRIS, 2479 Sunnyside Lane, Sarasota, Florida 34239; Deborah Loucks, Senior Attorney, Agency for Health Care Administration, P.O. Box 14229, Tallahassee, Florida 32317-4229; Lisa Pease, Senior Attorney, Agency for Health Care Administration, P.O. Box 14229, Tallahassee, Florida 32317-4229; and Edward A. Tellechea, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on this 28th day of August, 2002.

