

STATE OF FLORIDA
DEPARTMENT OF HEALTH

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

Petitioner,

vs.

Case Number: 2001-02488

RENEE J. SCHEIBER, LCSW,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Health, 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 against RENEE J. SCHEIBER, LCSW, 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 (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 license number SW 4807.
3. The last address of record for the Respondent is 5250 Northeast 20th Avenue, Fort Lauderdale, Florida 33308.
4. In June, 2000, the Respondent was hired as the PHP Program Manager at Fort Lauderdale Hospital, in Fort Lauderdale, Florida.

EXHIBIT A of Stipulation

5. As part of her job duties, the Respondent conducted group therapy sessions.

6. On or about December 1, 2000, the HIMS Director at Fort Lauderdale Hospital received a telephone call alleging that the Respondent was inappropriately completing and filing group notes of PHP patients.

7. Following the telephone call, the HIMS Director reviewed PHP charts and discovered that two of the charts contained documentation of group notes for a session scheduled from 2:10 PM to 3:00 PM on December 1, 2000. The HIMS Director confiscated these notes at approximately 2:35PM on December 1, 2000.

8. The group notes contained patient responses with the responses recorded as direct quotes.

9. The Respondent acknowledged that she had documented the group notes prior to the meeting of the group.

10. On December 1, 2000, the Respondent was placed on immediate suspension pending a complete investigation. The Respondent resigned her position as the PHP Program Manager on December 2, 2000.

COUNT I

11. Petitioner realleges and incorporates paragraphs one (1) through ten (10), as if fully set forth herein this Count One.

12. Recording notes of group sessions prior to the actual meeting of the group and recording in the session notes direct statements attributed to patients when the statements had not been made falls below the minimum standards of the profession of clinical social work.

13. The Respondent is subject to discipline for violating Section 491.009(2)(s), Florida Statutes (2000), [re-numbered as Section 491.009(1)(r), Florida Statutes (2001)], by failing to meet minimum standards of performance in professional activities when measured against generally prevailing peer performance.

COUNT II

14. Petitioner realleges and incorporates paragraphs one (1) through ten (10), as if fully set forth herein this Count Two.

15. Notes documenting group sessions are required to be signed by the licensee who facilitated or conducted the group meeting. The notes should accurately reflect the events of the group session.


16. The Respondent is subject to discipline for violating Section 491.009(2)(i), Florida Statutes (2000), [re-numbered as Section 491.009(1)(i), Florida Statutes (2001)], by willfully making or filing a false report or record.

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; assessment of the costs related to the investigation and prosecution of the matter; 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 19th day of February, 2002.

John O. Agwunobi, M.D., M.B.A.
Secretary, Department of Health

By


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

COUNSEL FOR PETITIONER:

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

CCP: Shyers & Zachary
on 1/24/02

FILED

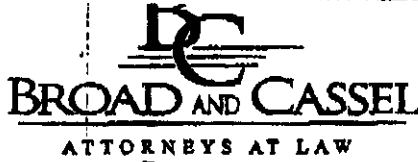
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK Vicki R. Kenon

DATE 2/22/02

02 FEB 20 PM 2:20

RECEIVED - LEGAL



April 6, 2004

VIA FEDERAL EXPRESS

Kathryn E. Price
 Assistant General Counsel
 Department of Health
 Office of General Counsel -- PSU
 4052 Bald Cypress Way
 Bin C-65
 Tallahassee, Florida 32399-3265

State of Florida Board of
 Clinical Social Work, Marriage and
 Family Therapy and Mental Health Counseling

**Re: Acceptance of Counter Stipulation
 Renee J. Scheiber, LCSW
 CASE NO.: 2001-02488**

PRACTICER REGULATION
 LEGAL
 2004 APR - 7 PM 2:42

Dear Ms. Price:

The above referenced matter came before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (the "Board") at a meeting on January 30, 2004, in Orlando, Florida. A stipulation was offered to the Board on that date. The Board rejected the following language contained in paragraph 4 of the stipulation.

The Respondent shall also pay the costs in an amount up to One Thousand Two Hundred (\$1,200) dollars associated with the investigation and prosecution of this matter.

See Proposed Stipulated Agreement dated the 23rd day of July 2003.

As a result, the Counter Stipulation was presented to the respondent. In the Counter Stipulation Agreement dated March 18, 2004, the Board replaced the latter language of the old paragraph 4 with a new paragraph 4, which states:

The Respondent shall also pay the actual costs in the amount of \$1,153.32. Such costs are to be paid [by] Respondent in three installment payments within 18 months of the filing of the final order accepting and incorporating this counter stipulation.

Exhibit B


The Board further states in its Counter Stipulated Agreement that it accepts the stipulated facts as outlined in the original stipulated agreement dated the 23rd day of July 2003 and incorporates same into the Counter Stipulated Agreement dated March 18, 2004.

In the Counter Stipulation, the Board grants the Respondent, Renee J. Scheiber, LCSW, 30 days from the date of entry of the March 18, 2004 order to accept or reject this offer. As such, the Respondent hereby agrees and accepts the counter stipulated agreement dated March 18, 2004.

Should you have any further concerns or questions, please contact me.

Sincerely,

BROAD AND CASSEL
Robert Penezic, Esquire
Attorney for Defendant, Renee J. Scheiber, LCSW
One Financial Plaza
Suite 2700
Fort Lauderdale, Florida 33394
Telephone: (954) 764-7060
Facsimile: (954) 761-8135
E-mail: rpenezic@broadandcassel.com

By: 
Robert Penezic, Esquire
Florida Bar No. 0064319

RP:rb

BOARD OFFICE
APR 27 11:26

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

PRACTITIONER REGULATION
LEGAL

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DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2001-02488

RENEE J. SCHEIBER,

Respondent,

STIPULATION

Pursuant to Section 120.57(4), Florida Statutes, the above named parties hereby offer this Stipulation to the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (hereinafter "Board") as disposition of the Administrative Complaint, attached hereto as Exhibit "A" and incorporated herein by reference, 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 Board 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 Clinical Social Worker in the State of Florida, having been issued license number SW 004807. Respondent's last known address is 5250 Northeast 20th Avenue, Fort Lauderdale, Florida 33308.

EXHIBIT A

2. The Respondent was charged in an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 456 and 491, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.

3. Respondent neither admits nor denies 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 491, Florida Statutes, and the jurisdiction of the Board and the Department.

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. **APPEARANCE**: 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. **REPRIMAND**: The license of the Respondent shall be reprimanded by the Board.

3. **FINE**: The Board shall impose an administrative fine in the amount of One Thousand (\$1,000) dollars against the license of the Respondent.

4. **COSTS**: The Respondent shall also pay the costs in an amount up to One Thousand Two Hundred (\$1,200) dollars associated with the investigation and prosecution of this matter.

The costs are to be paid by the Respondent to the Department of Health, HMQAMS/Client Services, ATTN: Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling Compliance Officer, P.O. Box 6320, Tallahassee, FL 32314-6320, within (30) thirty-days of the filing of the Final Order accepting and incorporating this Stipulation.

The administrative fine is to be paid by the Respondent to the Department of Health, HMQAMS/Client Services, ATTN: Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling Compliance Officer, P.O. Box 6320, Tallahassee, FL 32314-6320, in three equal installments within one year and six months after the filing of a Final Order accepting and incorporating this Stipulation. The first payment of \$333.33 shall be due and payable on or before six months after entry of the Final Order accepting and incorporating this Stipulation; the second payment of \$333.33 shall be due and payable on or before one year after entry of the Final Order accepting and incorporating this Stipulation, and the third payment of \$333.34 shall be due and payable on or before eighteen months after entry of the Final Order accepting and incorporating this Stipulation.

5. **CONTINUING EDUCATION**: Within one (1) year of the filing of the Board's Final Order in this cause, the Respondent will successfully complete 10 hours of continuing education in ethics and risk management relating to the practice of Clinical Social Work in the State of Florida. These continuing education courses shall be in addition to the continuing education credits normally required for renewal of Respondent's license. **Home study courses will not be accepted** to satisfy this condition unless specifically

authorized by the Board. Verification of successful completion and documentation of course content shall be submitted to the Compliance Officer within thirty (30) days after completion of the continuing education course.

6. Respondent shall pay all costs necessary to comply with the terms of the Final Order issued to resolve this cause.

7. Respondent shall not in the future violate Chapter 456 and 491, Florida Statutes, the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice Clinical Social Work.

8. 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, for which disciplinary action may be initiated pursuant to Chapter 456 or 491, Florida Statutes.

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

10. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action by the Board 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.

11. 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.

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

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

SIGNED this 16 day of July, 2003.

Renee J. Scheiber

Renee J. Scheiber
CASE NO. SW 2001-02488

Before me personally appeared Renee J. Scheiber, whose identity is known to me by personal knowledge or by presentation of A Driver's License as identification (type of identification), and who acknowledges that his or her signature appears above.

Sworn to and subscribed by Respondent before me this 16th day of July, 2003.

Linda E. Persley
Notary Public



APPROVED this 11th day of August, 2003.

John O. Agwunobi, MD, MBA
Secretary, Department Of Health

Wings S. Benton
By: Wings S. Benton
Deputy General Counsel
Department of Health

COUNSEL FOR PETITIONER:

Kathryn E. Price
Assistant General Counsel
Department Of Health
Office of General Counsel-PSU
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar No. 850860

RSM

Final Order No. DOH-04-0442-S-MOA
FILED DATE - 5-3-04
Department of Health

By: Neather Coleman
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.: 2001-02488

RENEE J. SCHEIBER, LCSW

Respondent,

_____ /

FINAL ORDER ACCEPTING COUNTER STIPULATION

This matter came before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (hereinafter the Board) at a duly noticed public meeting on January 30, 2004, in Orlando, Florida, where a proposed stipulated agreement (attached hereto as exhibit A) was rejected by the Board as an inadequate disposition of this matter. The Board has proposed the following COUNTER STIPULATION and the Respondent accepted same pursuant to written correspondence (attached hereto as exhibit B).

STIPULATED FACTS

The stipulated facts as outlined in the original stipulated agreement which is attached hereto as exhibit A are hereby accepted and incorporated into this COUNTER STIPULATION.

STIPULATED LAW

The stipulated law as outlined in the original stipulated agreement which is attached hereto as exhibit A are hereby accepted and incorporated into this COUNTER STIPULATION.

DISPOSITION

Paragraphs 1 through 3, and 5 through 12 of the proposed disposition as outlined in the original stipulated agreement which is attached hereto as exhibit A are hereby accepted and incorporated into this COUNTER STIPULATION.

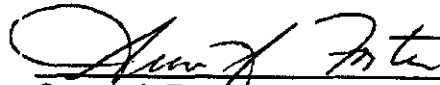
Paragraph 4 is partially rejected and replaced with the following:

4. COSTS

The Respondent shall also pay the actual costs in the amount of \$1,153.32. Such costs are to be paid Respondent in three installment payments within 18 months of the filing of the final order accepting and incorporating this COUNTER stipulation.

DONE AND ORDERED on this 3rd day of May, 2004.

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



Susan J. Foster
Executive Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail to Respondent's attorney, Robert Penezic, at Broad and Cassel, One Financial Plaza, Suite 2700, Fort Lauderdale, Florida 33394-0017, and by interoffice mail to: Kathryn E. Price, Senior Attorney, Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265; and Jeffrey D. Jones, Senior Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on this 3rd day of May, 2004.

Heather Coleman
Deputy Agency Clerk