

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

Vs.

CASE NO.: 2001-11842

JACQUELINE L. COX, LMHC,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, DEPARTMENT OF HEALTH, by and through undersigned counsel, files this Administrative Complaint before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling against JACQUELINE L. COX, LMHC, hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of mental health counseling 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.
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 6099.
3. Respondent's address of record is 130 Louise Drive, Crestview, Florida 32536.
4. On or about July 10, 2001, Respondent was terminated from her employment with the Children's Advocacy Center. Respondent's termination was based on concerns with Respondent's behavior, including alleged theft of prescription pads from a doctor's office and presenting a fraudulent prescription.

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EXHIBIT
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5. In August 2001, Respondent took a prescription page from her son's pediatrician's prescription pad. Respondent wrote out a prescription for Valium 10 mg tid and forged the pediatrician's name. Respondent filled the prescription at a pharmacy in Niceville.

6. On or about August 8, 2001, Respondent was arrested for Obtaining a Controlled Substance with a Forged Prescription. The Respondent entered a Deferred Prosecution Agreement for Okaloosa County. The deferred prosecution agreement extends until May 6, 2002.

7. In approximately August 2001, Respondent was sent to Bridgeway Center Crisis Stabilization Unit for involuntary psychiatric admission under the Baker Act.

8. After discharge from the Bridgeway Center Crisis Stabilization Unit, Respondent self-reported to Physicians Recovery Network (PRN). PRN serves as a consultant to the Department of Health on matters relating to practitioner impairment.

9. In October 2001, underwent a psychiatric evaluation with Henry A. Doenlen, M.D., a PRN-approved physician. Respondent was diagnosed with Bipolar Disorder.

10. Dr. Doenlen opined that Respondent's current symptoms of bipolar disorder could impair her functioning as a mental health counselor because the practice of mental health counseling requires: a clear and stable mind; the ability to be sensitive to issues and symptoms of clients; and the ability to give reasonable advice and understanding.

11. Dr. Doenlen opined that Respondent will require ongoing treatment for bipolar disorder for an indefinite period of time.

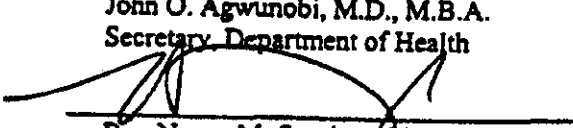
Based on the foregoing, the Respondent has violated Section 491.009(1)(p), Florida Statutes (2001), by being unable to practice the profession for which she is licensed with reasonable skill or competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance.

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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 for investigation and prosecution of this 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; corrective action; refund of fees billed and collected; remedial education; and/or any other relief which the Board deems appropriate.

SIGNED this 19th day of June, 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 Bar Number 0169889
Agency for Health Care Administration
Practitioner Regulation - Legal
Post Office Box 14229
Tallahassee, Florida 32317-4229
(850) 487-9694

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Vicki R. Kenon
DATE 6/24/02

PCP: Ackord, Shyers + Zachary
DATE: April 18, 2002

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STATE OF FLORIDA

By: Wicki R. Kanon
Deputy Agency Clerk

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

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2001-11842

JACQUELINE L. COX, LMHC

Respondent.

FINAL ORDER

This matter appeared before the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling at a duly-noticed public meeting on January 24, 2003, in Gainesville, Florida, for a hearing not involving disputed issues of material fact pursuant to Sections 120.569 and 120.57(2), Florida Statutes, pursuant to Respondent's election of rights. 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.

FINDINGS OF FACT

Based upon the admission of the factual allegations, the Board adopts as its finding of facts paragraphs 1-11 of the Administrative Complaint.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Board concludes the licensee has violated Section 491.009(1)(9), Florida Statutes (2001).

The Board is empowered by Sections 491.009(2) and 456.072(2), Florida Statutes, to impose a penalty against the licensee. Therefore it is ORDERED that:

1. The license of JACQUELINE L. COX is suspended until she personally appears before the Board and can demonstrate her present ability to engage in the safe practice of clinical social work. That demonstration shall include at least an in-depth psychological evaluation coordinated through the Physician's Recovery Network (PRN) from a psychiatrist, psychologist or other licensed psychotherapist experienced in the treatment of Bi-polar Disorder and Addiction/Substance Abuse. The licensee shall supply a copy of this order to the evaluator. The evaluation must contain evidence that the evaluator knows of the reason for referral. The evaluator must specifically advise this Board that the licensee is presently able to engage in the safe practice of clinical social work or recommend the conditions under which safe practice could be obtained. The Board reserves the right to impose reasonable conditions of reinstatement at the time she appears before the Board to demonstrate the present ability to engage in the safe practice of clinical social work. Such conditions may include, but are not limited to, a term of probation.

2. The licensee must pay an administrative fine of \$500.00 and investigative costs of \$1604.64 prior to reinstatement. 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, Attention: Compliance Officer.

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

DONE AND ORDERED this 18 day of March, 2003.

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


Susan J. Foster
Executive Director

NOTICE OF APPEAL RIGHTS

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 of Health 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail to: JACQUELINE L. COX, 130 Louise Drive, Crestview, Florida 32536; 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 Pamela Page, Senior Attorney, Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265; and Edward A. Tellechea, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; on this 20th day of March, 2003.


Susan K. Went

STATE OF FLORIDA
DEPARTMENT OF HEALTH
ELECTION OF RIGHTS

RE: Jacqueline L. Cox, LHMC

CASE NUMBER: MM 2001-11842

(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 your attorney.

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

2. (X) 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 fact (formerly known as an "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 of Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling.

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 of Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling 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 that 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.

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

License No. MM 2001-6009 Signed: Jacqueline Cox

Address: 130 Louise Dr., Crestview, FL 32536

Telephone No. _____

STATE OF FLORIDA
COUNTY OF Okaloosa

Before me personally appeared, Jacqueline Cox, whose identity is known to me by personal knowledge or by presentation of Id. exp 7-24-04 as identification (type of identification) and who acknowledges that his or her signature appears above.

Sworn to or affirmed before me this 22 day of November, 2002.

DEBRAH A. ROBINSON
Notary Public, State of Florida
My comm. exp. Mar. 5, 2005
Comm. No. DD 097448

Debrah A. Robinson
Notary Public
My Commission Expires: 000012

DEBRAH A. ROBINSON
Notary Public, State of Florida
My comm. exp. Mar. 5, 2005
Comm. No. DD 097448

EXHIBIT
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Jeb Bush
Governor

John O. Agwunobi, M.D., M.B.A., M.P.H.
Secretary

December 7, 2004

Office of the State Attorney
First Judicial Circuit
Curtis A. Golden
190 Governmental Center
Pensacola, FL 32501

Complaint #200111842

Subject: Jacqueline Cox

Dear Mr. Golden:

Enclosed is a copy of a complaint and/or document that may indicate a criminal violation by a licensee regulated by the Department of Health. Pursuant to 456.066, Florida Statutes this information is being forwarded to your office for your review and disposition. The complaint was investigated by the Department of Health for a possible violation 491.009(1)(l)(r) Florida Statutes.

Please be advised that pursuant to section 456.073(10), Florida Statutes this complaint and all information obtained during the Department's investigation are confidential and exempt from section 119.07(1), Florida Statutes, until ten (10) days after probable cause has been found to exist or the subject of the investigation waives his/her right of confidentiality, whichever occurs first. We are required, pursuant to section 456.057 (8), Florida Statutes to maintain confidentiality, at all times, of patient names, patient records and any documents that may identify the patient by name.

Please do not hesitate to contact me if I can be of further assistance to you.

Sincerely,

A handwritten signature in cursive script that reads "Sondra Nelson".

Sondra N. Allen
Regulation Specialist III
Consumer Services Unit

/awp

Enclosure