

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

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

Petitioner,

v.

Case No. 2001-12851

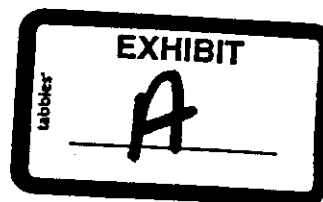
ARLENE BARBARA SAGE, LCSW,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Health, hereinafter referred to as "Petitioner," by and through undersigned counsel, and files this Administrative Complaint before the Board OF CLINICAL SOCIAL WORK, MARRIAGE AND FAMILY THERAPY AND MENTAL HEALTH COUNSELING against Arlene Barbara Sage, Licensed Clinical Social Worker, hereinafter referred to as "Respondent," and alleges:

1. 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 484, Florida Statutes.



000014

2. At all times material hereto, Respondent, whose address of record is 1325 SE 47th Street, Cape Coral, Florida, 33904, was a Licensed Clinical Social Worker, having been issued license number SW 2546 on April 16, 1990.

3. In or around October 2000, Respondent was appointed by the Twentieth Judicial Circuit Court in and for Lee County Florida, as the Parenting Coordinator in the case of P.V.M, v. T.R., Case Number 98-5395CA-JRT.

4. As part of her duties as parenting coordinator, Respondent conducted individual counseling sessions with P.V.M. and T.R., as well as with their minor child.

5. On or around May 7, 2001, P.V.M. submitted an authorization to release record information to Respondent requesting that his records be released to Bill Bohs, a Licensed Mental Health Counselor.

6. On or around December 20, 2001, Mr. Bohs wrote a letter to Judge James Harold Thompson advising in relevant part, that P.V.M. had made a request to Respondent for release of records to him and that he had not received any records from Respondent.

7. On or around September 13, 2001, P.V.M. submitted an authorization to release record information to Respondent requesting that his records be released to Dewey Mockler, Esquire.

8. On or around September 17, 2001, Respondent responded by letter to P.V.M. with dates of services provided to him. Respondent failed to provide

000015

copies of the patient's records and failed to provide a report of examination and treatment in lieu of records.

9. On or around December 4, 2001, Respondent advised P.V.M. by letter that pursuant to Chapter 456, Florida Statutes, she was providing a report in lieu of providing the records. Respondent provided a narrative of her work as a court-ordered parenting coordinator.

10. Section 456.057(4), Florida Statutes, provides:

456.057 Ownership and control of patient records; report or copies of records to be furnished.--

(4) Any health care practitioner licensed by the department or a board within the department who makes a physical or mental examination of, or administers treatment or dispenses legend drugs to, any person shall, upon request of such person or the person's legal representative, furnish, in a timely manner, without delays for legal review, copies of all reports and records relating to such examination or treatment, including X rays and insurance information. However, when a patient's psychiatric, chapter 490 psychological, or chapter 491 psychotherapeutic records are requested by the patient or the patient's legal representative, the health care practitioner may provide a report of examination and treatment in lieu of copies of records. Upon a patient's written request, complete copies of the patient's psychiatric records shall be provided directly to a subsequent treating psychiatrist. The furnishing of such report or copies shall not be conditioned upon payment of a fee for services rendered.

11. Section 491.009(1)(h), Florida Statutes (2001) provides:

491.009 Discipline.--

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

000016

(h) Failing to perform any statutory or legal obligation placed upon a person licensed, registered, or certified under this chapter.

COUNT I

12. Petitioner incorporates paragraphs 1-9 as if fully set forth herein.

Respondent, by her failure to provide copies or a report of examination and treatment in lieu of copies to Bill Bohs after the request made by P.V.M. on or around May 7, 2001, violated sections 456.057 and 491.009(1)(h), Florida Statutes.

COUNT II

13. Section 491.009(1) (r), Florida Statutes (2001), provides:

491.009 Discipline.--

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(r) Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee, registered intern, or certificateholder is not qualified by training or experience.

14. Respondent, by her failure to provide copies or a report of examination and treatment in lieu of copies until December, 7, 2001, to P.V.M. after his request of September 13, 2001, violated Sections 456.057 (4), and 491.009 (1)(r), Florida Statutes.

WHEREFORE, Petitioner respectfully requests the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling to enter an

000017

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 21st day of October, 2002.

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

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK [Signature]
DATE 10/21/02

By: Wings S. Benton
Wings S. Benton
Deputy General Counsel
Prosecution Services Unit

COUNSEL FOR PETITIONER:
Kathryn E. Price
Senior Attorney
Department of Health
Bureau of Health Care Practitioner Regulation-Legal
4052 Bald Cypress Way, Bin #C-65
Tallahassee, Florida 32399-3265
(850) 414-8126 Fax: (850) 414-1991

000018

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

02 DEC 11 PM 12: 06

CUSH, BROOKS, AINSWURGER
RECEIVED

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: SW 2001-12851

Arlene Sage, LCSW,

Respondent.

CELESTE M. 11/29/05

SETTLEMENT 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 herein, Respondent was a licensed clinical social worker in the State of Florida, having been issued license number on April 16, 1990. The last known address of the Respondent is 1325 SE 47th Street, Cape Coral, FL 33904.

000009

2. The Respondent was charged by an Administrative Complaint filed by the Department of Health and properly served upon Respondent with violations of Chapters 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 admits the factual allegations contained in the Administrative Complaint for the purposes of settlement in these administrative proceedings only.

STIPULATED LAW

1. Respondent admits that she is subject to the provisions of Chapters 456 and 491, Florida Statutes, and the jurisdiction of the Department of Health and the Board.

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

3. Respondent admits that the Stipulation is a fair, appropriate, and reasonable resolution to this pending matter.

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 Board shall reprimand the license of the Respondent.

3. **FINE**: The Board shall impose an administrative fine of two hundred fifty dollars (\$250) against the license of the Respondent.

4. **COSTS**: Respondent shall also pay the costs associated with the investigation and prosecution of this matter in the amount of one thousand forty-eight dollars and twenty-six cents (\$1,048.26).

***The fine and costs are to be paid by the Respondent
to the Department of Health, HMQAMS/Client
Services, P.O. Box 6320, Tallahassee, FL 32314-6320 000010
ATTN: Board of Clinical Social Work, Marriage and***


***Family Therapy, and Mental Health Counseling
Compliance Officer, within (30) thirty-days of the
filing of a Final Order accepting and incorporating
this Stipulation.***

5. Respondent shall not in the future violate Chapters 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 to the ability to practice Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling.

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, for which disciplinary action may be initiated pursuant to Chapters 456 and 491, Florida Statutes.

7. It is expressly understood that this Stipulation is subject to approval of the Board and Department of Health and has no force or effect until the Board bases an Order upon it.

8. The Respondent, for the purpose of avoiding further administrative action with respect to this particular case, executes this Stipulation. 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 this 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 of Health fully understand that this Stipulation and subsequent Final Order incorporating same  in no

will preclude additional proceedings by the Board and/or Department of Health against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint, attached hereto as Exhibit "A", issued in this cause.

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

11. Upon the Board's adoption of this Stipulation, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of this Stipulation and the Final Order of the Board incorporating said Stipulation.

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

SIGNED this 13 day of Dec, 2002.

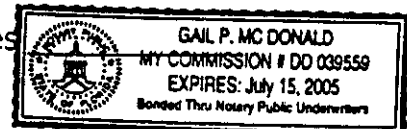
RESPONDENT: Arlene Sage LCSW
Case Name: Arlene Sage, LCSW
Case Number: SW 2001-12851

STATE OF FLORIDA
COUNTY OF Dee

before me personally appeared ARLENE SAGE, whose identity is known to me by personal knowledge or by presentation of VA# 52002-42-6300 as identification (type of identification), and who acknowledges that his or her signature appears above.

Sworn to and affirmed before me this 13 day of Dec, 2002.

Gail P. McDonald
Notary Public
My Commission Expires



000012

APPROVED this 20th day of December, 2002.

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

Wj S. Benton
Wings S. Benton
Deputy General Counsel
Department of Health

Counsel for Petitioner:

Kathryn E. Price
Assistant General Counsel
Prosecution Services Unit
Department of Health
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
(850) 414-8126
FBN: 850860

KEP:rab
12/06/02

000013

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.: 2001-12851

ARLENE BARBARA SAGE, LCSW

Respondent.

FINAL ORDER

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 held on January 24, 2003, in Gainesville, Florida. Respondent, ARLENE BARBARA SAGE, holds Florida license number SW 2546 as a Licensed Clinical Social Worker. Petitioner filed an Administrative Complaint seeking disciplinary action against the license of; ARLENE BARBARA SAGE a copy of that complaint is attached to and made a part of this Final Order.

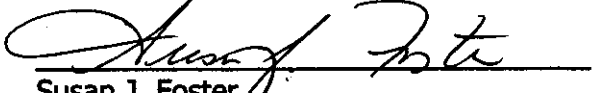
Petitioner and Respondent have stipulated to a disposition in this case. The Board concurs that this Stipulation is an appropriate settlement of the case and that the Respondent shall comply with all terms of the Stipulation which is attached to and made a part of this Final Order.

It is therefore ORDERED that the Stipulation is adopted, and Respondent shall be governed accordingly.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail to: ARLENE BARBARA SAGE, 1331 NE 2nd Street, Cape Coral, Florida 33909; Lisa J. Augspurger, Esquire, Bush, Brook, & Augsburger, P.A., 411 East Jackson Street, Orlando, Florida 32801; 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 Edward A. Tellechea, Senior Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on this 20 day of March, 2003.

