

R&M

By: Jheena McKeown
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.: 2004-50459
License No.: IMH 3502**

**JOHN F. VANWICKLIN,
Registered Mental Health Counselor Intern,**

Respondent.

_____ /

FINAL ORDER

This matter appeared before the BOARD OF CLINICAL SOCIAL WORK, MARRIAGE AND FAMILY THERAPY, AND MENTAL HEALTH COUNSELING (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statute, at a duly-noticed public meeting on May 5, 2006, in Tampa, Florida, for consideration of a Settlement Stipulation (attached hereto as Exhibit "A") entered into between the parties in this cause. Petitioner was represented by Lynette Norr, Assistant General Counsel. Respondent was not present and not represented by counsel. Upon consideration of the Settlement Stipulation, the documents submitted in support thereof, the arguments of the parties and otherwise being advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Stipulation be and hereby is approved and adopted in toto and incorporated by reference herein with the following clarifications:

1. The Appearance requirement was waived for good cause.
2. The twelve (12) hours of Continuing Education required by the Settlement Stipulation shall be in the areas of ethics and record keeping.
3. The costs imposed shall be set at \$1,793.97 and shall be paid within thirty (30) days of

this Final Order.

Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Stipulation.

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

DONE AND ORDERED this 26 day of May, 2006.



Susan J. Foster, Executive Director
For the Board of Clinical Social Work,
Marriage and Family Therapy, and Mental
Health Counseling

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to **JOHN F. VANWICKLIN**, 7117 12th Court East, Sarasota, Florida 34243; by interoffice mail to **Joy A. Tootle**, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; **Lynette Norr**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265 this 30th day of May, 2006.



Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

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DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2003-25847

JOHN F. VANWICKLIN, Registered
Mental Health Counselor Intern,

Respondent.

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 registered mental health counselor intern in the State of Florida, having been issued registration number IMH 3502 on December 13, 2001.
2. Respondent's address of record is 5230 Jamestown circle, Apt. D, Bradenton, Florida 34208.

3. 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".

4. Respondent neither admits nor denies the factual allegations in the Administrative Complaint but is entering into this Stipulation for the purpose of settlement in these administrative proceedings only.

STIPULATED LAW

1. Respondent admits that he 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 five hundred dollars (\$500) against the license of the Respondent.

4. **COSTS:** Respondent shall also pay the costs of up to the amount of two thousand, one hundred eighty-five dollars (\$2,185.00) associated with the investigation and prosecution of this matter.

The fine and 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 thirty (30) days of the filing of a Final Order accepting and incorporating this Stipulation.

5. **CONTINUING EDUCATION:** Respondent shall successfully complete and document to the Board within one (1) year of the filing of the final order adopting and incorporating this stipulation 12 hours of continuing education in an area or areas to be determined by the Board. These continuing education hours shall be in addition to the continuing education hours 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 at the address referenced above.

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, will in no way 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 of 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.

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SIGNED this 11 day of April, 2006.

John Van Wicklin
JOHN F. VANWICKLIN,
Registered Mental Health
Counselor Intern
Case number 2004-50459

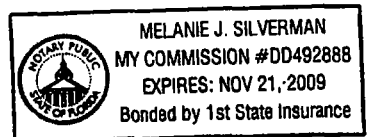
STATE OF FLORIDA
COUNTY OF SARASOTA

Before me personally appeared John Van Wicklin, whose identity is known to me by X personal knowledge or by presentation of _____ as identification (type of identification), and who acknowledges that his or her signature appears above.

Sworn to or affirmed before me this 11 day of April, 2006.

[Signature]
Notary Public

11/21/09
My Commission Expires



APPROVED this 18th day of April, 2006.

M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

By: [Signature]
Lynette Norr, Ph.D.
Assistant General Counsel
Florida Bar # 0010717
Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
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**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

V.

CASE NO. 2004-50459

**JOHN F. VANWICKLIN, Registered
Mental Health Counselor Intern,**

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling against Respondent, John F. VanWicklin, registered mental health counselor intern, and alleges:

1. Petitioner is the state agency charged with regulating the practice of clinical social work, marriage and family therapy, and mental health counseling pursuant to Section 20.43, Florida Statutes (2001); Chapter 456, Florida Statutes (2001); and Chapter 491, Florida Statutes (2001).

2. At all times material hereto, Respondent was a registered mental health counselor intern in the state of Florida, having been issued registration number IMH 3502 on December 13, 2001.

3. Respondent's address of record is 5230 Jamestown circle, Apt. D, Bradenton, Florida 34208.

4. From in or about November 1998 until in or about July 2004, Respondent was employed by Hope Family Services, Inc. ("Hope"), in Bradenton, Florida.

5. On or about July 6, 2004, Respondent was terminated from his position at Hope for multiple incidents of falsifying his time sheet.

6. Hope provides services exclusively for victims of domestic abuse. Vivienne Grempe is a licensed clinical social worker. Ms. Grempe served as supervisor to the Respondent.

7. Respondent was employed at Hope as a children's counselor and team leader. Part of Respondent's job was to submit statements of time spent with clients and time spent attending meetings related to his employment at Hope.

8. On or about March 23, 2004, Respondent submitted a time sheet for that date indicating that he attended a Healthy Families of Manatee Advisory Meeting from 12:00-3:00pm.

9. Respondent did not attend a Healthy Families Advisory Meeting on March 23, 2004. Respondent's name does not appear on the attendance roster for the above referenced meeting and date.

10. On or about June 14, 2004, Respondent submitted a time sheet for that date indicating that he held a parenting session for client #3 between 10:00-10:15am following the son's counseling session.

11. Respondent did not hold the above referenced parenting session on June 14, 2004, with the parent of client #3. The parent reported she had not spoken with the Respondent since their intake meeting on June 3, 2004.

12. On or about June 15, 2004, Respondent submitted a time sheet for that date indicating that he held a parenting session for client #1 from 4:45-5:00pm following the daughter's counseling session.

13. Respondent did not hold the above referenced parenting session with the mother of client #1 on June 15, 2004. The mother reported that when she picked up her daughter she stated she had nothing she needed to discuss with the Respondent.

14. On or about Wednesday, June 16, 2004, Respondent submitted a time sheet for that date indicating that he attended a Healthy Families of Manatee Advisory Meeting from 3:00-5:00pm at United Way.

15. Respondent did not attend a Healthy Families Advisory Meeting on June 16, 2004, because no such meeting was held. Those meetings were then scheduled quarterly on the third Tuesday from 1:00-3:00pm at the Resource Connection for Kids.

16. On or about June 22, 2004, Respondent submitted a time sheet for that date indicating that he held a parenting session for client #1 from 3:45-3:55pm prior to the daughter's counseling session.

17. Respondent did not hold the above referenced parenting session with the mother of client #1 on June 22, 2004. The mother reported that no session occurred

when she dropped off her daughter for her 4:00-5:00pm counseling. When the mother picked up her daughter she again stated she had nothing she needed to discuss with the Respondent.

18. On or about June 22, 2004, Respondent submitted a time sheet for that date that indicated he had a parent session at the office from 12:50-1:00pm with the parent of client #2, in which they addressed closing the case for the family.

19. Respondent did not have a session in the office with the parent of client #2 on June 22, 2004. The parent reported that she spoke with the Respondent on the phone on June 24, 2004, at which time they discussed completion of services for her and her son.

20. On or about June 23, 2004, Respondent submitted a time sheet for that date indicating that he held a parenting session for client #3 between 10:55-11:05am following the son's counseling session.

21. Respondent did not hold the above referenced parenting session for client #3 on June 23, 2004. The parent reported she had not spoken with the Respondent since their intake meeting on June 3, 2004.

22. Section 491.009(1)(l), Florida Statutes (2003), provides that making false, deceptive, untrue, or fraudulent representations in the practice of a profession under Chapter 491, is an act for which disciplinary action may be taken.

23. Respondent made false, deceptive, untrue or fraudulent representations by submitted time sheets indicating that he spent time with clients

or at work related meetings between March and June of 2004, when he did not spent time with clients or at work-related meetings during the times Respondent indicated on his time sheets.

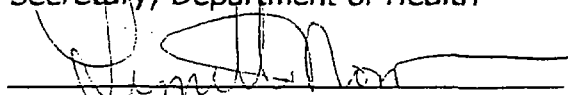
24. Based on the foregoing, Respondent violated Section 491.009(1)(l), Florida Statutes (2003), by making false, deceptive, untrue or fraudulent representations to his employer in the practice of mental health counseling between March and June of 2004.

WHEREFORE, the Petitioner respectfully requests that the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 27 day of January, 2006.

M. Rony Francois, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

By:


Lynette Norr, Ph.D.
Assistant General Counsel
Florida Bar # 0010717
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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Lilly Davis
DATE 1/30/06

PCP Date: January 17, 2006
PCP-2 Members: Zachary, Shyers, Adejokun-Ojo

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes (2001), to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes (2001), the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.