

STATE OF FLORIDA
BOARD OF PSYCHOLOGY

Final Order No. DOH-08-2872-S-MQA
FILED DATE - 12-1-08
Department of Health
By: Rachel [Signature]
Deputy Agency Clerk

DEPARTMENT OF HEALTH,
BOARD OF PSYCHOLOGY,

Petitioner,

v.

CASE NO.: 2006-29753
LICENSE NO.: PY 3306

SCOTT ROSEMAN, Ph.D.,

Respondent.

FINAL ORDER ACCEPTING STIPULATION

Scott Roseman, Ph.D., (hereinafter "Respondent"), is licensed as a psychologist by the Board of Psychology (hereinafter "the Board"). The Department of Health (hereinafter "the Department") filed an Administrative Complaint against Respondent on March 9, 2007. Following the filing of Department's Administrative Complaint, a copy of which is attached hereto as Exhibit "A" and incorporated by reference into this Final Order, Respondent and the Department entered into a Stipulation settling all issues in the case pursuant to § 120.57(4), Florida Statutes, with the exception of the exact amount of administrative costs to be paid. The Board reviewed the case and the Stipulation at its duly noticed public meeting held in Orlando, Florida, on October 24, 2008, at which time Respondent was neither present nor represented by counsel. The Department was represented by Patrick Butler, Esquire and Laura Lopez, Esquire. The Board accepted the Stipulation, which is attached as Exhibit "B" and incorporated by reference into this Final Order.

WHEREFORE, the Board hereby accepts the Stipulation, settling all matters in this case consistent with the terms of the agreement between the parties, and Respondent is hereby **ORDERED** to abide by the terms of the Stipulation and pay \$2,982.45 in administrative costs. This Final Order shall be placed in and made a part of Respondent's official records.

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

DONE AND ORDERED, this 26th day of November, 2008.

BOARD OF PSYCHOLOGY

for Anna J. Hart King
Allen Hall, Executive Director
for Richard Hoffman, Ph.D., Chair

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY ANY PARTY PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE, BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(D), FLORIDA RULES OF APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE DEPARTMENT'S CLERK OF AGENCY PROCEEDINGS, WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Final Order has been provided by United States Mail to Scott Roseman, 2499 Glades Road, Suite 203, Boca Raton, FL 33431; and by Inter-Office Mail to Laura Lopez, Esquire, Department of Health, Prosecutorial Services Unit, 4052 Bald Cypress Way, Bin C-65, Tallahassee, FL 32399-3265; and Mary Ellen Clark, Assistant Attorney General, Administrative Law Section, PL-01 The Capitol, Tallahassee, Florida 32399-1050 this 1 day of

December, 2008.

Jenice Deane
Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2006-29753

SCOTT ROSEMAN, Ph.D,

RESPONDENT.

0-4-07

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Psychology against the Respondent, Scott Roseman, and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of psychology pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Part I, Chapter 490, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed psychologist within the state of Florida and was issued license number 3306.
3. Respondent's address of record is 2499 Glades Road, suite 203, Boca Raton, FL 33411.

Exhibit "A"

4. Pursuant to a Court Order issued in April 2006, the Respondent was directed to conduct evaluations of a husband and wife, participants in a pending dissolution of marriage, and their son and daughter.

5. The Respondent conducted interviews in April and May, with a final interview on July 2, 2006.

6. When no report had been filed with the court for several months, and repeated telephone calls from the parties went unanswered, the court issued an "Order to Show Cause" which required the Respondent to appear to explain why he had not filed his report.

7. The Order further stated that the Court could assess sanctions against the Respondent for his failure to timely file the report. An undated report was then filed.

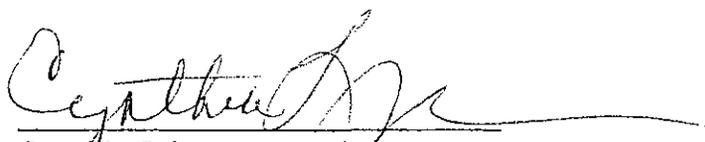
8. Section 490.009(1)(r), Florida Statutes (2005-2006) provides that the following acts constitutes grounds for disciplinary action, as specified in Section 456.072(2), Florida Statutes (2005-2006): Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.

9. By failing to timely submit his report to the court and to being unresponsive to the parties attempted communications, the Respondent violated Section 490.009(1)(r), Florida Statutes (2005-2006).

WHEREFORE, the Petitioner respectfully requests that the Board of Psychology 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 and/or any other relief that the Board deems appropriate.

SIGNED this 7th day of March, 2007

Ana. M. Viamonte Ros, M.D., M.P.H.
Secretary, Department of Health



Cynthia Jakeman
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 0714690
(850) 245-4640
(850) 245-4682 FAX

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: Rachelle
DATE 3-9-07

PCP Date: 2-27-07
Rivas-Vazquez/Gibbs

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, 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, 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.

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2006-29753

SCOTT ROSEMAN, Ph.D.,

Respondent.

SETTLEMENT STIPULATION

Pursuant to Section 120.57(4), Florida Statutes, the above named parties hereby offer this Stipulation to the Board of Psychology (hereinafter "Board") as disposition of the Administrative Complaint filed in this cause 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. If this Stipulation is rejected, it, and its presentation to the Board, shall not be used against either party.

STIPULATED FACTS

1. Respondent is and has been at all times material hereto a licensed psychologist and was issued license number PY 3306 on January 10, 1984. Respondent's address of record is 2499 Glades Road, Suite 203, Boca Raton, Florida, 33411.
2. The Respondent was charged by an Administrative Complaint, filed by the Department of Health (hereinafter "Department") and properly served upon Respondent

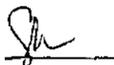
Page 1 Initialed by: Scott Roseman, Ph.D. 

Exhibit "B"

with violations of Chapter 490, 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 in the Administrative Complaint and is entering into this Stipulation for the purpose of settlement in these administrative proceedings only.

STIPULATED LAW

1. Respondent admits that, in Respondent's capacity as a licensed psychologist, Respondent is subject to the provisions of Chapters 456 and 490, 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 is not required to be present when this settlement stipulation is presented to the Board for approval as the Respondent has previously appeared before the Board regarding this matter on July 27, 2007.

2. AFFIDAVIT: The Respondent shall within thirty (30) days following the filing of the Final Order adopting and incorporating this Stipulation, provide the Board office with a signed and notarized affidavit stating that Respondent has read and understands the laws and rules governing the practice of psychology in the State of Florida, including Chapters 456 and 490, Florida Statutes, and Chapter 64B-19, Florida Administrative Code, Rules of the Board of Psychology, and the importance of adhering to same.

3.FINE: The Board shall impose an administrative fine of three thousand dollars (\$3000.00) against the license of the Respondent. The Respondent shall pay the fine to the Board of Psychology within 24 months of the filing of the Final Order in this matter. THE RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINE IS RESPONDENT'S LEGAL OBLIGATION AND RESPONSIBILITY, AND THE RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED TO IN THIS SETTLEMENT STIPULATION. (See Appendix A of this Settlement Stipulation for Board address and standard settlement terms.)

4.COSTS: Pursuant to Section 456.072(4), Florida Statutes, Respondent shall also pay the administrative costs associated with the investigation and prosecution of this matter in an amount not to exceed \$3,000.00. Total costs shall be assessed when the Stipulation is presented to the Board. The Respondent shall pay the costs to the Board of Psychology within 24 months of the filing of the Final Order in this matter. THE RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS RESPONDENT'S LEGAL OBLIGATION AND RESPONSIBILITY, AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED TO IN THIS STIPULATION. (See Appendix A of this Settlement Stipulation for Board address and standard terms.)

5.CONTINUING EDUCATION: Probationer shall successfully complete and report to the Board, within one year of the filing of the Final Order in this matter, a minimum of fifteen (15) hours of continuing education in laws and rules, and psychological assessments. 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 in Appendix A.

6. CUSTODY EVALUATIONS: The Respondent shall not in the future conduct custody evaluations unless the Respondent complies with the following conditions: the Respondent shall first submit to the Board the names of three licensed psychologists to supervise Respondent in the performance of custody evaluations; the Board shall choose one of the named psychologists to supervise Respondent in the conduct of three (3) custody evaluations; upon completion of the three (3) supervised custody evaluations, the Respondent shall submit proof of said supervised evaluations to the Board Chair for approval; upon approval by the Board Chair that the Respondent has successfully completed the required supervised evaluations the Respondent may conduct future custody evaluations without supervision.

7. Respondent shall not in the future violate Chapters 456 and 490, 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 engage in the practice of psychology.

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 Chapters 456 and 490, Florida Statutes.

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

10. 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.

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 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.

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

13. 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.

SIGNED this 31 day of MARCH, 2008.

Scott Roseman, Ph.D.

Scott Roseman, Ph.D.
Case number 2006-29753

STATE OF FLORIDA
COUNTY OF PALM BEACH

Before me personally appeared SCOTT ROSEMAN, whose identity is known to me by ___ 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 31 day of MAR, 2008.

[Signature]
Notary Public

June 7 2010
My Commission Expires



APPROVED this 1ST day of April, 2008.

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

By: Cynthia L. Jakeman
Cynthia L. Jakeman
Assistant General Counsel
Florida Bar # 0714690
Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
(850) 245-4640 Ext. 8133 voice
(850) 245-4684 FAX

APPENDIX A

STANDARD TERMS APPLICABLE TO STIPULATIONS

The following are the standard terms applicable to all stipulations, including supervision and monitoring provisions applicable to licensees on probation.

A. PAYMENT OF FINES. Unless otherwise directed by the stipulation, all fines shall be paid by check or money order and sent to the Board address set forth in paragraph E, below. The Board office does not have the authority to change the terms of payment of any fine imposed by the Board.

B. COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. Unless otherwise directed by the stipulation, all community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to the Board of Psychology at the address set forth below in paragraph E, **WITHIN ONE YEAR OF THE DATE OF THE FINAL ORDER.**

C. ADDRESSES. Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Board within ten (10) days in the event that Respondent leaves the active practice of psychology in Florida.

D. COSTS. Pursuant to Section 456.072(4), Florida Statutes, the Respondent shall pay all costs necessary to comply with the terms of this Stipulation. Such costs include, but are not limited to, the costs of preparation of Investigative Reports detailing compliance with the terms of the Stipulation, obtaining supervision or

monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative costs directly associated with Respondent's probation.

E. BOARD ADDRESS. Unless otherwise directed by the Board office, all fines and costs shall be sent to: Department of Health, HMQAMS/Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attn.: Psychology Compliance Officer. Unless otherwise directed by the Board office, all other correspondence shall be sent to: Department of Health, HMQAMS/Client Services/Bin #C01, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3251, Attn.: Psychology Compliance Officer.

F. PROBATION TERMS. If probation was imposed by the Final Order of the Board, the following provisions are applicable.

1. DEFINITIONS:

a. INDIRECT SUPERVISION is supervision by a monitoring psychologist (monitor) whose responsibilities are set by the Board. Indirect supervision does not require that the monitor practice on the same premises as the Respondent, however, the monitor shall practice within a reasonable geographic proximity to Respondent, which shall be within 20 miles unless otherwise provided by the Board and shall be readily available for consultation. The monitor shall practice in the Respondent's specialty area unless otherwise provided by the Board.

b. DIRECT SUPERVISION is supervision by a supervising psychologist (supervisor) whose responsibilities are set by the Board. Direct supervision requires that the supervisor and Respondent work in the same office. The supervising psychologist shall practice in the Respondent's specialty area unless

otherwise provided by the Board.

2. REQUIRED SUPERVISION.

a. If the terms of the stipulation include indirect monitoring of the licensee's practice (MONITORING) or direct monitoring of the licensee's practice (SUPERVISION), the Respondent shall not practice psychology without an approved monitor/supervisor, as specified by the Stipulation, unless otherwise ordered by the Board.

b. The monitor/supervisor must be a licensee under Chapter 490, Florida Statutes, in good standing and without restriction or limitation on his license. In addition, the Board may reject any proposed monitor/supervisor on the basis that he has previously been subject to any disciplinary action against his psychology license in this or any other jurisdiction, is currently under investigation, or is the subject of a pending disciplinary action. The monitor/supervisor must be actively engaged in the same or similar specialty area unless otherwise provided by the Board and be practicing within a reasonable distance of the Respondent's practice, a distance of no more than twenty (20) miles unless otherwise specifically provided for in the stipulation. The Board may also reject any proposed monitor/supervisor for good cause shown.

3. CONTINUITY OF PRACTICE

a. TOLLING PROVISIONS. In the event the Respondent leaves the State of Florida for a period of thirty days or more or otherwise does not engage in the active practice of psychology in the State of Florida, then certain

provisions of Respondent's probation (and only those provisions of the probation) shall be tolled as enumerated below and shall remain in a tolled status until Respondent returns to active practice in the State of Florida:

- i. The time period of probation shall be tolled.
- ii. The provisions regarding supervision whether direct or indirect by another psychologist and required reports from the monitor/supervisor shall be tolled.
- iii. The provisions regarding preparation of investigative reports detailing compliance with this Stipulation shall be tolled.
- iv. Any provisions regarding community service shall be tolled.

b. ACTIVE PRACTICE. In the event that Respondent leaves the active practice of psychology for a period of one year or more, the Board may require Respondent to appear before the Board and demonstrate his ability to practice psychology with skill and safety to patients prior to resuming the practice of psychology in this State.