

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2010-21037

**ALAIN ABREU HOYOS,
Registered Marriage and Family Therapist Intern**

Respondent.

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ADMINISTRATIVE COMPLAINT

COMES NOW the 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 (hereinafter Board) against Alain Abreu Hoyos, Registered Marriage and Family Therapist Intern, and alleges:

1. Petitioner is the state department charged with regulating the practice of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling pursuant to section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 491, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a registered marriage and family therapist intern in the State of Florida, having been issued registration number IMT 1127 on February 18, 2008.

3. Respondent's address of record is 11939 SW 123rd Court, Miami, Florida 33186.

4. On or about July 28, 2010, Final Order number DOH-10-1826-FOI-MQA issued in case number 2009-20602, Department of Health v. Alain Abreu Hoyos, Registered Marriage and Family Therapist Intern.

5. In that Final Order, the Board ordered Respondent to pay within 90 days of the filing of the Final Order: an administrative fine of \$10,250.00; and the actual costs of investigation and prosecution of the case in the amount of \$2,286.75. Respondent's total liability for the fine and costs was \$12,536.75. The Board also put Respondent on probation, with one condition of probation being that Respondent and his monitor were required to submit quarterly reports.

6. Respondent has paid only \$1,000.00 toward the imposed fine and costs to date. Respondent still owed the Board \$11,536.75.

7. While Respondent submitted his quarterly report due October 27, 2010, on or about November 9, 2010, no quarterly report from Respondent's monitor was submitted in October or anytime thereafter. Neither a quarterly report from Respondent, nor a report from Respondent's probation monitor was submitted when they were due in January 2011, or at anytime thereafter.

8. Section 491.009(1)(t), Florida Statutes (2010), provides that violating a rule of the board or department or violating an order of the board or department previously entered in a disciplinary hearing constitutes grounds for disciplinary action by

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

9. Based on the foregoing, Respondent violated Section 491.0009(1)(t), Florida Statutes (2010), by violating an order of the board previously entered in a disciplinary hearing when he:

a. failed to pay \$12,536.75, the total amount of the administrative fine and costs assessed by the Order within 90 days of the filing of the Final Order or anytime thereafter; or

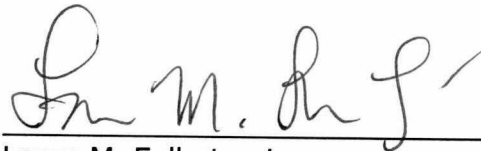
b. failed to provide the Board with his probation monitor's written quarterly report due October 2010; or

c. failed to provide the Board with Respondent's quarterly report or his monitor's quarterly report that were due in January 2011.

WHEREFORE, Petitioner respectfully requests that the Board enter an order imposing one or more of the following penalties: suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of Respondent on probation, corrective action, refund of fees billed or collected, continuing education and/or any other relief that the Board deems appropriate.

SIGNED this 14th day of April, 2011.

H. Frank Farmer, Jr., M.D., Ph.D.
State Surgeon General



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FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: Sandra Soto

DATE: 4-15-2011

PCP: 4/14/11

PCP Members: P. Sherrard, M. Macomber, S. Otis

IMPORTANT NOTICE TO RESPONDENT

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.