

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH¹,

PETITIONER,

vs.

CASE NUMBER: 96-16407

JOSEPH W. FERRARA, LMHC

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Health, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, hereinafter referred to as "the Board" against JOSEPH W. FERRARA, LMHC, hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of Mental Health Counseling pursuant to Section 20.43, Florida Statutes, Chapter 455, Florida Statutes, 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 0001059. Respondent's address of record is 3616 Webber Street Suite 203, Sarasota, Florida 34232.
3. Section 491.007, Florida Statutes, states that "[e]ach applicant for renewal shall present satisfactory evidence that, in the period since the license or certificate was issued, the

¹ Effective July 1, 1997, pursuant to Section 20.43 the Department of Health is the agency charged with regulating the practice of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling.

applicant has completed continuing education requirements set by rule of the board or department.”

4. Respondent is required, as a Mental Health Counselor, to complete thirty (30) hours of continuing education for license renewal for the 1993 to 1995 biennium pursuant to Fla. Admin. Code R. 64B4-6.001, formerly 59P-6.001.

5. Fla. Admin. Code R. 64B4-6.003, formerly 59P-6.003, mandates that a licensee provide evidence of completion of continuing education requirements within twenty-one (21) days of a request for same by the Agency or the Board.

6. On or about July 17, 1995, a random audit was conducted by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling requesting verification of continuing education hours for the 1993-1995 biennium.

7. Respondent responded to the random audit by submitting documentation to support completion of thirty (30) hours of continuing education. However none (0) of those hours were from Board-approved courses completed within the 1993-1995 biennium.

8. Therefore, the Respondent is deficient thirty (30) hours of continuing education for the 1993-1995 biennium.

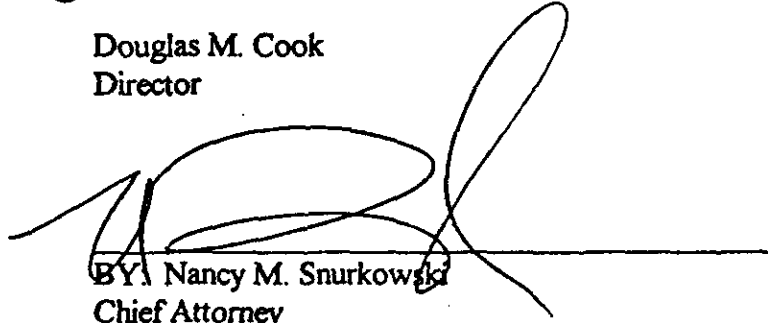
9. Based on the foregoing, the Respondent has violated Section 491.099(2)(h), Florida Statutes, through a violation of Section 491.007, Florida Statutes.

WHEREFORE, Petitioner respectfully requests the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling to enter an order imposing one (1) or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the

Respondent's license on probation for a period of time and subject to terms and/or conditions, and/or any other relief which the Board deems appropriate.

SIGNED this 10th day of January, 1998.

Douglas M. Cook
Director



BY: Nancy M. Snurkowski
Chief Attorney
Agency for Health Care Administration
General Counsel's Office - MQA
Allied Health

COUNSEL FOR PETITIONER:

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SM/yed

PCP: Shyers
Ackord

PCP DATE: September 25, 1997

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Stephanie Q. Dier
DATE 1-12-98

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH¹⁵,

Petitioner,

vs.

CASE NUMBER: 96-16407

Joseph W. Ferrara, LMHC

Respondent.

SETTLEMENT STIPULATION

Joseph W. Ferrara, LMHC hereinafter referred to as Respondent, and the Department of Health, hereinafter referred to as Department, hereby stipulate and agree to the following joint Stipulation and Final Order of the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, hereinafter referred to as Board, incorporating this Stipulation and agreement in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent was a licensed Mental Health Counselor in the State of Florida, having been issued license number MH 0001059. Respondent's last known address is 3616 Webber Street, Sarasota, Florida 34232.

¹⁵ Effective July 1, 1997, pursuant to Section 20.43, Florida Statutes, the Department of Health is the agency charged with regulating the practice of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling.

2. The Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 491, Florida Statutes and Chapter 455, 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 allegations of fact contained in the Administrative Complaint for purposes of these proceedings only.

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in capacity as a licensed Mental Health Counselor, admits that in such capacity is subject to the provisions of Chapter 455 and 491, Florida Statutes, and the jurisdiction of the Agency and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, constitute violations of Chapter 455 and 491, Florida Statutes, as alleged in the Administrative Complaint.

3. Respondent admits that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

1. Respondent shall, in the future, comply with Chapters 455 and 491, Florida Statutes, and the rules promulgated pursuant thereto.

2. Respondent, to avoid the necessity of further administrative proceedings in this case, stipulates to the following:

a) The Board shall impose an Administrative fine of one thousand dollars (\$1,000.00) against the Respondent. Said cost shall be paid by the Respondent to the Executive Director of the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, 1940 North Monroe Street, Tallahassee, Florida 32399-0750. within thirty (30) days of rendition of the Final Order by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, which Final Order incorporates this Stipulation.

b) Respondent's license to practice Mental Health Counselor shall receive a reprimand in this matter.

c) Respondent shall submit to continuing education audits for the next two (2) biennium.

d) Respondent shall complete the deficit continuing education hours within six (6) months of rendition of which final order incorporates this stipulation.

(e) Respondent shall appear before the Board at which meeting this stipulation is presented.

3. It is expressly understood that this Stipulation is Subject to approval of the Board and Department and has no force and effect until an Order is based upon it by the Board.

Settlement Stipulation
Case Number 96-16407
Joseph W. Ferrara

Before me, personally appeared _____, whose
identity is known to me by _____ (type of
identification) and who, under oath, acknowledges that his/her
signature appears above.

Sworn to and subscribed by Respondent before me this _____
day of _____, 1998.

Notary Public
My Commission Expires:

APPROVED this _____ day of _____, 1998.

Douglas M. Cook,
Director

by: Nancy M. Snurkowski
General Counsel's Office-MQA
Chief Attorney-Allied Health

SM/kw

STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK *Stephanie Q. Dier*
DATE 9-28-98

BOARD: MENTAL HEALTH
CASE NUMBER: 96-16407
COMPLAINT MADE BY: AHCA
DATE COMPLAINT RECEIVED: 11-20-96
COMPLAINT MADE AGAINST: Joseph Ferrara
3616 Webber Street Suite 203
Sarasota, Florida 34232
INVESTIGATED BY: Barbel Lawson
REVIEWED BY: Susan L. Branson
STAFF RECOMMENDATION: Dismiss (PL99)

CLOSING ORDER

THE COMPLAINANT: Complainant alleges that the Subject violated section 491.0992(H) Florida Statutes through violation of 491.007 Florida Statutes by failing to obtain the appropriate amount of Continuing Education hours.

THE FACTS: The investigation revealed that on January 12, 1998, an Administrative Complaint was filed against the Subjects License to practice Mental Health counseling. The allegations were in regard to the Subject failed to respond to the random audit by submitting documentation to support completion of 30 hours of education.

Subsequent, investigations reveals that this case along with a number of others involving the 1993/1995 biennium had to be recalled, reconsidered, and closed due to a flaw in the audit.

THE LAW: Based on the foregoing, there is no violation of Chapter 491, Florida Statutes, therefore, this case should be dismissed.

It is therefore, ORDERED, that this matter be, and the same is hereby, DISMISSED.

DONE and ORDERED this 18th day of September 1998

Nancy M. Snurkowski
NANCY M. SNURKOWSKI
CHIEF ATTORNEY

SLB/gs