BEFORE THE MISSOURI COMMITTEE FOR PROFESSIONAL COUNSELORS

MISSOURI COMMITTEE FOR PROFESSIONAL COUNSELORS Petitioner, v. FRANK W. DeCASTRO Respondent.	)	Case No. 11-0998 PC

ORDER OF THE MISSOURI COMMITTEE FOR PROFESSIONAL COUNSELORS DISCIPLINING THE LICENSE OF FRANK W. DeCASTRO

On or about May 13, 2013, the Administrative Hearing Commission entered its Decision in the case of *Committee for Professional Counselors v. Frank W. DeCastro*, Case No. 11-0998 PC. In that Decision, the Administrative Hearing Commission found that Respondent Frank W. DeCastro's license (license # 2000149709) is subject to disciplinary action by the Committee pursuant to § 337.525.2(5), (6), (13) and (15), RSMo.[1]

The Committee has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 337.525.4, RSMo, the Committee held a hearing on September 20, 2013, at approximately 2:30 p.m., at the Candlewood Suites, 3514 Amazonas Drive, Jefferson City, MO, for the purpose of determining the appropriate disciplinary action

[1] All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.

against Respondent's license. The Committee was represented by Assistant Attorney General Michael Cherba. Respondent appeared in person and by counsel Johnny K. Richardson and Jamie J. Cox. After being present and considering all of the evidence presented during the hearing, the Committee issues the following Findings of Facts, Conclusions of Law and Order.

I.

Based upon the foregoing the Committee hereby states:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Committee is an agency of the state of Missouri created and established pursuant to § 337.535, RSMo, for the purpose of licensing all persons engaged in the practice of professional counseling. The Committee has control and supervision of the licensed occupations and enforcement of the terms and provisions of Sections 337.500 through 337.540, RSMo.

2. The Committee hereby adopts and incorporates by reference the Decision and record of the Administrative Hearing Commission in *Missouri Committee for Professional Counselors v. Frank W. DeCastro*, Case No. 11-0998 PC, in its entirety.

3. The Committee set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion. Respondent appeared at the hearing and was represented by counsel.

4. The Committee heard testimony from Loree Kessler, Executive Director for the Committee. The Committee also heard testimony from Frank DeCastro, Judge Garry Helm and Valeriya Somova in support of Frank DeCastro. The Committee received evidence from the Committee as well as from DeCastro. DeCastro's evidence included letters in support of DeCastro, DeCastro's curriculum vitae and certificates of completion of continuing education.

II.

CONCLUSIONS OF LAW

5. The Committee has jurisdiction over this proceeding pursuant to §§ 621.110 and 337.525.4, RSMo.

6. The Committee expressly adopts and incorporates by reference the findings of fact contained in the Decision issued by the Administrative Hearing Commission dated May 13, 2013, in *Committee for Professional Counselors v. Frank W. DeCastro*, Case No. 11-0998 PC, and hereby enters its Conclusions of Law consistent therewith.

7. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Decision dated May 13, 2013, Frank W. DeCastro's license is subject to disciplinary action by the Committee pursuant to § 337.525.2(5), (6), (13) and (15), RSMo.

8. The Committee has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

9. Having fully considered all the evidence before the Committee, and giving full weight to the Decision of the Administrative Hearing Commission, it is the **ORDER** of the Committee that the license of Frank W. DeCastro (license no. 2000149709) is hereby placed on **PROBATION** for a period of THREE (3) YEARS. During the aforementioned probation, Frank W. DeCastro shall be entitled to practice as a licensed professional counselor subject to the following terms and conditions.

IV.

TERMS AND CONDITIONS

10. During the aforementioned probation, Frank W. DeCastro shall be entitled to perform as a licensed professional counselor subject to the following terms and conditions:

A. For the first TWO (2) years of the probationary period, Frank W. DeCastro shall practice as a licensed professional counselor under the supervision of a Missouri licensed professional counselor, Missouri licensed psychologist, or Missouri licensed psychiatrist. Within thirty (30) days of the date of this Order, DeCastro shall submit name(s) of potential licensure supervisor(s) along with the supervisor's resume or curriculum vitae to the Committee for approval. The potential supervisor must have been licensed for two years as a professional counselor, psychologist or psychiatrist. The potential supervisor cannot be a relative of Frank W. DeCastro. The potential supervisor cannot have any business or social affiliation with DeCastro. The potential supervisor cannot hold an inactive, provisional, expired, temporary, retired, probated, or suspended license. During the period of supervised practice, the supervisor shall submit quarterly reports to the Committee.

B. The supervisor's report, as detailed in paragraph A above shall include an evaluation of Frank W. DeCastro's counseling skills, the estimated number of clients per week receiving counseling from Mr. DeCastro, compliance with record keeping requirements pursuant to 20 CSR 2095-3.015(7) and any other information that the supervisor deems appropriate.

C. During the probationary period, Frank W. DeCastro shall take and complete a three-semester hour, face-to-face on campus graduate level course in Professional Orientation (Course) as defined in 20 CSR 2095-2.010(4)(I). Licensee shall complete the Course at his expense. The Course must be completed subject to the following requirements:

1. The Course must be from a regionally accredited institution, cannot be online and must be approved by the Committee before Licensee enrolls in the Course;

2. Licensee must complete the aforementioned Course with an "A" grade;

3. Documentation of completion of the Course must be provided directly from the college or university where Licensee completed the course and must be by official transcript;

4. Continuing education courses are not acceptable to meet the requirements for the Course; and

5. The Course cannot be used toward Licensee's continuing education requirements for licensure.

D. During the probationary period, Frank W. DeCastro shall comply with all provisions of Chapter 337, RSMo, all applicable Committee regulations, all applicable federal and state drug laws, rules and regulations and all applicable federal and state criminal laws. "State" includes the state of Missouri, all other states and territories of the United States, and the ordinances of their political subdivisions.

E. During the probationary period, Frank W. DeCastro shall keep the Committee informed of his current work and home addresses and telephone numbers. Frank W. DeCastro shall notify the Committee in writing within ten days (10) of any change in this information.

F. During the probationary period, Frank W. DeCastro shall timely renew his license and shall timely pay all fees required for licensure and comply with all other Committee requirements necessary to maintain said license in a current and active state.

G. During the probationary period, Frank W. DeCastro shall accept and comply with unannounced visits from the Committee's representatives to monitor compliance with the terms and conditions of this Order.

H. During the probationary period, Frank W. DeCastro shall appear in person for interviews with the Committee or its designee upon request.

I. If, at any time during the probationary period, Frank W. DeCastro changes his address from the state of Missouri, or if he ceases to maintain his license current or active under the provisions of Chapter 337, RSMo, or fails to keep the Committee advised of all current places of residence, the time of such absence, unlicensed or inactive status, or unknown whereabouts shall not be deemed or taken to satisfy any part of the probationary period.

J. Upon expiration of the probationary period, Frank W. DeCastro's license shall be fully restored if all requirements of the law have been satisfied; provided, however, that in the event the Committee determines that Frank W. DeCastro has violated any term or condition of this Order, the Committee may, in its discretion, pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions or remedies concerning the allegations identified herein.

K. The Committee retains jurisdiction to hold a hearing at any time to determine if a violation of this Order has occurred and, if a violation of this Order has occurred, may seek to amend this Order or impose further disciplinary or appropriate action at the discretion of the Committee. No order shall be entered by the Committee pursuant to this paragraph without any required notice and opportunity for a hearing before the Committee as provided by Chapter 536, RSMo.

L. Unless otherwise specified by the Committee, all reports, documentation, notices, or other materials required to be submitted to the Committee shall be forwarded to:

Missouri Committee for Professional Counselors, P.O. Box 1335, Jefferson City, Missouri 65102.

M. Any failure by Frank W. DeCastro to comply with any condition of discipline set forth herein constitutes a violation of this Order.

This Order does not bind the Committee or restrict the remedies available to it concerning any violation by Respondent of the terms and conditions of this Order, Chapter 337, RSMo, or the regulations promulgated thereunder.

The Committee will maintain this Order as an open, public record of the Committee as provided in Chapters 337, 610, and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 7th DAY OF October, 2013.

MISSOURI COMMITTEE FOR PROFESSIONAL COUNSELORS

Loree Kessler, Executive Director