

FLORIDA 491 BOARD DISCIPLINARY
PROCEEDINGS, FY **2023-2024**

ANNUAL REPORT

A JOINT PUBLICATION OF THE FLORIDA
MENTAL HEALTH COUNSELORS ASSOCIATION
& FLORIDA FAMILY THERAPY ALLIANCE



Florida 491 Board Disciplinary Proceedings Annual Report: Fiscal Year 2023-2024

A Joint Publication of the Florida Mental Health Counselors Association (FMHCA) and Florida Family Therapy Alliance (FFTA)

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Introduction

The Florida Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (“the 491 Board”) is a composite board within the Florida Department of Health (DOH) that regulates clinical social work, marriage and family therapy, and mental health counseling to protect the public.

Under Florida’s Sunshine Law (§286.011, F.S.), licensure board meetings must be open and noticed, and minutes must be taken. Consequently, mental health professionals, as well as the public, can access meeting minutes containing information about disciplinary proceedings. Additionally, meeting audio and administrative complaints, which are documents that outline allegations related to disciplinary cases, can be accessed online.

Although the DOH publishes an annual report that provides statistics on the number of disciplinary cases finalized by the 491 Board, as well as an account of the types of disciplinary actions (i.e., revocations, voluntary surrenders, probations, limitations-obligations, fines, reprimands, citations, dismissals, and cases resolved through final order), the report does not contain details about which laws and rules were determined to have been violated by respondents, a summary of the facts of each case, and specific details about the sanctions imposed. To obtain such information, individuals must navigate through various websites and documents, which can be cumbersome and time-consuming.

This report was generated because FMHCA and FFTA believe that it is helpful for administrators, educators, supervisors, students, and practicing psychotherapists in the professions of clinical social work, marriage and family therapy, and mental health counseling to access specific details about violations. Our hope is that mental health professionals can use this information to improve adherence to laws and rules, which, we believe, will ultimately result in improved quality of services for Florida’s citizens.

This report includes a brief description of highlights from the data we obtained, a description of the method we used to generate this report, a detailed account of each disciplinary case finalized during the 2023-2024 fiscal year, and tables and charts portraying that data.

We stress that this report is not an official government report and was not commissioned by any governing agency. Additionally, our conclusions based on the data we collected should not be construed as legal advice. Mental health professionals with legal questions should consult an attorney who is knowledgeable of their practice act.

Highlights

- 15 disciplinary cases involving 14 practitioners were finalized during 491 Board meetings in the 2023-2024 fiscal year.
- Excluding laws and rules that generically apply to any violation involving the three mental health professions (i.e., 456.072(1)(k), F.S.; 456.072(1)(dd), F.S.; 491.009(1)(h), F.S.; and 491.009(1)(w), F.S.), the most common laws and rules involved in disciplinary cases included:
 - Failure to meet the minimum standards of performance in professional activities (5 cases);
 - Failure to maintain appropriate records (4 cases);
 - Having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against in another jurisdiction (2 cases);
 - Failure to report violations of Chapter 456 (2 cases);
 - Inability to practice with reasonable skill and safety due to illness or substance use (2 cases); and
 - Committing sexual battery or sexual misconduct (2 cases).
- 491.009(1)(r), F.S., which permits the 491 Board to discipline mental health professionals for “[f]ailing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance,” covers a broad range of professional and ethical standards in the mental health professions.
- We conclude that mental health professionals can reduce the risk of disciplinary action by:
 - Familiarizing themselves with ethical and professional standards impacting the mental health professions and adhering to those standards, even if there is no law or rule that explicitly addresses actions related to those standards (given the broad application of 491.009(1)(r), F.S.);
 - Familiarizing themselves with the components of a psychotherapy record outlined in 64B4-9.002(2), F.A.C., and ensuring that such records are kept consistently for all clients;
 - Familiarizing themselves with the laws and rules of any jurisdiction outside of Florida if providing services to a client who is outside of Florida, avoiding any violations of laws and rules in those jurisdictions, and promptly reporting any violations in those jurisdictions to the 491 Board;

- Reporting violations of Chapter of 456 by other practitioners to the 491 Board and/or to the appropriate impaired practitioner program consistent with 456.072(1)(i), F.S.;
- Rigorously maintaining their mental and physical health to the best of their ability, accurately identifying whether their mental or physical health might be impairing their ability to practice, seeking appropriate treatment when necessary, and discontinuing practice if they are unable to practice with reasonable skill and competency due to one or more health conditions; and
- Maintaining appropriate professional boundaries with clients, including avoidance of multiple relationships and refraining from romantic and sexual relationships with clients.

Method

During a monthly meeting of FMHCA's Government Relations Committee (GRC), which was also attended by the Legislation Chair of FFTA, this project was proposed, and several committee members volunteered to join a joint taskforce to work on this report. The taskforce met and created the following procedure for collecting data on disciplinary proceedings:

1. Two reviewers from the taskforce (i.e., Reviewer 1 and Reviewer 2) were assigned to each 491 Board meeting that included disciplinary proceedings during the fiscal year.
2. Reviewers designated as "Reviewer 1" examined (1) the "Disciplinary Proceedings" section for their assigned meetings and (2) the administrative complaint for each case number listed in the minutes or, for cases involving voluntary relinquishment in which no administrative complaint was available, the synopsis in the DOH investigative report, and then transferred the following data for each case from those sources to a spreadsheet:
 - a. Date of board meeting
 - b. Name of reviewer
 - c. Case number
 - d. Name of respondent
 - e. Licensure/Registration type of respondent (i.e., LMHC, LMFT, LCSW, etc.)
 - f. Statute(s) and rule(s) alleged to have been violated
 - g. Description of applicable statute(s)/rule(s)
 - h. Sanction(s) imposed
3. To reduce the likelihood of errors and omissions, reviewers designated as "Reviewer 2" repeated step 2 above for each 491 board meeting. If reviewers designated as Reviewer 2 noted an error or omission, then the error was documented, and the Taskforce Chair then served as a third reviewer, finalizing any needed corrections.
4. The Taskforce Chair wrote a first draft of the report, redacting all names of individuals involved in disciplinary proceedings, editing variations in verbiage and terminology, and generating tables and figures. In the "Disciplinary Proceeding Data" section, information was pasted verbatim from 491 Board documents, with the exception of names, which were replaced with terms such as "respondent" and "complainant."
5. Taskforce members reviewed the draft and offered feedback, including any needed revisions.

6. The draft was sent to the Executive Director of the 491 Board, the Legislation Chair of the FFTA, and the lobbyist contracted with FMHCA, and each party was invited to offer feedback.
7. The draft was shared with the FMHCA Government Relations Committee and FFTA Legislative Committee, which reviewed and discussed the draft and voted to approved it.
8. The draft was shared with the FMHCA Board of Directors and FFTA Board of Directors, which reviewed and discussed the draft and voted to approve it.
9. The draft was sent to the FMHCA and FFTA administrative staff for final publication and dissemination.

Disciplinary Proceeding Data

Disciplinary Proceedings on 8/10/23

Case Number 2020-39675

Licensure Type: LMHC

Pertinent Law(s) and Rule(s): 491.009(1)(r), F.S.

Description of Complaint: Section 491.009(1)(r), Florida Statutes (2019-2020), provides that failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance constitutes grounds for discipline. Respondent failed to meet the minimum standards of performance in mental health counseling when measured against generally prevailing peer performance when Respondent did one or more of the following:

- a. Failed to focus on improving functioning and strengthening the relationship between B.D. and the Minor Children in therapy;
- b. Made a time-sharing recommendation regarding B.D. and the Minor Children when Respondent only met with B.D. and the Minor Children collectively in a single therapy session;
- c. Failed to discuss directly with B.D. the claims made by C.D. and the Minor Children about B.D. prior to providing her time-sharing recommendation to the Court; and/or
- d. Failed to verify the facts provided by C.D. and the Minor Children with outside sources prior to making her time-sharing recommendation to the Court.

Sanction(s): Reprimand; administrative fine of \$2,000; reimbursement of costs: \$4,800; continuing education consisting of 10 hours in ethics, laws/rules, and family therapy/timesharing; probation: 1 year (supervised)

Case Number 2021-01081

Licensure Type: LCSW

Pertinent Law(s) and Rule(s): 456.072(1)(f), F.S.

Description of Complaint: On or about September 15, 2020, the Wyoming Mental Health Professions Licensing Board filed an order revoking Respondent's Wyoming clinical social work license. Section 456.072(1)(f), Florida Statutes (2020), provides that having a

license or the authority to practice any regulated profession revoked, suspended or otherwise acted against by the licensing authority of any jurisdiction, including its agencies or subdivisions, constitutes grounds for disciplinary action. Respondent had a license to practice clinical social work revoked, suspended, or otherwise acted against by the licensing authority of another jurisdiction when Respondent's Wyoming clinical social work license was revoked on or about September 15, 2020.

Based on the foregoing, Respondent violated section 456.072(1)(f).

Sanction(s): Revocation of license; reimbursement of costs: \$2,569.77.

Case Number 2019-05643

Licensure Type: LMHC

Pertinent Law(s) and Rule(s): 456.072(1)(v), F.S.; 456.063(1), F.S.; 491.009(1)(k), F.S.; 456.072(1)(m), F.S.; 64B4-10.002(1), F.A.C.

Description of Complaint: Section 456.072(1)(v), Florida Statutes (2018), subjects a licensed health care practitioner to discipline for engaging or attempting to engage in sexual misconduct as defined in Section 456.063(1). Section 456.063(1), Florida Statutes (2018), defines sexual misconduct as a violation of the professional relationship through which the health care practitioner uses such relationship to engage or attempt to engage the patient or client, or induce or attempt to induce such person to engage in, verbal or physical sexual activity outside the scope of the professional practice of such health care profession. Section 491.009(1)(k), Florida Statutes (2018), subjects a licensed mental health counselor to discipline for committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct. Rule 64B4-10.002(1), Florida Administrative Code (2018), provides that it is sexual misconduct for a psychotherapist to engage, attempt to engage, or offer to engage a client in sexual behavior, or any behavior, whether verbal or physical, which is intended to be sexually arousing, including kissing; sexual intercourse, either genital or anal; cunnilingus; fellatio; or the touching by either the psychotherapist or the client of the other's breasts, genital areas, buttocks, or thighs, whether clothed or unclothed.

Respondent engaged and/or attempted to engage and/or offered to engage in physical sexual behavior, including hugging and/or kissing and/or sexual intercourse with patient D.R outside the scope of the professional practice of mental health counseling. Based on the foregoing, Respondent violated 456.072(1)(v) and/or 491.009(1)(k), Florida Statutes (2018).

Section 456.072(1)(m), Florida Statutes (2018), subjects licensed health care practitioners to discipline for making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

Respondent made deceptive and/or untrue and/or fraudulent representations in or related to the practice of a profession when she fraudulently altered patient D.R.'s treatment records. Based on the foregoing, Respondent violated Section 456.072(1)(m), Florida Statutes (2018).

Sanction(s): Voluntary relinquishment of license.

Disciplinary Proceedings on 11/9/23

Case Number 2023-09527

Licensure Type: LCSW

Pertinent Law(s) and Rule(s): 456.065(2)(a), F.S.; 456.072(1)(i), F.S.; 456.072(1)(j), F.S.; 456.072(1)(k), F.S.; 456.072(1)(p), F.S.; 456.072(1)(dd), F.S.; 491.009(1)(g), F.S.; 491.009(1)(h), F.S.; 491.009(1)(w), F.S.

Description of Complaint: This investigation is predicated upon receipt of a complaint alleging Respondent aided and abetted unlicensed activity and defrauded patients. It was reported by one of Respondent's patients that on 02/27/2023 the patient discovered through social media that she was being treated by Respondent's wife TR (now deceased). Photographic evidence was provided by the patient which included a picture of herself speaking to TR during one of her scheduled consults. Respondent initially denied the actions, but acknowledged it was her wife consulting her patient in the photo. Respondent stated due to TR's uncontrolled bipolar condition, she may have consulted with some of her patients without her knowledge. However, during the complainant's investigation, it became apparent that TR was seeing all her patients and had been for a long time. This was a coordinated effort so Respondent could provide services to patients in person while TR provided services over the phone.

Sanction(s): Voluntary relinquishment of license

Disciplinary Proceedings on 2/23/24

Case Numbers 2022-22582 and 2023-32137

Licensure Type: LCSW

Pertinent Law(s) and Rule(s): 456.063, F.S.; 456.072(1)(k), F.S.; 456.072(1)(v), F.S.; 456.072(1)(dd), F.S.; 456.072(1)(f), F.S.; 456.073(10), F.S.; 456.073(4), F.S.; 491.009(1)(h), F.S.; 491.009(1)(k), F.S.; 491.009(1)(r), F.S.; 491.009(1)(w), F.S.; 491.0111, F.S.; 491.0112, F.S.; 64B4-10.002, F.A.C.; 64B4-10.003 F.A.C.

Description of Complaint (Case No. 2022-22582): This investigation is predicated upon an internally generated complaint alleging ten-year-old female patient LW2 received treatment from A.L., an unlicensed mental health counselor employed by Respondent. According to the complaint LW2 has been treated weekly for the past year. Respondent allegedly told LW2 the individual providing the therapy was licensed in Arizona. LW2's father JW has corresponded via certified mail and email with Respondent regarding patient records for the treatment provided by the unlicensed employee. Respondent and JW have also corresponded regarding the treatment plan provided by the unlicensed employee. A progress report was provided to JW detailing the "therapy since 07/21/2021" provided to LW2 and is signed by Respondent and the unlicensed therapist.

Description of Complaint (Case No. 2023-32137): This investigation is predicated upon receipt of Department of Health (DOH) complaint submitted alleging Respondent had and maintained an unprofessional relationship with her patient KK (38 y/o female). In 01/2023, KK shared with Complainant that her previous therapist, Respondent, had befriended her while under her care from 07/2016 to 08/2020. It is during that time that Complainant alleged Respondent overstepped patient-provider boundaries and began inviting KK to her home for nude parties and taking her on vacation to nude resorts. One incident that KK identified was a Christmas dinner in 2017, that she was allegedly invited to by Respondent. Through sessions with KK, Claimant alleged that Respondent caused additional trauma and potentially led to dissociative behavior exhibited by KK. Complainant alleged that this dissociative behavior led to partial hospitalizations for KK.

Sanction(s): Voluntary relinquishment of license

Disciplinary Proceedings on 5/23/24

Case Number 2022-11899

Licensure Type: LMHC

Pertinent Law(s) and Rule(s): 491.009(1)(r), F.S.; 491.009(1)(w), F.S.; 64B4-9.001(1), F.A.C.; 64B4-9.001(2), F.A.C.; 64B4-9.002(2), F.A.C.

Description of Complaint: Section 491.009(1)(r), Florida Statutes (2021), provides that 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, registered intern, or certificateholder is not qualified by training or experience, constitute grounds for disciplinary action.

Respondent failed to meet the minimum standards of performance in mental health counseling when measured against generally prevailing peer performance in one or more of the following ways, by:

- a. asking Patient M.M. if he could bite Patient M.M.'s eyebrow;
- b. biting/nipping Patient M.M.'s eyebrow;
- c. failing to provide a safe, therapeutic space for Patient M.M. that promotes healing for Patient M.M.;
- d. failing to provide Patient M.M. with dignity and respect, free from any type of abuse;
- e. failing to avoid therapeutic approaches that impede Patient M.M.'s ability to make informed choices;
- f. failing to avoid harm to Patient M.M. by asking Patient M.M. if he could bite Patient M.M.'s eyebrow and/or by biting/nipping Patient M.M.'s eyebrow; and/or
- g. failing to avoid imposing Respondent's own values, attitudes and beliefs onto Patient M.M. by asking Patient M.M. if he could bite Patient M.M.'s eyebrow and/or by biting/nipping Patient M.M.'s eyebrow.

Based on the foregoing, Respondent violated section 491.009(1)(r).

Section 491.009(1)(w), Florida Statutes (2021), provides that violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto constitute grounds for disciplinary action. Rule 64B4-9.001(1), Florida Administrative Code, provides in pertinent part, "[a]... licensed... mental health counselor... shall maintain responsibility for all records relating to his clients as provided in Section 456.057, F.S." Rule 64B4-9.001(2), Florida Administrative Code, provides "[a] full record of services shall be maintained for 7 years after the date of the last contact with the client or user." Rule 64B4-9.002(2), Florida Administrative Code, provides:

A psychotherapy record shall contain basic information about the client including name, address and telephone number, dates of therapy sessions, treatment plan and results achieved, diagnosis if applicable, and financial transactions between therapist and client including fees assessed and collected. A record shall also

include notes or documentation of the client's consent to all aspects of treatment, copies of all client authorizations for release of information, any legal forms pertaining to the client, and documentation of any contact the therapist has with other professionals regarding the client.

Respondent failed to document and/or maintain the following records in Patient M.M.'s psychotherapy record: a. written informed consent signed by Patient M.M.; b. patient M.M.'s treatment plan and results achieved; c. financial transactions between Respondent and Patient M.M., including fees assessed and collected; and/or d. notes or documentation of Patient M.M.'s consent to all aspects of treatment.

Based on the foregoing, Respondent violated section 491.009(1)(w), through a violation of rules 64B4-9.001(2) and/or 64B4- 9.002(2).

Sanction(s): Reprimand; administrative fine of \$2,000; reimbursement of costs: \$3,000; continuing education: 8 hours in laws and rules, 3 hours in professional boundaries; 3 hours in ethics; 3 hours in documentation/record-keeping.

Case Number 2023-01986

Licensure Type: LMHC

Pertinent Law(s) and Rule(s): 491.009(1)(w), F.S.; 64B4-9.001(2), F.A.C.; 64B4-9.002(2), F.A.C.

Description of Complaint: Section: 490.009(1)(w), Florida Statutes (2020), provides that violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto constitute grounds for disciplinary action. Section 456.057(6), Florida Statutes (2020), provides that:

Any health care practitioner licensed by the department or a board within the department who makes a physical or mental examination of, or administers treatment or dispenses legend drugs to, any person shall, upon request of such person or the person's legal representative, furnish, in a timely manner, without delays for legal review, copies of all reports and records relating to such examination or treatment, including X rays and insurance information. However, when a patient's psychiatric, chapter 490 psychological, or chapter 491 psychotherapeutic records are requested by the patient or the patient's legal representative, the health care practitioner may provide a report of examination and treatment in lieu of copies of records. Upon a patient's written request, complete copies of the patient's psychiatric records shall be provided directly to a subsequent

treating psychiatrist. The furnishing of such report or copies shall not be conditioned upon payment of a fee for services rendered.

Respondent failed to provide Patient J.F. with Patient J.F.'s patient medical records or a report of examination and treatment in lieu of copies of Patient J.F.'s patient medical records.

Based on the foregoing, Respondent 491.009(1)(w), through a violation of section 456.057(6).

Petitioner realleges and incorporates paragraphs one through ten as if fully set forth herein. Section 491.009(1)(w), Florida Statutes (2020), provides that violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto constitute grounds for disciplinary action. Rule 64B4-9.001(2), Florida Administrative Code, provides "[a] full record of services shall be maintained for 7 years after the date of the last contact with the client or user."

Rule 64B4-9.002(2), Florida Administrative Code, provides: A psychotherapy record shall contain basic information about the client including name, address and telephone number, dates of therapy sessions, treatment plan and results achieved, diagnosis if applicable, and financial transactions between therapist and client including fees assessed and collected. A record shall also include notes or documentation of the client's consent to all aspects of treatment, copies of all client authorizations for release of information, any legal forms pertaining to the client, and documentation of any contact the therapist has with other professionals regarding the client.

Respondent failed to maintain notes or documentation of one or more of the following records in Patient J.F.'s psychotherapy record:

- a. Patient J.F.'s basic information, including name, address, and/or telephone number;
- b. Dates of couples/marriage counseling and/or individual counseling, as part of couples/marriage counseling, relating to sessions involving Patient J.F.;
- c. Patient J.F.'s treatment plan and results achieved;
- d. Patient J.F.'s diagnosis if applicable;
- e. Financial transactions between Respondent and Patient J.F., including fees assessed and collected;
- f. Patient J.F.'s consent to all aspects of treatment;
- g. Treatment/patient notes from couples/marriage counseling involving Patients J.F. and J from sessions on July 25, 2020; August 1, 2020; September 12, 2020; and/or November 13, 2020; and/or

- h. Treatment/patient notes from individual counseling, as part of couples/marriage counseling, involving Patient J.F. from sessions on August 12, 2020; and/or October 17, 2020.

Based on the foregoing, Respondent violated section 491.009(1)(w), through a violation of rules 64B4-9.001(2) and/or 64B4- 9.002(2).

Sanction(s): Reprimand; Administrative fine of \$1,000; Reimbursement of costs: \$3,000; Continuing education: 8 hours in laws and rules, 3 hours in documentation and/or record keeping, 3 hours in ethics.

Case Number 2022-36670

Licensure Type: LCSW

Pertinent Law(s) and Rule(s): 491.009(1)(b)

Description of Complaint: On or about July 21, 2022, the State of Ohio Counselor, Social Worker, Marriage and Family Therapist Board issued a Consent Agreement between Respondent and the State of Ohio Counselor, Social Worker, Marriage and Family Therapist Board, disciplining Respondent's license to practice as an independent social worker in Ohio by reprimanding Respondent's license and requiring her to complete three hours of continuing education concerning the recommendation of Emotional Support Animal(s) (ESA) in housing.

The Ohio Consent Agreement states that Respondent was disciplined for failure to meet the standard of care or maintain records, in writing an ESA letter for a patient.

Section 491.009(1)(b), Florida Statutes (2021-2022), subjects a licensee to discipline for having a license, registration, or certificate to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

Based on the foregoing, Respondent has violated Section 491.009(1)(b), for having her independent social worker license in Ohio disciplined by the State of Ohio Counselor, Social Worker, Marriage and Family Therapist Board.

Sanction(s): Reprimand; administrative fine of \$2,000; reimbursement of costs: \$700.

Case Number 2022-39755

Licensure Type: LMHC

Pertinent Law(s) and Rule(s): 491.009(1)(r), F.S.; 491.009(1)(w), F.S.; 64B4-9.001(2), F.A.C.; 64B4-9.002(2), F.A.C.

Description of Complaint: Section 491.009(1)(r), Florida Statutes (2022), provides, in part, that failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance constitute grounds for discipline. Respondent failed to meet the minimum standards of performance for an L.M.H.C. when Respondent:

- a. Texted minor patient Z.M. inappropriate language, such as "have a beautiful night my angel," "please never hurt yourself or we'd be fucked without you," and/or "sweet dreams"; and/or
- b. Provided minor patient Z.M. with monetary gifts on or about September 14 and/or 25, 2022.

Based on the foregoing, Respondent violated section 491.009(1)(r).

Section 491.009(1)(w), Florida Statutes (2022), provides that violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto, constitute grounds for discipline.

Rule 64B4-9.001(2), Florida Administrative Code, provides that a full record of services shall be maintained for 7 years after the date of the last contact with the client or user. Rule 64B4-9.002(2), Florida Administrative Code, provides that:

[A] psychotherapy record shall contain basic information about the client including name, address and telephone number, dates of therapy sessions, treatment plan and results achieved, diagnosis If applicable, and financial transactions between therapist and client Including fees assessed and collected. A record shall also Include notes or documentation of the client's consent to all aspects of treatment, copies of all client authorizations for release of information, any legal forms pertaining to the client, and documentation of any contact the therapist has with other professionals regarding the client.

Respondent failed to maintain the following information that is required by Rules 64B4-9.001(2) and 64B4-9.002(2), as part of her psychotherapy record for minor patient Z.M.'s talk therapy sessions.

- a. Dates of therapy sessions;

- b. Treatment plan(s) and results achieved;
- c. Patient diagnoses; and/or
- d. Financial transactions between therapist and client including fees assess and collected.

Respondent violated section 491.009(1)(w), through a violation of Rules 64B4-9.001(2), and/or 64B4-9.002(2).

Sanction(s): Reprimand; Suspension of license and evaluation (referral to PRN program); administrative fine of \$2,000; Reimbursement of costs: \$10,000; Continuing education: 3 hours in professional ethics and boundaries, 3 hours in ethical considerations for health professionals working with children and families, 8 hours in laws and rules; no contact order with two individuals.

Case Number 2022-07106

Licensure Type: LMHC

Pertinent Law(s) and Rule(s): 491.009(1)(w), F.S.; 64B4-9.001(1); F.A.C., 64B4-9.001(2), F.A.C.; 64B4-9.002(2), F.A.C.

Description of Complaint: Section 491.009(1)(w), subjects a licensed mental health counselor to discipline for violating any provision of this chapter or chapter 456, or any rules adopted thereto. Rule 64B4-9.001(1), provides in part, that a licensed mental health counselor, including any registered intern or provisional licensee, shall maintain responsibility for all records relating to his clients as provided in section 456.057, F.S. Rule 64B4-9.001(2), provides "[a] full record of services shall be maintained for 7 years after the date of the last contact with the client or user." Rule 64B4-9.002(2), provides:

A psychotherapy record shall contain basic information about the client including name, address and telephone number, dates of therapy sessions, treatment plan and results achieved, diagnosis if applicable, and financial transactions between therapist and client including fees assessed and collected. A record shall also include notes or documentation of the client's consent to all aspects of treatment, copies of all client authorizations for release of information, any legal forms pertaining to the client, and documentation of any contact the therapist has with other professionals regarding the client.

Respondent failed to properly maintain client psychotherapy records in one or more of the following ways:

- a. by failing to document financial transactions involving the treatment of Patient L.F., including fees assessed and collected
- b. by failing to document counseling session notes; treatment plans and results achieved; and/or diagnoses where applicable, for Patient L.F.'s counseling sessions.

Respondent violated section 491.009(1)(w), through a violation of rules 64B4-9.001(1), 64B4-9.001(2) and/or 64B4-9.002(2).

Sanction(s): Reprimand; administrative fine of \$2,000; reimbursement of costs: \$6,000; continuing education: 8 hours in laws and rules; 6 hours in record keeping/documentation; 3 hours in ethics.

Case Number 2022-15338

Licensure Type: RCSWI

Pertinent Law(s) and Rule(s): 491.003(7), F.S.; 491.003(8), F.S.; 491.003(9), F.S.; 491.012(1)(i), F.S.; 491.012(1)(j), F.S.; 491.012(1)(k), F.S.; 456.072(1)(j), F.S.

Description of Complaint: Section 491.003(7), Florida Statutes (2021), provides, in part, that the practice of clinical social work includes psychotherapy. Section 491.003(8), Florida Statutes (2021), provides, in part, that the practice of marriage and family therapy includes psychotherapy. Section 491.003(9), Florida Statutes (2021), provides, in part, that the practice of mental health counseling includes psychotherapy. Section 491.012(1)(i), Florida Statutes (2021), provides that it is unlawful and a violation of this chapter for any person to practice clinical social work in this state for compensation, unless the person holds a valid, active license to practice clinical social work issued pursuant to chapter 491 or is an intern registered pursuant to s. 491.0045. Section 491.012(1)(j), Florida Statutes (2021), provides that it is unlawful and a violation of this chapter for any person to practice marriage and family therapy in this state for compensation, unless the person holds a valid, active license to practice marriage and family therapy issued pursuant to chapter 491 or is an intern registered pursuant to s. 491.0045. Section 491.012(1)(k), Florida Statutes (2021), provides that it is unlawful and a violation of this chapter for any person to practice mental health counseling in this state for compensation, unless the person holds a valid, active license to practice mental health counseling issued pursuant to chapter 491 or is an intern registered pursuant to s. 491.0045. Section 456.072(1)(j), Florida Statutes (2021) provides that aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board, constitutes grounds for disciplinary action.

Respondent aided, assisted, procured, employed, and/or advised unlicensed S.H. to practice clinical social work, marriage and family therapy, and/or mental health counseling without proper licensure when Respondent:

- a. Employed S.H. to provide psychotherapy to clients through SG Mental Health Counseling;
- b. Compensated S.H. for the psychotherapy she provided to clients through SG Mental Health Counseling;
- c. Permitted S.H. to provide psychotherapy to patient C.F. through SG Mental Health Counseling on or about October 12, 20, 30, and/or 31, 2021;
- d. Permitted S.H. to provide psychotherapy to patient C.F. through SG Mental Health Counseling on or about November 6, 13, 18, and/or 26, 2021;
- e. Permitted S.H. to provide psychotherapy to patient C.F. through SG Mental Health Counseling on or about December 2, 16, 23, and/or 30, 2021; and/or
- f. Permitted S.H. to provide psychotherapy to patient C.F. through SG Mental Health Counseling on or about January 7, 13, 20, and/or 28, 2022. 20.

Based on the foregoing, Respondent violated section 456.072(1)(j).

Sanction(s): Reprimand; administrative fine of \$1,000; reimbursement of costs: \$2,131.36; suspension of license for 60 days; continuing education: 8 hours in ethics, 8 hours in laws and rules.

Case Number 2023-03823

Licensure Type: RCSWI

Pertinent Law(s) and Rule(s): 491.009(1)(l), F.S.

Description of Complaint: Section 491.009(1)(l), Florida Statutes (2022), provides that making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed, registered, or certified under this chapter constitute grounds for disciplinary action.

Respondent made misleading, deceptive, untrue, and/or fraudulent representations in the practice of clinical social work when she represented to PTC that she provided individual and/or family therapy services to the following patients on one or more of the following dates when the therapy services were never actually performed:

- a. To patient A.B. on or about November 25, 2022; December 29, 2022; and/or January 6 and/or 13, 2023;

- b. To patient M.H. on or about October 7, 14, 21, and/or 26, 2022; November 18, 2022; and/or December 3, 17, and/or 22, 2022;
- c. To patient J.J. on or about August 24, 2022; September 17 and/or 24, 2022; October 1, 8, and/or 15, 2022; November 5, 19, and/or 26, 2022; December 3, 10, 17, 23, and/or 31, 2022; and/or January 7 and/or 14, 2023;
- d. To patient A.W. on or about October 1 and/or 22, 2022; November 5, 19, and/or 26, 2022; December 3, 10, 17, 23, and/or 31, 2022; and/or January 7 and/or 14, 2023; and/or
- e. To patient Z.W. on or about August 13 and/or 27, 2022; September 2, 10, 22, and/or 29, 2022; October 13, 20, and/or 28, 2022; December 2 and/or 22, 2022; and/or January 6 and/or 13, 2023.

Based on the foregoing, Respondent violated section 491.009(1)(l).

Sanction(s): Revocation of registration as a clinical social worker intern; administrative fine of \$10,000.

Case Number 2023-40847

Licensure Type: LMHC

Pertinent Law(s) and Rule(s): 456.072(1)(k), F.S.; 456.072(1)(z), F.S.; 456.072(1)(dd), F.S.; 456.072(1)(hh), F.S.; 491.009(1)(h), F.S.; 491.009(1)(p), F.S.; 491.009(1)(r), F.S.; 491.009(1)(w), F.S.

Description of Complaint: This investigation is predicated upon the receipt of a Department of Health (DOH) complaint (Case Summary and Initiating Documents, Exhibit #1). The initial complaint was received from the PROFESSIONALS RESOURCE NETWORK (PRN) alleging that respondent may be impaired. On 02/07/2023, Respondent contacted PRN and reported she was applying for licensure and due to a history of treatment for bipolar disorder she was advised to obtain an evaluation. After obtaining an evaluation on 03/07/2023 it was recommended that Respondent would be safe to practice if she complied with PRN monitoring and subsequently on 04/14/2023 she started a five-year psychiatric and substance abuse disorder monitoring contract. On 07/25/2023 Respondent was granted her license however on 08/21/2023 she contacted PRN and reported possible exposure to marijuana. Respondent tested negative for marijuana but was sanctioned due to poor judgment. On 08/31/2023 she failed to attend her group session and failed to attend her psychiatry session. When PRN contacted Respondent, she stated that she had changed psychiatrists and that she had been sexually assaulted on 08/31/2023 when she missed her group session. PRN then recommended she refrain from

practice and have a Recovery Status/Psychiatric Evaluation. The evaluation was conducted, and it was recommended that Respondent participate in a residential or PHP-level multi-day assessment. On 10/11/2023 PRN provided Respondent with a list of approved evaluators and was told to contact one of them within three business days, which she failed to do so. On 10/24/2023 PRN sent a letter to Respondent requesting that she reengage with PRN by 10/30/2023. Respondent has not reengaged with PRN therefore PRN has closed the file.

Sanction(s): Voluntary relinquishment of license.

Case Number 2023-52189

Licensure Type: LMHC

Pertinent Law(s) and Rule(s): 456.072(1)(k), F.S. 456.072(1)(z), F.S.; 456.072(1)(dd), F.S.; 491.009 (1)(h), F.S.; 491.009 (1)(p), F.S. 491.009(1)(w), F.S.

Description of Complaint: This Investigation is predicated upon receipt of a complaint from Complainant with Stepping Stone/Lakeview Health regarding Respondent. It is alleged that Respondent presented to Lakeview Health, 1900 Corporate Square Blvd, Jacksonville, FL 32216 on 09/06/23 after being arrested for a DUI (Driving Under the Influence) by the St. Johns County Sheriff's Office on 08/31/23. It is also alleged that Complainant confirmed that Respondent was a licensee with the Department of Health and not safe to practice. It is further alleged that Respondent was referred to PRN at the completion of the inpatient program and Respondent declined to enroll. Subsequently, Respondent may be impaired and was reported to the Department of Health.

Sanction(s): Voluntary relinquishment of license.

Tables and Figures

Table 1: Number of Cases per Law/Rule, FY 2023-24

Law/Rule	Description	# of Cases
64B4-9.001(1), F.A.C.	Failure to maintain responsibility for confidential client records	2
64B4-9.001(2), F.A.C.	Failure to maintain a full copy of records for 7 years	4
64B4-9.002(2), F.A.C.	Failure to maintain records with required components	4
64B4-10.002, F.A.C.	Engagement in sexual misconduct	1
64B4-10.002(1), F.A.C.	Engagement in sexual misconduct	1
64B4-10.003, F.A.C.	Engagement in sexual misconduct	1
456.063, F.S.	Engagement in sexual misconduct	1
456.063(1), F.S.	Engagement in sexual misconduct	1
456.065(2)(a), F.S.	Unlicensed practice of a healthcare profession	1
456.072(1)(f), F.S.	Having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against in another jurisdiction	2
456.072(1)(i), F.S.	Failure to report violations of Chapter 456	2
456.072(1)(j), F.S.	Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice	2
456.072(1)(k), F.S.	Failing to perform any statutory or legal obligation placed upon a licensee	4
456.072(1)(m), F.S.	Making deceptive, untrue, or fraudulent representations	1
456.072(1)(p), F.S.	Delegating professional responsibilities to an unqualified person	1
456.072(1)(v), F.S.	Engaging or attempting to engage in sexual misconduct	2
456.072(1)(z), F.S.	Being unable to practice with reasonable skill and safety due to illness or substance use	2
456.072(1)(dd), F.S.	Violating any provision of Chapter 456 or adopted rules	4
456.072(1)(hh), F.S.	Being terminated from an impaired practitioner program without good cause	1
491.003(7), F.S.	Unlicensed or improper practice of clinical social work	1
491.003(8), F.S.	Unlicensed or improper practice of marriage and family therapy	1
491.003(9), F.S.	Unlicensed or improper practice of mental health counseling	1
491.009(1)(b), F.S.	Having a license, registration, or certificate to practice a comparable profession revoked	1
491.009(1)(g), F.S.	Knowingly aiding, assisting, procuring, or advising any nonlicensed, nonregistered, or noncertified person	1
491.009 (1)(h), F.S.	Failing to perform any statutory or legal obligation placed upon a practitioner	3
491.009(1)(k), F.S.	Committing sexual battery or sexual misconduct	2
491.009(1)(l), F.S.	Making misleading, deceptive, untrue, or fraudulent representations	1
491.009 (1)(p), F.S.	Being unable to practice with reasonable skill and competence	1
491.009(1)(r), F.S.	Failure to meet the minimum standards of performance in professional activities	5
491.009(1)(w), F.S.	Violating any law in Chapter 456 or 491 or any rule adopted under those chapters	8
491.0111, F.S.	Engaging in sexual misconduct	1
491.0112, F.S.	Engaging in sexual misconduct	1
491.012(1)(i), F.S.	Practicing clinical social work without licensure/registration	1
491.012(1)(j), F.S.	Practicing marriage and family therapy without licensure/registration	1
491.012(1)(k), F.S.	Practicing mental health counseling without licensure/registration	1

Figure 1: Number of Cases per Law/Rule, FY 2023-24

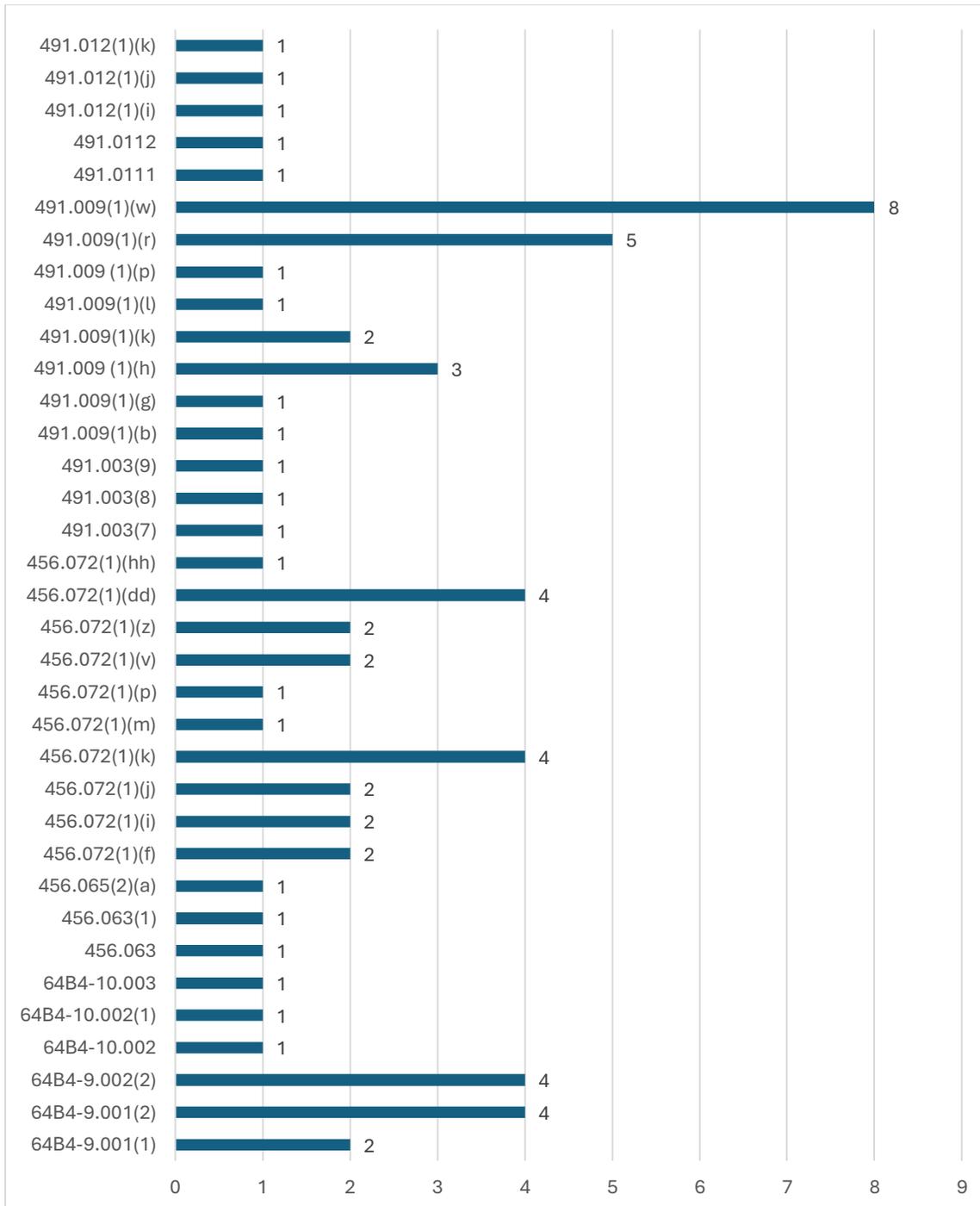


Figure 2: Number of Cases by Licensure/Registration Type, FY 2023-24

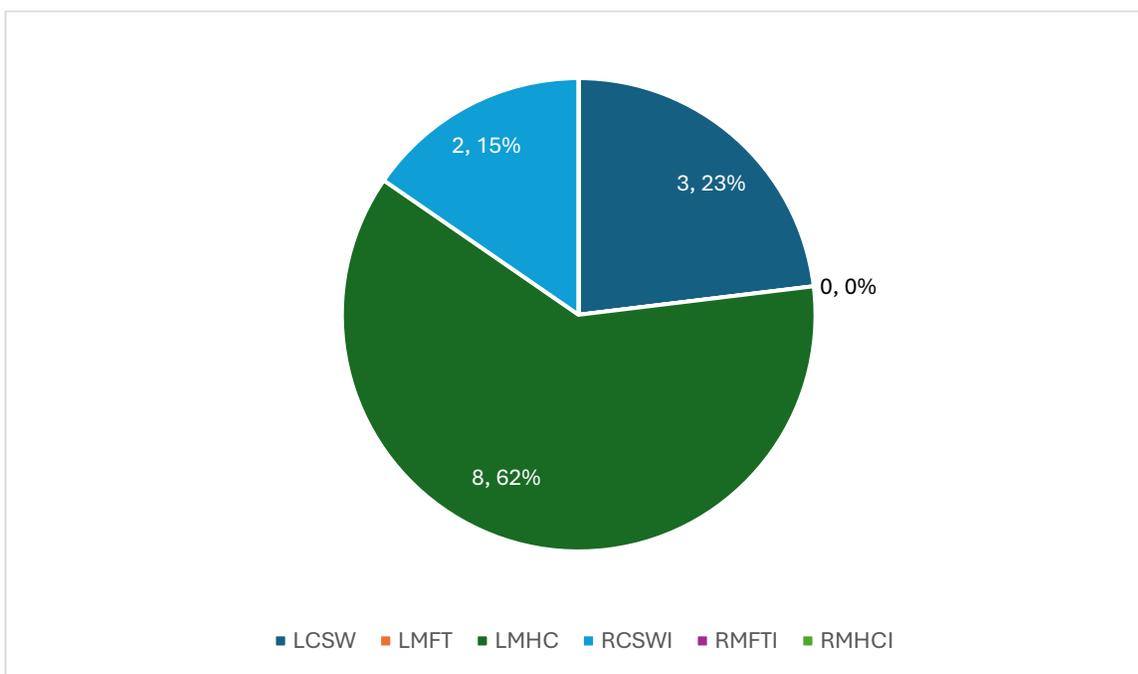
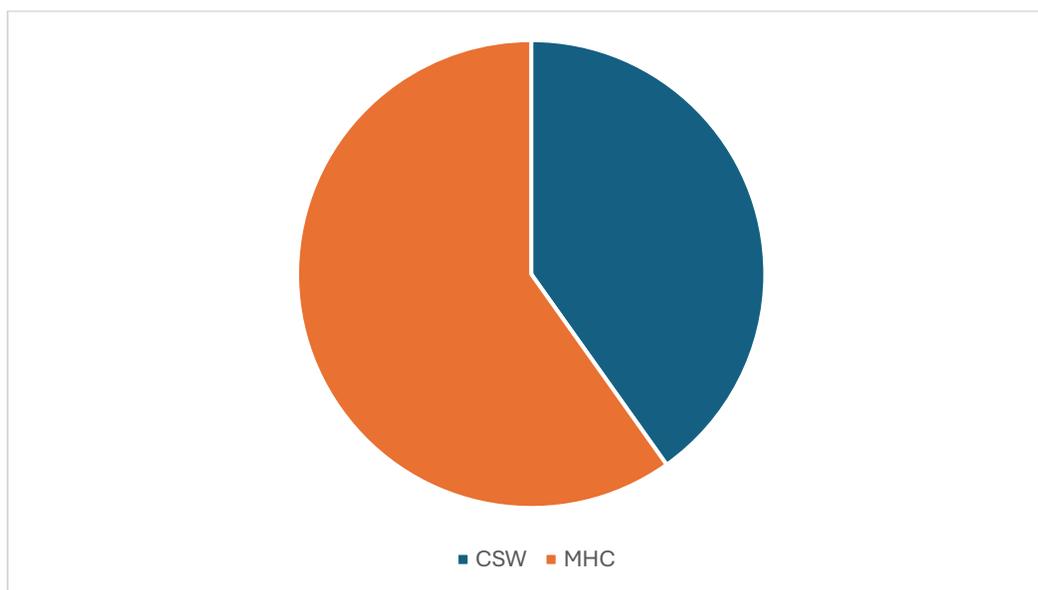


Figure 3: Number of Cases by Profession (Normalized for Population Size), FY 2023-24*



* The numbers of licensees, provisional licensees, and registered interns involved in disciplinary cases in FY 2023-2024 for the clinical social work and mental health counseling professions were divided by the total number of licensees, provisional licensees, and registered interns in both professions according to numbers published in the [DOH's FY 2023-2024 Division of Medical Quality Assurance Annual Report](#). Marriage and family therapy was excluded because there were no disciplinary cases for that profession during the 2023-2024 fiscal year.