

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: CLINICAL SOCIAL WORK,
MARRIAGE FAMILY THERAPY,
AND MENTAL HEALTH COUNSELING

CASE NUMBER: 0104949

COMPLAINT MADE BY: Robert E. Bunch
Blue Cross/Blue Shield of
Florida
P.O. Box 1798
Jacksonville, Florida 32231

DATE COMPLAINT RECEIVED: August 9, 1988

COMPLAINT MADE AGAINST: Thomas A. Walton, Ph.D.
Associates of Plantation for
Guidance and Counseling
8751 W. Broward Blvd., Suite 200
Plantation, Florida 33324

REVIEWED BY: Laura P. Gaffney

STAFF RECOMMENDATION: CLOSED (PL-06)

CLOSING ORDER

THE COMPLAINT: Alleges Subject is in violation of Section 455.24, Florida Statutes, by not including the seventy-two (72) hour disclaimer in an ad for free services; and Section 491.009 (2)(1), Florida Statutes, by willfully making or filing a false report on record; and Section 491.009(2)(1), Florida Statutes, by making misleading, or fraudulent representations in the practice of any profession licensed or certified under Chapter 490; and standards of performance in professional activities when measured against generally prevailing peer performance.

THE FACTS: On or about January 26, 1988, M. T. (hereinafter "M.T."), and L. T. (hereinafter "L.T."), visited Associates of Plantation for Guidance and Counseling, to be counseled for marital problems they were experiencing. Elaine Carp, a licensed Clinical Social Worker was assigned to their case.

A statement of office policies was given to M.T. and L.T. at the initial interview before they were seen by Ms. Carp, which explained, in pertinent part, "Initial consultations are free to you. In the event that you have insurance coverage, we will bill your insurance company for the initial visit and will accept the

percentage that they pay as clearing your account in full for that visit...professional fees will be determined by what percentage of the total fee is covered by your insurance...our fee is presently one hundred and eighty-five dollars (\$185.00) per clock hour...

M.T.'s and L.T.'s insurance carrier is Blue Cross/Blue Shield of Florida. The couple was told by the Corp that they (M.T. and L.T.) would be responsible for the deductible, which is two hundred dollars (\$200.00) for each of them.

After the initial (1/25/88) visit, M.T. had a one (1) hour consultation on February 3, 1988. Each visit was charged to Blue Cross at a charge of one hundred and eighty-five dollars (\$185.00). Blue Cross, in turn, charged M.T. one hundred and eighty dollars (\$180.00) for the initial consultation, due to the unmet deductible.

M.T. and L.T. terminated their relationship with Associates of Education after canceling L.T.'s February 9, 1988 session, explaining it was too great an expense.

The seventy-two (72) hour disclaimer required for advertisements claiming free or discounted services does not cover those professionals licensed under Chapter 491.

THE LAW: There is probable cause that Subject has violated Section 491.009(2)(1), Florida Statutes. Subject will be sent a Letter of Guidance.

It is, therefore, ORDERED that the complaint be and the same is hereby CLOSED.

DONE and ORDERED this 20th day of January, 1989.



Chairman, Probable Cause Panel
Board of Clinical Social
Work, Marriage and Family
Therapy, and Mental Health
Counseling

LPG/pjs
1/23/89