

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF PSYCHOLOGICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

CASE NO. 0113432

vs.

MICHAEL D. STOCKTON, PH.D.,

Respondent.

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ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Psychological Examiners, against, MICHAEL D. STOCKTON, PH.D., hereinafter referred to as "Respondent", and alleges:

1. Petitioner is the state agency charged with regulating the practice of psychology pursuant to Section 20.30, Chapter 455, and Chapter 490, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed psychologist, license number PY0002795, whose address of record is 3003 S. Congress Avenue, Suite 2D, Palm Springs, Florida 33461.

3. Donald Doyle is practicing as a psychologist in the State of Florida. He is not licensed at any profession regulated by the Petitioner nor has he ever made application to become licensed. Mr. Doyle has stated he is not seeking licensure in Florida.

A

4. Mr. Doyle stated he entered private practice in Florida in or around June 1987 and had an agreement with a Dr. Jean Litz (PY-0003589) for supervision. Dr. Litz signed insurance forms for patients being treated by Mr. Doyle. This partnership ended in or around March 1988, because of a business dispute.

5. In or around March 1988, Mr. Doyle has stated, he hired the Respondent as a "consultant".

6. From around November 1987, until about May 1988, Mr. Doyle treated Patient #1, who had been referred to him by Dr. Litz.

7. Patient #1's insurance forms show therapy sessions on 4/2/88, 4/9/88, 4/16/88, 4/22/88, and 4/30/88, as being provided by the Respondent and not by Mr. Doyle. It should have been specified on the insurance form that the services were actually being provided by Mr. Doyle, even though the form was signed by the Respondent.

8. The Respondent stated he signed the insurance forms for Mr. Doyle. When payments were received, the Respondent endorsed the check, which was then deposited into Mr. Doyle's business account. Mr. Doyle used those funds to pay the Respondent his consultant fee.

9. The Respondent left a previous position in or around May 1988, and notified the Board of his change of address approximately thirteen months later, in or around June 1989.

10. According to Mr. Doyle, shortly after therapy was terminated with Patient #1, Patient #1 told him she was filing a complaint against her work supervisor for unethical behavior. On or around November 3, 1988, after being made aware of a complaint filed against his license by Patient #1, the Respondent contacted Patient #1's work supervisor. The Respondent stated that the purpose of his conversation with Patient #1's supervisor was to determine whether or not Patient #1 was in the habit of filing complaints against other people. The supervisor was now privy to the fact that Patient #1 had been under a "therapist's" care. The Respondent's action violated patient confidentiality, because as consultant/supervisor to Mr. Doyle, maintaining his patient's confidentiality was also the Respondent's responsibility.

COUNT I

11. Petitioner realleges and incorporates by reference the allegations set forth in the above paragraphs.

12. Based on the foregoing, Respondent has violated Section 490.009(2)(i), Florida Statutes, by willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record.

COUNT II

13. Petitioner realleges and incorporates by reference the allegations set forth in the above paragraphs.

14. Based on the foregoing, Respondent has violated Section 490.009(2)(j), Florida Statutes, by paying a kickback, rebate, bonus, or other remuneration for receiving a patient or client, or receiving a kickback, rebate, bonus or other remuneration for referring a patient or client to another provider of mental health services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

COUNT III

15. Petitioner realleges and incorporates by reference the allegations contained in the above paragraphs.

16. Based on the foregoing, Respondent has violated Section 490.009(2)(f), Florida Statutes, by maintaining a professional association with any person whom the applicant or licensee knows, or has reason to believe, is in violation of this chapter or of a rule of the department or board.

COUNT IV

17. Petitioner realleges and incorporates by reference the allegations contained in the above paragraphs.

18. Based on the foregoing, Respondent has violated Section 490.009(2)(g), Florida Statutes, by knowingly aiding, assisting, procuring or advising any nonlicensed person to hold himself out as licensed under this Chapter.

COUNT V

19. Petitioner realleges and incorporates by reference the allegations set forth in the above paragraphs.

20. Based on the foregoing, Respondent has violated Section 490.009(2)(q), Florida Statutes, by violating provisions of this chapter, or of chapter 455, or any rules adopted pursuant thereto.

COUNT VI

21. Petitioner realleges and incorporates by reference the allegations set forth in the above paragraphs.

22. Based on the foregoing, Respondent has violated Section 490.009(2)(s), Florida Statutes, by 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 is not qualified by training or experience.

COUNT VII


23. Petitioner realleges and incorporates by reference the allegations set forth in the above paragraphs.

24. Based on the foregoing, Respondent has violated Section 490.009(2)(v), Florida Statutes, by failing to maintain in confidence a communication made by a patient or client in the context of such services, except by written permission or in the face of a clear and immediate probability of bodily harm to the patient or client or to others.

WHEREFORE, Petitioner respectfully requests the Board of Psychological Examiners to enter an order imposing one or more of the following penalties: Revocation or suspension of the Respondent's practice, imposition of an administrative fine, and/or any other relief which the Board deems appropriate.

SIGNED this 4<sup>th</sup> day of May, 1990.

Larry Gonzalez  
Secretary

  
By: Charles F. Tunnick  
Chief Attorney

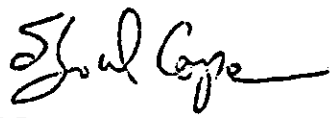
COUNSEL FOR DEPARTMENT:

Laura P. Gaffney  
Staff Attorney  
Department of Professional  
Regulation  
Northwood Centre  
1940 North Monroe Street  
Suite 60  
Tallahassee, FL 32399-0792  
(904) 488-0062

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**FILED**

Department of Professional Regulation  
AGENCY CLERK

  
CLERK \_\_\_\_\_  
DATE 5-4-90

FILED

Department of Professional Regulation  
AGENCY CLERK

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF PSYCHOLOGICAL EXAMINERS

*Paul Cope*

DEPARTMENT OF PROFESSIONAL  
REGULATION,

CLERK \_\_\_\_\_

Petitioner,

DATE 7-24-90

v.

DPR CASE NO. 0113432

MICHAEL D. STOCKTON, Ph.D.

Respondent.

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MOTION FOR DEFAULT

COMES NOW, the Petitioner, by and through the undersigned attorney of record and moves the Board of Psychological Examiners for entry of an Order of Default against the Respondent. As grounds therefore, Petitioner would state the following:

1. On or about May 4, 1990, an Administrative Complaint was filed in this case, a true and correct copy of which is attached hereto and incorporated by reference as Exhibit "A".

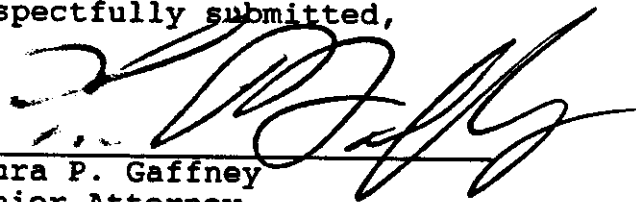
2. Service of the Administrative Complaint was accomplished by certified mail. A true and correct copy of the return receipt is attached hereto and incorporated by reference as Exhibit "B".

3. To date, Respondent has failed to file any papers, pleadings, or other responsive documents with the Clerk of the Department of Professional Regulation.

4. The charges contained in the Administrative Complaint are based upon and supported by the investigative report and supplemental materials, a copy of which is attached hereto and incorporated by reference as Exhibit "C".

WHEREFORE, the Petitioner moves the Board of Psychological Examiners for an Order declaring Respondent to be in default, and imposing an appropriate penalty.

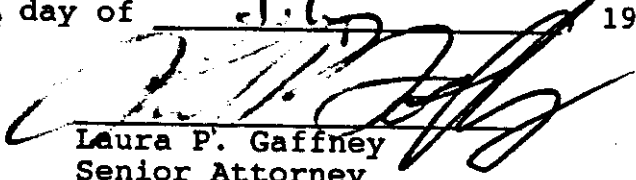
Respectfully submitted,



Laura P. Gaffney  
Senior Attorney  
Department of Professional  
Regulation  
Northwood Centre  
1940 North Monroe Street  
Tallahassee, FL 32399-0792  
(904) 488-0062

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided to Michael D. Stockton, Ph.D., 3003 South Congress Avenue, Suite 2D, Palm Springs, Florida 33461 by certified mail this 25th day of July 1990.



Laura P. Gaffney  
Senior Attorney

LPG/mu  
7/24/90  
Mot/4/Deflt

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MICHAEL D. STOCKTON,

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PH10  
STATE OF FLORIDA

DEPARTMENT OF PROFESSIONAL REGULATION  
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FILED  
Department of Professional Regulation  
AGENCY CLERK

CLERK J. W. Cope

DATE 10-10-90

CASE NO.: 0113432  
LICENSE NO.: PY0002795

FINAL ORDER

THIS CAUSE came on to be heard before the Board of Psychological Examiners (hereinafter referred to as the "Board") at the public meeting on August 21, 1990, in Atlantic Beach, Florida. Pursuant to an Administrative Complaint (attached hereto as Exhibit A), it was alleged that Respondent violated specified sections of Chapter 490, Florida Statutes. Service of the Administrative Complaint was effected by certified mail on May 4, 1990. At the hearing, Petitioner was represented by Laura Gaffney. Because Respondent did not respond to the allegations in the Administrative Complaint and was not present at the proceedings, the hearing was conducted in accordance with Section 120.57(2), Florida Statutes. Evidence regarding the Administrative Complaint was received from Petitioner only.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact of the Board.

2. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the conclusions of law of the Board.

3. The violations set forth warrant disciplinary action by the Board.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

Respondent's licensure as a psychologist is hereby SUSPENDED until further action of the Board.

This Order shall become effective upon filing with the Clerk of the Department of Professional Regulation.

DONE AND ORDERED this 8th day of October, 1990.

BOARD OF PSYCHOLOGICAL EXAMINERS

  
DR. E. CAROL WEBSTER  
CHAIR

NOTICE OF RIGHT TO APPEAL

Pursuant to Section 120.59, Florida Statutes, the Parties are hereby notified that they may appeal this Order by filing one copy of a Notice of Appeal with the Clerk of the Department of Professional Regulation, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0792, and by filing the filing fee and one copy of the Notice of Appeal with the District Court of Appeal within thirty (30) days of the effective date of this Order.