

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

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

CASE NUMBER: 95-04801

COMPLAINT MADE BY:



FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Stephanie Q. Dinn*
DATE 10-21-99

DATE COMPLAINT RECEIVED: March 20, 1995

COMPLAINT MADE AGAINST: Margaret Scoboria
556 SW. Wood Creek Drive
Palm City, FL 34990

INVESTIGATOR: Bonnie Schaffrick
West Palm Beach

REVIEWED BY: *(Signature)* Thomas E. Wright, Senior Attorney

RECOMMENDATION: DISMISS (PI.-99)

CLOSING ORDER

THE COMPLAINT: Complaint alleges Subject has violated Chapter 491.009(2)(k), Florida Statutes, for committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct; Chapter 491.009(2)(q), Florida Statutes, for violating provisions of this chapter; Chapter 491.009(2)(s), Florida Statutes for failing to meet the minimum standards of performance; and Chapter 491.011 for sexual misconduct.

THE FACTS: The former patient in this file is JI, she began seeing subject in or around May 1994. She heard of subject through the "grapevine and the telephone book" and that subject was an expert on Multiple Personality Disorder (MPD). She began to see subject three to four times a week and became highly dependent on subject.

Other personalities found their way out and one of them "Bill" began to have sexual feelings towards subject. Subject talked frequently to JI about "Bill's aggression". It is alleged that subject and "Bill" had a sexual encounter.

Eventually, JI went to another counselor Ms. X, the complainant. She reported the relationship to the Martin County Guardian Ad Litem Program, citing subject took advantage of JI.

This file went to Probable Cause on June 17, 1998, and probable cause was found.

Subject was charged with the above violations in a two (2) count Administrative Complaint that was filed on July 20, 1998.

However this office received a letter from subject's attorney dated August 7, 1998, in which he stated "Patient JI is deceased."

On August 27, 1998, this office asked our investigator to supply a death certificate so that we could confirm the death of JI.

The investigator's report came back September 30, 1998, with a certified record of death. JI had passed away February 25, 1998.

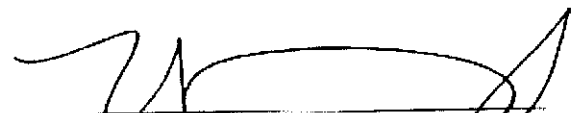
THE LAW: Based on Florida Statutes 455.621(2), if there is insufficient evidence to support the prosecution of the allegations, the case shall be dismissed.

The Petitioner has the burden of proving the allegations contained in the Administrative Complaint with clear and convincing evidence. Ferris v. Turlington, 510 So. 2d 292 (Fla. 1987).

There is insufficient evidence for the Agency to meet this burden and prevail at the final hearing. Therefore, further prosecution of this case is unwarranted.

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

DONE and ORDERED this Monday of October, 1999



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