

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

vs.

CASE NUMBER: 97-04552

TERRY LYNN PALMATIER,

RESPONDENT.

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**ADMINISTRATIVE COMPLAINT**

COMES NOW, the Petitioner, Department of Health, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, hereinafter referred to as "the Board" and against TERRY LYNN PALMATIER, hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of CLINICAL SOCIAL WORK pursuant to Section 20.43, Florida Statutes, Chapter 455, Florida Statutes, and Chapter 491, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed Clinical Social Worker in the State of Florida, having been issued license Number SW 0002095. Respondent's address of record is c/o Alena Scadura, New College, 5700 North Tamiami Trail, Sarasota, Florida 34243-2197.

3. Between approximately August 1995 and August 1996, the Respondent served as a therapist for Patient S.L.

4. During or around September 1996, the Respondent revealed to S.L. that she had a sexual encounter with two clients.

5. The Respondent also revealed confidential information to S.L. that had been received in therapy sessions with one of the former clients. The Respondent told S.L. that one of the former clients, J.D.G., was troubled about sexual practices and was diagnosed as having a borderline personality disorder.

6. Based on the foregoing, the Respondent has violated Section 491.009(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 or certificateholder is not qualified by training or experience.

WHEREFORE, Petitioner respectfully requests the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling to enter an order imposing one (1) or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent's license on probation for a period of time and subject to terms and/or conditions, and/or any other relief which the Board deems appropriate.

SIGNED this 2nd day of September, 1997.

James T. Howell, M.D., M.P.H.  
Secretary



By: Nancy M. Snurkowski  
Chief Attorney  
General Counsel's Office - MQA  
Allied Health

COUNSEL FOR PETITIONER:  
Alexandria E. Walters  
Staff Attorney  
FL Bar No. 0110590  
Agency for Health Care Administration  
P.O. Box 14229  
Tallahassee, Florida 32317-4229  
ph. (904) 487-9694  
fax (904) 414-1991

**FILED**

DEPARTMENT OF HEALTH  
DEPUTY CLERK

CLERK *Stephanie G. Dism*  
DATE 9-4-97

 AEW/nb

PCP: Gygi, Adejocun-Ojo

PCP DATE: July 18, 1997

STATE OF FLORIDA  
DEPARTMENT OF HEALTH  
RE: Terry Lynn Palmatier CASE NO. 97-04552  
**BOARD OF CLINICAL SOCIAL WORK, MARRIAGE AND FAMILY THERAPY, AND MENTAL HEALTH COUNSELING**  
**ELECTION OF RIGHTS**

I have read the Explanation of Rights form and understand my options. (If you do not understand these options, please consult with your attorney or contact the office of Legal Services of the Agency for Health Care Administration, telephone number 850/487-9694, before executing this form.)

1.  I do not dispute the allegations of fact in the Administrative Complaint but do wish to be accorded a hearing not involving disputed issues of material fact, pursuant to Section 120.569, Florida Statutes (Supp. 1996), and Section 120.57(2), Florida Statutes (Supp. 1996). I will be permitted to submit oral and/or written evidence in mitigation of the complaint to the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling in accordance with Board rules.
2.  I do dispute the allegations of fact contained in the Administrative Complaint and request that this be considered a petition for a hearing involving disputed issues of material fact pursuant to Section 120.569, Florida Statutes (Supp. 1996), and Section 120.57(1), Florida Statutes (Supp. 1996), before an administrative law judge appointed by the Division of Administrative Hearings.
3.  I have signed the Stipulation and am returning same.

The specific facts in dispute are: (Please use additional paper if necessary)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Regardless of which option I have selected, I understand that I will be given notice of the time, date and place when this matter is to be considered by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling for final action.

Please sign this paper, have it notarized and fill out your current address.

Before me, personally appeared  
Terry Palmatier  
whose identity is known to me by  
DL #53-512-52-920-0  
(type of identification) who,  
under oath, acknowledges that  
his/her signature appears above.

Terry Palmatier  
Respondent  
C/O ALENA SANDURA  
NEW COLLEGE  
Address  
5700 N. TAMMAMI TR.  
SARASOTA, FL 34243  
SIU# 0002095  
License Number  
(941) 354-4287  
Telephone Number

Sworn to and subscribed by Respondent  
before me this 9 day of  
October, 1997.

Susan Weston McMillan  
Notary Public

My Commission Expires:

Return to: ALEXANDRIA E. WALTERS, Staff Attorney

NOTARY PUBLIC - STATE OF FLORIDA  
SUSAN WESTON McMILLAN  
COMMISSION # CC880849  
EXPIRES 7/1/2001  
BONDED THRU ASA 1-888-NOTARY1

MAILING ADDRESS:

Office of the General Counsel • MQA Allied Health  
P. O. Box 14229 • Tallahassee, Florida 32317  
Telephone (850) 487-9694 • Fax (850) 414-1991

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STATE OF FLORIDA  
BOARD OF CLINICAL SOCIAL WORK, MARRIAGE AND  
FAMILY THERAPY AND MENTAL HEALTH COUNSELING

Final Order No. DOH-98-0452 Date 5-6-98

AGENCY FOR HEALTH CARE  
ADMINISTRATION,

Petitioner,

vs.

Case No.: 97-04552

TERRY LYNN PALMATIER,

Respondent.

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**FILED**  
Department of Health  
Angela Hall, AGENCY CLERK  
By: Stephanie J. De 2  
Deputy Agency Clerk

**FINAL ORDER**

Respondent, TERRY LYNN PALMATIER, holds Florida license number SW 0002095. Petitioner has filed an Administrative Complaint seeking disciplinary action against the license. A copy of the Administrative Complaint is attached to and made a part of this Final Order.

This matter appeared before the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling on January 30, 1998, in Tampa, Florida, for informal hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Petitioner was represented by Nancy Snurkowski. Respondent was present at the Board meeting; Respondent was not represented by an attorney.

**FINDINGS OF FACT**

Based upon the admission of the factual allegations, the Board adopts as its finding of facts paragraphs 1-5 of the Administrative Complaint. The Board finds

as mitigating circumstances in this case the facts that the licensee self-reported her violation to the Board; that the licensee submitted a number of credible character references with knowledge of the offence; and that licensee's testimony demonstrated that she is actively working on rehabilitation.

#### **CONCLUSIONS OF LAW**

Based upon the Findings of Fact, the Board concludes the licensee has violated Section 491.009(2)(s), Florida Statutes.

The Board is empowered by Section 491.009, Florida Statutes, to impose a penalty against the licensee. Therefore it is ORDERED that:

The license of TERRY LYNN PALMATIER having been revoked for a minimum of three years in Case No. 96-12931, heard by the Board immediately prior to the hearing on this Administrative Complaint, the Board will impose a period of probation upon relicensure, the terms of the probation to be determined at the time of relicensure, if any. The Board will take into consideration the evaluation the licensee is required to present upon reapplication.

Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a notice of appeal with the clerk of the department and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this Final Order is filed.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 6 day of MARCH, 1998.

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

*Charles E. Landis, LMHC*

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Charles Landis, Chairman

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail to TERRY LYNN PALMATIER, c/o Alena Scandura New College, 5700 N. Tamiami Trail, Sarasota FL 34243-2197, and by interoffice mail to Nancy Snurkowski, Chief Attorney, Agency for Health Care Administration, P.O. Box 14229, Tallahassee FL 32317-4229, this \_\_\_\_ day of \_\_\_\_\_, 1998.

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