

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH

Petitioner,

Vs.

Case Number: 98-04741

GEORGE WALTERS,

Respondent,

---

**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 against GEORGE WALTERS, hereinafter referred to as "Respondent," and alleges:

1. Effective 1, 1997, Petitioner is the state agency charged with the regulating the practice of mental health counseling pursuant to Section 20.43, Florida Statutes (Supp. 1996); Chapter 455, Florida Statutes; and Chapter 491, Florida Statutes. Pursuant to the authority of Section 20.43(3)(g), Florida Statutes, the Petitioner has contracted with the Agency of Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.
  2. Respondent has been at all times material hereto; a licensed Provisional Mental Health Counselor in the State of Florida, having been issued license number PMH 0000027.
  3. Respondent's last known address is 7664 N. W. 18<sup>th</sup> Street, #202, Margate, Florida 33063.
-

4. On or about July 1997, Respondent began running a social support group called "Rebuilding: New Directions" at St. Mary Magdalene Episcopal Church (St. Magdalene) free of charge. The support group was for individuals with loss or bereavement issues. At the time, Respondent was a Provisional Mental Health Counselor under a clinical supervisor.
  5. The business cards the Respondent presented to the priests at St. Magdalene in May 1997, when applying for permission to set up his group at the church, stated the name of his organization as New Beginnings, Inc., and that he was an intern practicing counseling and psychotherapy. In July 1997, the parish rented him space in which to practice.
  6. Charlotte Lynn Trout, a Clinical Social Worker, supervised respondent but she knew nothing about the group the Respondent was running at the church.
  7. Respondent represented himself to the support group he was running at St. Magdalene as a Mental Health Counselor volunteering his time.
  8. P.R., a parishioner at St. Magdalene joined the support group on or about July 1997.
  9. On or about August 1997, Respondent began having a sexual relationship with P.R., which lasted until on or about February 1998.
  10. Beginning on or about May 1997, D.B. was another support group member that the Respondent counseled.
  11. Respondent had sexual relations with D.B. while she was a support group member.
  12. Respondent, on various occasions divulged confidential information about his other clients to D.B.
  13. During the relationship, Respondent provided D.B. with Xanax, an anti-anxiety prescription drug, which had been prescribed to Respondent to his own depression.
-

### COUNT I

14. Petitioner realleges and incorporates by reference the allegations contained in paragraphs one (1) through thirteen (13).

15. Based on the foregoing, 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, registered intern or certification holder is not qualified by training or experience.

### COUNT II

16. Petitioner realleges and incorporates by reference the allegations contained in paragraphs one (1) through thirteen (13).

17. Based on the foregoing, Respondent has violated Section 491.009(2)(q), Florida Statutes, through a violation of 491.009(2)(k) and 491.0111 and Rule 64B4-101.002, Florida Administrative Code, by committing an act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct pursuant to Section 491.0111, Florida Statutes.

### COUNT III

18. Petitioner realleges and incorporates by reference the allegations contained in paragraphs one (1) through thirteen (13).

19. Based on the foregoing, Respondent has violated Section 491.009(2)(q), Florida Statutes, by violating provisions of this chapter, or of Chapter 455, or any rules adopted pursuant hereto, through a violation of Rule 64B4-3.008, Florida Administrative Code, by failing to use the term "intern" or "trainee" until he was in receipt of a license to practice Mental Health Counseling.

---

COUNT IV

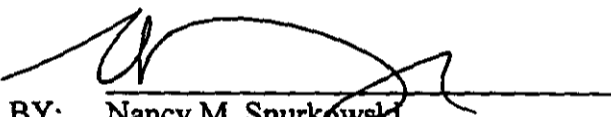
20. Petitioner realleges and incorporates by reference the allegations contained in paragraphs one (1) through thirteen (13).

21. Based on the foregoing, Respondent has violated Section 491.009(2)(v), Florida Statutes, by failure of the licensee, registered intern, or certificate holder to maintain in confidence a communication made by a patient or client in the context of such services.

WHEREFORE, Petitioner respectfully requests the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling to enter an order imposing one or more of the following penalties: revocation or suspension of Respondent's license, restriction of Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of 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 25th day of June, 1999.

Robert G. Brooks M.D.  
Secretary, Department of Health

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

COUNSEL FOR PETITIONER  
James A.G. Davey JR  
Senior Attorney  
Florida Bar Number 141717  
Agency for Health Care Administration  
P.O. Box 14229  
Tallahassee, Fl 32317-4229  
(850) 487-9694  
JD/tu

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK Stephanie Q. Dinn  
DATE 6-28-99

RECEIVED - LEGAL

00 APR 26 PM 3:33  
BOARD:

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

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

CASE NUMBER: 98-04741

COMPLAINT MADE BY:

[REDACTED]

DATE OF COMPLAINT: 03/24/98

COMPLAINT MADE AGAINST: George Walters, PMH  
7664 Northwest 18<sup>th</sup> Street, #202  
Margate, Florida 33063

RESPONDENT'S ATTORNEY: Sean Ellsworth, Attorney at Law  
Dresnick & Ellsworth, P.A.  
SunTrust Plaza, Suite 701  
201 Alhambra Circle  
Coral Gables, Florida 33134-5108

INVESTIGATED BY: Hugh F. Fitzpatrick  
Fort Lauderdale

REVIEWED BY: Deborah Loucks  
Senior Attorney

RECOMMENDATION: DISMISSED (PL - 99)

CLOSING ORDER

THE COMPLAINT: The Complainant alleges that the Respondent violated Section 491.009 (2) (k) and (q), Florida Statutes, by committing an act upon a patient or client which would constitute sexual misconduct or battery; and violating a rule promulgated pursuant to this chapter, specifically, Chapter 64B4-10.002(1), F.A.C., by committing any of the acts described therein upon a patient or client is sexual misconduct.

THE FACTS: The Probable Cause Panel reviewed this case on April 20, 1999, and issued a finding of probable cause for discipline citing violations of Florida Statutes Section 491.009 (2)(s), failing to meet minimum standards of performance; (2) (q)[through violation of 491.009(2)(k) and 64B4-10.002, F.A.C.], violating a rule adopted pursuant to this chapter by committing any act upon a patient that would constitute sexual misconduct or sexual battery; (2) (q), violating a rule adopted pursuant to this chapter by failing to use the term "provisional mental health counselor" until he received licensure; and (2)(b), failing to maintain in confidence a communication made by a patient.

In response to the filing of the Administrative Complaint, Respondent elected to have a formal hearing before the Division of Administrative Hearings. During the discovery process, the Agency learned that it did not have sufficient evidence to meet its evidentiary burden. Based on the lack and insufficiency of the evidence, the Agency voluntarily dismissed this case from DOAH on December 27, 1999. The Order from DOAH granting the dismissal is enclosed.

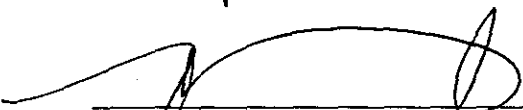
**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Vicki R. Ellison*  
DATE 4-24-2000

The provisional license held by the Respondent expired at the end of December 1999. The Respondent had completed all of the testing requirements to obtain licensure as a mental health counselor and the granting of his license was in abeyance until the resolution of this matter. Through his legal counsel, Attorney Sean Ellsworth, the Respondent requested that the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling grant his license. On January 21, 2000, the full Board voted to approve his licensure.

THE LAW: Based on the foregoing, this case should be closed.

It is, therefore, ORDERED that this matter be DISMISSED, and same is hereby, CLOSED.

DONE AND ORDERED this 14th day of April, 2000.

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

✓ Deborah B. Loucks <sup>ed</sup>  
Senior Attorney  
Florida Bar No. 0169889  
Agency for Health Care Administration  
General Counsel's Office - MQA  
Practitioner Regulation - Legal  
Post Office Box 14229  
Tallahassee, Florida 32317-4229  
(850) 487-9694