

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

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DEPARTMENT OF HEALTH,

Petitioner,

Vs.

CASE NO.: 98-01869

LESLIE DEBRA APOTHEKER,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, DEPARTMENT OF HEALTH, hereinafter referred to as "Petitioner," files this Administrative Complaint before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling against LESLIE DEBRA APOTHEKER, hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, 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. Pursuant to the authority of Section 20.43 (3)(g), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate, including the issuance of emergency orders of suspension or restriction.
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 0003592.
3. Respondent's last known address is 5261 Northeast 20<sup>th</sup> Avenue, Fort Lauderdale, Florida 33308.
4. In or around September, 1993, the Respondent began a therapeutic relationship with client or patient PL; treating issues of depression and alcoholism.

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Exh. A.

5. From the time period of September, 1993 until approximately September, 1997, the Respondent provided therapy services at various office locations.
6. Beginning in approximately September, 1997, the Respondent began conducting PL's therapy sessions in her home.
7. The aforementioned therapeutic relationship continued on a regular basis until approximately December, 1997, when the Respondent advised the client that she was discontinuing treatment of all patients.
8. On or about, February 28, 1998, Respondent telephoned the client and told her to find another therapist because the Respondent was in love with her.
9. On or about March 1, 1998, the Respondent engaged in sexual relations with PL, and this sexual relationship continued until approximately August, 1998.
10. The sexual relationship between the Respondent and PL caused psychological harm to the client, PL.
11. A patient of the Respondent stated that during therapy sessions the Respondent had glassy eyes and appeared to be on medications or drugs and unable to remain focused on the treatment.
12. The Respondent told PL that she had been abusing drugs and alcohol and had been in a substance abuse facility receiving treatment for abuse of benzodiazapines.
13. On or about September 2, 1999, the Agency requested a copy of the Respondent's records relevant to her treatment of PL.
14. On or about September 15, 1999, the Agency was notified that the Respondent had no records relevant to the therapy provided to PL.

COUNT I

15. Petitioner alleges and incorporates by reference the allegations contained in paragraphs one (1) through fourteen (14).

16. 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.

COUNT II

17. Petitioner realleges and incorporates by reference the allegations contained in paragraphs one (1) through fourteen (14) above.
18. Based on the foregoing, the Respondent has violated Section 491.009 (2)(q), Florida Statutes, through a violation of 491.009(2)(k) and 491.0111 and Rule 64B4-10.002, Florida Administrative Code, by committing an act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to Section 491.0111, Florida Statutes.

COUNT III

19. Petitioner realleges and incorporates by reference the allegations contained in paragraphs one (1) through fourteen (14) above.
20. Based on the foregoing, the Respondent has violated Section 491.009 (2)(q), Florida Statutes through a violation of 455.667 and 491.0148, Florida Statutes and Rule 64B4-9.001 (1) and (2), Florida Administrative Code, by failing to maintain records for at least seven (7) years subsequent to the date of the last contact with the client.

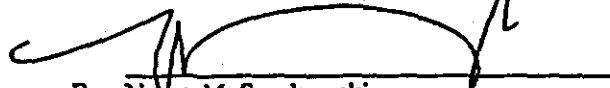
COUNT IV

21. Petitioner realleges and incorporates by reference the allegations contained in paragraphs one (1) through fourteen (14) above.
22. Based on the foregoing, the Respondent has violated Section 491.009(2)(p), Florida Statutes, by being unable to practice the profession for which she is licensed with reasonable skill or competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance.

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 the Respondent's license; restriction of 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 and further relief that the Board deems appropriate.


SIGNED this 17th day of February, 2000.

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



By: Nancy M. Snurkowski  
Chief Attorney  
General Counsel's Office  
Practitioner Regulation-Legal

COUNSEL FOR PETITIONER:

J Deborah B. Loucks   
Senior Attorney  
Florida Bar Number 0169889  
Agency for Health Care Administration  
Practitioner Regulation - Legal  
Post Office Box 14229  
Tallahassee, Florida 32317-4229  
(850) 487-9694

PCP Date: 2/16/00

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Vicki R. Elix*  
DATE 2/29/00

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

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DEPARTMENT OF HEALTH,

CASE NO.: 99-01869

Petitioner,

vs.

LESLIE D. APOTHEKER,

Respondent.

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**VOLUNTARY RELINQUISHMENT OF LICENSE**

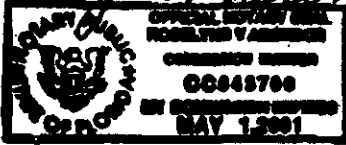
To avoid the necessity of further administrative proceedings in this case, the Respondent herein submits her voluntary relinquishment of her license to practice Clinical Social Work in the State of Florida, with the provision that the Respondent agrees never again to apply for licensure as a clinical social worker in the State of Florida. This voluntary relinquishment of license does not constitute an appearance in this proceeding, a submission to the jurisdiction of this administrative tribunal, or a waiver of the obligation to effect appropriate service of process for the State of Florida to obtain any relief or remedy against Respondent other than the acceptance of the voluntary relinquishment of this license. It is expressly understood that the acceptance by the Board of this relinquishment of Respondent's license shall be the only action taken by the Board with respect to Case No. 99-01869 and all allegations contained therein. Upon acceptance by the Board of this voluntary relinquishment

EXH. B.

(which the Board shall consider to be discipline), Case No. 99-01869 shall be closed.

DATED this 9<sup>th</sup> day of April, 2001.

*Rosemary V. Pierson*



*Leslie Apotheker*

**LESLIE APOTHEKER**

Respondent

Case No. 99-01869

Leslie Apotheker, known to me personally by virtue of having been my client for an extended period of time, did personally acknowledge to me that her signature appears above.

Acknowledged by Respondent this 9<sup>th</sup> day of April, 2001.

*Dirk Lorenzen*

**DIRK LORENZEN**

Patt.

By: Vicki P. Kenon  
Deputy Agency Clerk

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

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 1999-01869  
LICENSE NO.: SW 3592

LESLIE APOTHEKER,

Respondent.

\_\_\_\_\_ /

**FINAL ORDER ACCEPTING VOLUNTARY RELINQUISHMENT**

THIS MATTER came before the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling at a duly-noticed public meeting held on April 26, 2001 in Miami, Florida, pursuant to Section 120.57(4), Florida Statutes, for consideration of the Administrative Complaint (attached hereto as Exhibit A) and Respondent's Voluntary Relinquishment of License (attached hereto as Exhibit B) entered into between the parties in the above styled case.

Upon consideration of the Administrative Complaint and the Voluntary Relinquishment of License in this matter, and being otherwise fully advised in the premises, it is hereby

**ORDERED AND ADJUDGED:**

1. Respondent's Voluntary Relinquishment of License is hereby approved, adopted, and incorporated herein by reference.
2. This Order shall be placed in and become a part of Respondent's official records and shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 1st day of February, 2002.

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

  
\_\_\_\_\_  
Susan J. Foster  
Executive Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by U. S. Mail to Respondent's Counsel, Dirk Lorenzen, Suite 1000, Courthouse Tower, 44 West Flagler Street, Miami, Florida 33130, and Deborah Loucks, Senior Attorney, Agency for Health Care Administration, P.O. Box 14229, Tallahassee Florida 32317-4229 on this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_

Jeb Bush  
Governor



John O. Agwunobi, M.D., M.B.A., M.P.H.  
Secretary

November 10, 2004

Office of the State Attorney  
Seventeenth Judicial Circuit  
Michael J. Satz  
201 Southeast 6<sup>th</sup> Street  
Ft. Lauderdale, Florida 33301

Complaint #199901869

Subject: Leslie Apotheker

Dear Mr. Satz:

Enclosed is a copy of a complaint and/or document that may indicate a criminal violation by a licensee regulated by the Department of Health. Pursuant to 456.066, Florida Statutes this information is being forwarded to your office for your review and disposition. This complaint was investigated by the Department of Health for a possible violation of 491.009 (2)(k)(p)(s), Florida Statutes.

Please be advised that pursuant to section 456.073(10), Florida Statutes this complaint and all information obtained during the Department's investigation are confidential and exempt from section 119.07(1), Florida Statutes, until ten (10) days after probable cause has been found to exist or the subject of the investigation waives his/her right of confidentiality, whichever occurs first. We are required, pursuant to section 456.057 (8), Florida Statutes to maintain confidentiality, at all times, of patient names, patient records and any documents that may identify the patient by name.

Please do not hesitate to contact me if I can be of further assistance to you.

Sincerely,

A handwritten signature in cursive script that reads "Sondra N. Allen".

Sondra N. Allen  
Regulation Specialist III  
Consumer Services Unit  
Division of Medical Quality Assurance

/sna

Enclosure