

PLH

By: Vicki R. Kenor
Deputy Agency Clerk

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

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOAH CASE NO.: 01-4570PL

DOH CASE NO.: 2000-05484

PATTI L. WILLIAMS,

Respondent.

_____ /

FINAL ORDER

THIS MATTER came before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (hereinafter "the Board") for final action pursuant to Section 120.57(1)(l), Florida Statutes, at a duly-noticed public meeting held on July 30, 2002, in Tallahassee, Florida, for the purpose of considering the Recommended Order issued by the Administrative Law Judge in the above-styled case. The Petitioner was represented by Deborah Loucks, Senior Attorney with the Department of Health. The Respondent was present at the Board meeting and was represented by Russell K. Ramey, Esquire. Mr. Ramey, however, did not make an appearance at the meeting.

After a review of the complete record in this matter, including consideration of the Administrative Law Judge's Recommended Order, a copy of which is attached hereto as Exhibit A, any exceptions filed by the parties, and the arguments of each party, the Board makes the following findings and conclusions:

EXCEPTIONS

The Respondent's exceptions filed on June 5, 2002, are hereby rejected.

FINDINGS OF FACT

1. The Administrative Law Judge's findings of fact are hereby approved, adopted, and incorporated herein.
2. There is competent, substantial evidence to support the Administrative Law Judge's findings of fact as adopted by the Board.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the provisions of Sections 120.569 and 120.57(1) and Chapter 491, Florida Statutes.
2. The Administrative Law Judge's conclusions of law are hereby approved, adopted and incorporated herein.
3. There is competent substantial evidence to support the Board's findings and conclusions.

PENALTY

The penalty recommended by the Administrative Law Judge is approved and the Respondent's terms of probations are as follows:

PROBATION: Respondent shall be placed on probation for a period of three (3) months (90 days) commencing upon the approval of a Board monitor. The terms of probation shall be as follows:

- (a) Probationer shall comply with all state statutes and rules pertaining to the practice of Clinical Social Work, Marriage and Family Therapy, and Mental Health

Counseling in Chapters 456, and 491, Florida Statutes, and Rule Chapter 64B4, Florida Administrative Code.

(b) Probationer shall appear before the Board at last meeting of the Board preceding termination of probation and at such other times as requested by the Board.

(c) In the event Probationer leaves the State of Florida for a period of thirty days or more, or otherwise, does not engage in practice in Florida, Probationer's probation shall be tolled and shall remain in a tolled status until Probationer returns to active practice in the State of Florida, at which time the probationary status shall resume. Probationer must keep current residence and business addresses on file with the Board. Probationer shall notify the Board within ten (10) days of any changes of said addresses.

(d) Probationer shall practice only under the supervision of a psychotherapist fully licensed under Chapter 491 to be approved by a Board Monitor. Probationer shall have the supervising psychotherapist with the probationer at the Probationer's probation appearance before the Board. Prior to approval of the supervising psychotherapist by the Board Monitor, the Probationer shall provide to the supervising psychotherapist a copy of the administrative complaint filed in this case. A failure of the Probationer or the supervising psychotherapist to appear at the scheduled Board meeting shall constitute a violation of the Board's Final Order. Prior to the approval of the supervising psychotherapist by the Board Monitor, Probationer shall submit to the Board Monitor current curriculum vitae and description of the current practice from three proposed supervising psychotherapists. Said materials shall be received in the

Board office no later than thirty (30) days from the date of entry of this Final Order.
The Board monitor shall select one of the proposed supervising psychotherapists prior to commencement of the probationary period.

(e) Probationer shall be responsible for ensuring that the supervising psychotherapist submits the required reports. The responsibilities of the supervising psychotherapist shall include:

1. Submit monthly reports, which shall include:
 - a. Brief statement of why Probationer is on probation.
 - b. Description of Probationer's practice.
 - c. Brief statement of Probationer's compliance with terms of probation.
 - d. Brief statement of Probationer's relationship with supervising psychotherapist.
 - e. Detail any problems which may have arisen with probationer.
2. Review one-hundred percent (100%) of Probationer's patient records selected on a random basis at least once every two (2) weeks.
3. Consult with the probationer on all cases.
4. Report to the board any violations by the Probationer of Chapters 456, and 491, Florida Statutes, and the rules promulgated pursuant thereto.

(f) Probationer shall submit monthly reports to the Board. The reports shall include a detailed report outlining her experience on probation.

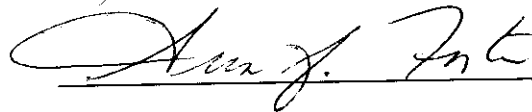
(g) Probationer shall fully comply with all terms of the final order in this matter on a timely basis.

RULING ON MOTION TO ASSESS COSTS

The Board considered the Petitioner's Motion to Assess Costs in this matter and Respondent's opposition to said motion and in accordance to its statutory mandate set forth in Section 456.072(4), Florida Statutes, ordered Respondent to pay costs in the amount of \$ 9,655.99 to the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling and forward such payment to DOH - Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320 within thirty (30) days from the date of entry of this final order.

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

DONE AND ORDERED this 27th day of August, 2002.



Susan J. Foster
Executive Director

NOTICE OF RIGHT TO JUDICIAL REVIEW UNLESS WAIVED

Pursuant to Section 120.569, Florida Statutes, any substantially affected person is hereby notified that they may appeal this Final Order by filing one copy of a Notice of Appeal with the clerk of the Department of Health and by filing the filing fee and one copy of the Notice of Appeal with the District Court of Appeal within 30 days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail to: Russell K. Ramsey, 1042 Jenk Avenue, Panama City, Florida 32401; PATTI L. WILLIAMS, 1416C West 16th Street, Panama City, Florida 32405; Deborah Loucks, Senior Attorney, Agency for Health Care Administration, P.O. Box 14229, Tallahassee, Florida 32317-4229; Lisa Pease, Senior Attorney, Agency for Health Care Administration, P.O. Box 14229, Tallahassee, Florida 32317-4229; and Edward A. Tellechea, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; Harry L. Hooper, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, on this 28th day of August, 2002.

Marie Boyett

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF HEALTH, BOARD OF)
CLINICAL SOCIAL WORK, MARRIAGE)
AND FAMILY THERAPY, AND MENTAL)
HEALTH COUNSELING,)
)
Petitioner,)
)
vs.) Case No. 01-4570PL
)
PATTI L. WILLIAMS,)
)
Respondent.)
_____)

RECOMMENDED ORDER

Notice was provided, and a formal hearing was held on February 18, 2002, in Panama City, Florida, and conducted by Harry L. Hooper, Administrative Law Judge with the Division of Administrative Hearings.

APPEARANCES

For Petitioner: Deborah B. Loucks, Esquire
Agency for Health Care Administration
2727 Mahan Drive
Post Office Box 14229
Tallahassee, Florida 32317-4229

For Respondent: Russell K. Ramey, Esquire
1042 Jenks Avenue
Panama City, Florida 32401

STATEMENT OF THE ISSUE

Whether Respondent failed to meet the minimum standards of performance required by Section 491.009(2)(s), Florida Statutes, on two occasions.

460

PRELIMINARY STATEMENT

An Administrative Complaint against Respondent was filed by the Department of Health, Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (Department), on April 17, 2001. A subsequent complaint was filed by the Department on October 2, 2001. Respondent exercised her right to an administrative hearing and the matter was forwarded to the Division of Administrative Hearings. The Administrative Complaint of April 17, 2001, was assigned DOAH Case number 01-4571 and the complaint filed on October 22, 2001, was assigned DOAH Case number 01-4570. On December 12, 2001, Petitioner moved to consolidate the two cases. In an Order issued January 30, 2002, the cases were consolidated under DOAH case number 01-4570.

The case was set for hearing on February 6, 2002. Also pursuant to the Order issued January 30, 2002, the case was re-scheduled to be heard February 13, 2001. Pursuant to a Motion for Continuance filed by Respondent, the hearing was re-set for February 18, 2002, and heard as scheduled.

Petitioner offered three exhibits, all of which were admitted into evidence, and presented the testimony of three witnesses. Respondent did not call any witnesses or offer any exhibits. Because of statutes providing for the confidentiality

of medical records, two witnesses will be referred to by their initials rather than their actual names.

All references to statutes are to Florida Statutes (1997).

A Transcript was filed on April 5, 2002. Both parties filed Proposed Recommended Orders on the agreed due date of April 30, 2002, and both were considered in the preparation of this Recommended Order.

FINDINGS OF FACT

1. The Department is the state agency charged with regulating the profession of marriage and family therapy pursuant to Section 20.43(3)(g) 29, and Chapters 456 and 491, Florida Statutes.

2. Respondent is, and has been at all times material, a marriage and family therapist holding Florida license number MT1416.

3. The last address of record of Respondent was 1416C, West 16th Street, Panama City, Florida 32405.

Events relating to Ms. P.D.

4. Ms. P.D. is a registered X-ray technologist, a registered ultrasound technologist, and a registered specialist in mammography.

5. Ms. P.D. and her husband sought Respondent's professional help because they were experiencing marital difficulties. Ms. P.D. did not know Respondent until her

husband chose Respondent as counselor. This occurred in June or July of 1997. They continued in counseling until March of 1999 or 2000. The dates provided herein are nonspecific because Ms. P. D. could not recall the exact years.

6. At the beginning of the counseling, Ms. P.D. and her husband received counseling at Respondent's office. Later they went to dinner together and received these services in a less formal setting. At least two of Ms. P.D.'s daughters received counseling also.

7. Ms. P.D. and her husband owned property in Panama City, Florida, located at _____, a house in St. Croix, a farm in Nova Scotia, and waterfront property in Nova Scotia.

8. Mr. and Ms. P.D. also owned a building at 810 Grace Avenue in Panama City, Florida. This property was purchased probably in 1994, and was sold in May or June of 2001. Ms. P.D. and her spouse operated an ultrasound school on the premises from about 1994 until late 1997.

9. The ultrasound school was eventually closed due to lack of business. Ms. P.D. was a client of Respondent during the latter part of the time in which the ultrasound school was in operation.

10. In the latter part of 1997, or in the early part of 1998, Respondent found that she could no longer occupy the office in which she had been practicing. During a counseling

session, Respondent mentioned that she needed an office for her practice and Ms. P.D. informed her that she could lease the premises at 810 Grace Avenue. Respondent paid rent to Ms. P.D. by check. Ms. P.D. deposited the checks to one of at least two accounts she maintains.

11. At some point subsequently, Ms. P.D. volunteered to work with Respondent in her practice. This was motivated in part because Ms. P.D. was an adoptive mother of two children who were acquired through an international adoption process. Respondent has experience in adoptions including working with the Florida Department of Children and Family Services.

12. Eventually, an organization was formed with the corporate name of Future Choices, Inc. (FCI). Initial participants in the organization included Mr. and Ms. P.D. and Respondent, among others. This organization involved the adoption process. It also involved "supervised visitations." The record does not fully explain what a "supervised visitation" actually is, but it is apparent from the record that someone or some entity is willing to pay for "supervised visitations" and therefore, "supervised visitations" provided income for FCI.

13. The business plan called for the organization to become profitable before any participants received a salary. Ms. P.D. was a member of the board of directors and was vice-president. She assumed these positions in 1998. She worked as

a volunteer. She was not a subordinate of Respondent. They were business associates. Ms. P.D. served on the board until around 2000 or 2001.

Events relating to Ms. P.M.

14. Ms. P.M. works for the Salvation Army Domestic Violence Program. She sought family counseling from Respondent in 1997. She thereafter received individual counseling from Respondent until 1998.

15. Ms. P.M. became friends with Respondent almost immediately upon the initiation of counseling. Respondent visited her in Ms. P.M.'s home, and Ms. P.M. visited Respondent in her home while the counseling relationship was ongoing. They had lunch together and went shopping. Her friendship with Respondent ended in 1999 when Ms. P.M. was informed that Respondent had revealed matters Ms. P.M. had provided to her in confidence.

Events relating to both Ms. P.D. and Ms. P.M.

16. Ms. P.D. traveled with Respondent to Tallahassee, Florida, for supervised visitation training, and to Hollywood, Florida, for a batterers intervention program, and to Orlando, Florida, for a program dealing with sex offenders. Ms. P.M. also went on the Hollywood and Orlando, Florida trips. These trips required an overnight stay or stays. Ms. P.D. also traveled with Respondent to near-by cities such as Marianna,

Florida. During these trips Ms. P.D. remained a counseling client of Respondent, and Ms. P.D. voluntarily paid the cost of these trips. Ms. P.D. was excited about the business prospects of FCI.

17. As a member of the board of FCI, Ms. P.D. signed checks drawn on the corporation. Ms. P.D. also paid the utility bills, and paid for much of the office equipment, for the benefit of FCI out of her personal funds.

18. Sandy Gorman was a business associate of Ms. P.D. Ms. Gorman was introduced to Respondent by Ms. P.D. Ms. Gorman eventually bought the building at 810 Grace Avenue for \$57,000. Mr. and Mrs. P.D. had purchased it for about \$30,000. The sale to Ms. Gorman was for less than market value because Mrs. P.D. wanted to help her.

19. During the time that Mr. and Mrs. P.D. owned the building, improvements were made on it, including the completion of an extant second floor. Respondent contributed to these improvements by causing Ms. P.M.'s husband to contribute toward making the top floor of the building habitable.

20. Sandy Gorman is now a direct competitor of Respondent in the visitations and adoptions business in Panama City, Florida. Ms. Gorman continues to be close friends with Ms. P.D.

21. Eventually the relationship between Ms. P.D. and Respondent soured. Around March, 2000, Ms. P.D. ejected

Respondent and her belongings from the premises at 810 Grace Avenue. However, the business was beginning to turn a profit about the time Respondent was ejected.

Expert testimony

22. Debra Frank is a licensed marriage and family therapist, a licensed psychiatric mental health nurse practitioner, and a professor at Florida State University. She received her Ph.D. from Florida State University in the Interdivisional Program in Marriage and Family. She is an expert on the practice of marriage and family therapy in the State of Florida.

23. Dr. Frank related that a marriage and family therapist provides counseling with regard to marital concerns or relationship concerns. She noted that the relationship between counselor and patient is based on trust. She opined that the counselor, because of her position, would often be able to exert influence on the client. She noted that clients come to the counseling relationship with emotional vulnerability and that it is the counselor's responsibility to act in the client's best interest.

24. Dr. Frank explained that a dual relationship is one where there are relationships other than the counselor-client relationship. These relationships would include relationships based on business interests as well as those based on

friendship. Dual relationships are not per se prohibited by either the law or by ethical standards. However, they are prohibited where they may have the potential to harm a client.

25. In order to obtain a permissible dual relationship the therapy must terminate and there should be a gap in time prior to moving to another relationship. Moreover, the client should be referred to another counselor so that the client can discuss with another counselor the dual relationship prior to entering into it. Respondent accomplished neither of these actions.

CONCLUSIONS OF LAW

26. The Division of Administrative Hearings has jurisdiction over the parties and the subject matter of this proceeding pursuant to Sections 120.569 and 120.57(1), Florida Statutes.

27. The burden of proof is on the party asserting the affirmative of an issue before an administrative tribunal. Florida Department of Transportation v. J.W.C. Company, Inc., 396 So. 2d 778 (Fla. 1st DCA 1981). Therefore, the Department has the burden of proof. The standard to be met by the Department in this case is proof by clear and convincing evidence. Ferris v. Turlington, 510 So. 2d 292 (Fla. 1987).

28. Section 491.009(2)(s), Florida Statutes, provides as follows:

491.009 Discipline--

* * *

(2) The following acts of a licensee, provisional licensee, registered intern, certificateholder, or applicant are grounds for which the disciplinary actions listed in subsection (1) may be taken:

* * *

(s) 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, certificateholder is not qualified by training or experience.

29. Section 491.009(1), Florida Statutes, provides as follows:

(1) When the department or the board finds that an applicant, licensee, or certificateholder whom it regulates under this chapter has committed any of the acts set forth in subsection (2), it may issue an order imposing one or more of the following penalties:

(a) Denial of an application for licensure or certification, either temporarily or permanently.

(b) Revocation of an application for licensure or certification, either temporarily or permanently.

(c) Suspension for a period of up to 5 years or revocation of a license or certificate, after hearing.

(d) Immediate suspension of a license or certificate pursuant to s. 120.60(6).

(e) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.

(f) Issuance of a public reprimand.

(g) Placement of an applicant, licensee, or certificateholder on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the applicant, licensee, or certificateholder to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of a designated licensee or certificateholder

30. The behavior of Respondent with regard to Ms. P.D. was not particularly egregious. Ms. P.D. is a sophisticated business person and is not the type of person likely to have her judgment impaired, or to be exploited, simply because she was being counseled by Respondent. Nevertheless, Respondent failed to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, because of the duality of the situation and because of the social setting in which some of the counseling occurred. The relationship with regard to Ms. P.M. was somewhat more egregious because Ms. P.M. was less sophisticated.

31. The evidence did not demonstrate actual harm to Ms. P.D. or Ms. P.M. Respondent could not have known, when she established these dual relationships, whether or not harm might occur. However, the potential for harm was present and it is

that potentiality which makes it wrong to engage in the type of behavior in which she demonstrated.


32. Respondent practiced unprofessional behavior by providing counseling in social settings and engaging in business activities with her clients. These are not activities in which her peers would engage.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law, it is

RECOMMENDED: That a final order be entered which finds that Respondent violated Section 491.009(2)(s), Florida Statutes, on two occasions, and which places Respondent on probation for a period of three months with remedial action as the Board may find appropriate, so long as such action is not inconsistent with the provisions of Section 491.009(1)(g), Florida Statutes.

DONE AND ENTERED this 8th day of May, 2002, in Tallahassee, Leon County, Florida.


HARRY L. HOOPER
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675 SUNCOM 278-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 5th day of May, 2002.

COPIES FURNISHED:

Deborah B. Loucks, Esquire
Agency for Health Care Administration
2727 Mahan Drive
Post Office Box 14229
Tallahassee, Florida 32317-4229

Russell K. Ramey, Esquire
1042 Jenks Avenue
Panama City, Florida 32401

Susan Foster, Executive Director
Board of Clinical Social Work,
Marriage and Family Therapy and
Mental Health Counseling
Department of Health
4052 Bald Cypress Way, Bin C08
Tallahassee, Florida 32399-1701

R.S. Power, Agency Clerk
Department of Health
4052 Bald Cypress Way, Bin A02
Tallahassee, Florida 32399-1701

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within
15 days from the date of this Recommended Order. Any exceptions
to this Recommended Order should be filed with the agency that
will issue the Final Order in this case.

STATE OF FLORIDA
DEPARTMENT OF HEALTH

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

Petitioner,

vs.

AHCA Case Number: 2000-05484

PATTI L. WILLIAMS,

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 PATTI L. WILLIAMS, hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the profession of marriage and family therapy pursuant to Section 20.43, Florida Statutes, Chapter 456, Florida Statutes (formerly Chapter 455, Part II; see Chapter 2000-160, Laws of Florida), and Chapter 491, Florida Statutes. Pursuant to Section 20.43(3)(g), Florida Statutes, the Department 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.
2. Respondent is, and has been at all times material hereto, a Marriage and Family Therapist, licensed in the State of Florida, having been issued license number MT 1416.
3. The last address of record of the Respondent is 1416 C West 16th Street, Panama City, Florida 32405.
4. On or about April 2, 1997, the Respondent began providing family counseling services to PM, her husband, and son.
5. The Respondent also provided individual counseling to patient PM.
6. During the course of the family counseling, the Respondent learned that GM, PM's husband, had been arrested. The Respondent told her business associates about this arrest.
7. The Respondent developed a friendship with patient PM. PM accompanied the Respondent on business trips.


8. The Respondent allowed PM's husband to perform light maintenance and yard work for the grounds of the business.
9. Dual relationships between a therapist and patient are inappropriate and the Respondent, as the licensed professional, has the duty to establish and maintain clinical boundaries.
10. The Respondent failed to adequately safeguard her patient files and disclosed confidential information about a client to others. The Respondent failed to secure the treatment notes so that confidential information was accessible by others associated with and/or employed by Future Choices and told others confidential information about a client.

Based on the foregoing, the Respondent is subject to discipline for violation of Section 491.009(2)(s), Florida Statutes, by failing to meet minimum standards of performance in professional activities; and Section 491.009 (2)(v), Florida Statutes, by failing to maintain a client's confidence.


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 imposed by the Board; and/or any other relief that the Board deems appropriate.

SIGNED this 10th day of April, 2001.

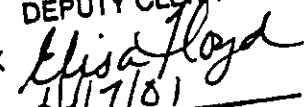
Robert G. Brooks, M. D.
Secretary, Department of Health

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

COUNSEL FOR PETITIONER:

Deborah B. Loucks 
Senior Attorney
Florida Bar Number 0169889
Agency for Health Care Administration
Practitioner Regulation - Legal
General Counsel's Office - MQA
Post Office Box 14229, Mail Stop #39
Tallahassee, Florida 32317-4229
(850) 487-9694

PCP: Shyles
Zachary
Ackerd

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK 
DATE 4/17/01

757

STATE OF FLORIDA
DEPARTMENT OF HEALTH

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

Petitioner,

vs.

AHCA Case Number: 2000-05516

PATTI L. WILLIAMS,

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 PATTI L. WILLIAMS, hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the profession of marriage and family therapy pursuant to Section 20.43, Florida Statutes, Chapter 456, Florida Statutes (formerly Chapter 455, Part II; see Chapter 2000-160, Laws of Florida), and Chapter 491, Florida Statutes. Pursuant to Section 20.43(3)(g), Florida Statutes, the Department 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.
2. Respondent is, and has been at all times material hereto, a Marriage and Family Therapist, licensed in the State of Florida, having been issued license number MT 1416.
3. The last address of record of the Respondent is 1416 C West 16th Street, Panama City, Florida 32405.
4. On or about July 1997, the Respondent began providing family counseling services to PD and her husband, RD.
5. Throughout 1998 and 1999, the Respondent also provided counseling to PD's children.
6. Beginning in January 1998, the Respondent began providing private practice counseling sessions in a property (810 Grace Avenue, Panama City, FL) owned by PD and RD.
7. The Respondent was an original incorporator and president of Future Choices, Inc. The Respondent merged her private practice counseling with Future Choices, Inc. The

Respondent relocated her private practice and the business operation of Future Choices, Inc. to 810 Grace Avenue, Panama City, Florida.

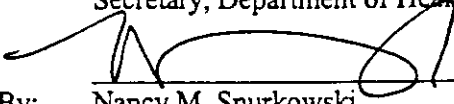
8. In May of 1998, PD became a director of Future Choices, Inc. PD also became an employee of Future Choices, Inc.
9. The Respondent demonstrated poor professional judgment by entering into a landlord-tenant relationship with clients PD and RD and by allowing PD to become a Director and an employee of her business. It is the responsibility of the licensed professional to establish and define boundaries in any potential dual relationship with a client or former client.

Based on the foregoing, the Respondent is subject to discipline for violation of Section 491.009(2)(s), Florida Statutes, by failing to meet minimum standards of performance in professional activities.


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 imposed by the Board; and/or any other relief that the Board deems appropriate.

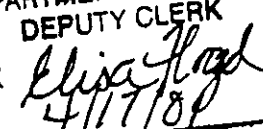
SIGNED this 10th day of April, 2001.

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


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

COUNSEL FOR PETITIONER:

Deborah B. Loucks 
Senior Attorney
Florida Bar Number 0169889
Agency for Health Care Administration
Practitioner Regulation - Legal
General Counsel's Office - MQA
Post Office Box 14229, Mail Stop #39
Tallahassee, Florida 32317-4229
(850) 487-9694

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK 
DATE 4/17/01

POP: Shyers, Zachary, Ackard

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

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

Petitioner,

vs.

CASE NO. 01-4570PL
CASE NO. 01-4571PL

PATTI L. WILLIAMS,

Respondent.

NOTICE OF WRITTEN EXCEPTIONS TO RECOMMENDED ORDER

COMES NOW, the Respondent, PATTI L. WILLIAMS, by and through her undersigned attorney and files this her notice of written objections to the proposed recommended order and would aver and state the following:

1. Debra Frank, the expert used by the Agency in the hearing acknowledged that dual relationships are not per se prohibited by either the Statutes or ethical standards that apply. She indicated that safeguards and rules could and should be established in the event a dual relationship is established between therapist and client.

2. The complaint against the Respondent did not allege any misconduct, harm, undue influence or any detriment to either (P.D.) or (P.M.) as a result of the relationship with the Respondent. At trial no evidence was produced to establish any misconduct, harm, undue influence or detriment. The complaint did not allege the failure to set standards, safeguards or rules to avoid potential harm nor was any evidence established at trial that the Respondent failed to do so.

455

3. In paragraph twenty-four (24) of the Recommended Order the Court makes a finding of fact which is contrary to the applicable statutes, case law and ethical standards when he states that dual relationships are prohibited where they may have the potential to harm the client. Also, in paragraph twenty-five (25) the Court makes a finding of fact or conclusion of law that, "In order to obtain a permissible dual relationship the therapy must terminate and there should be a gap in time prior to moving to another relationship". This conclusion defies the very definition of a dual relationship and is erroneous. The only law and/or ethical standard which requires a "gap" period between therapy and other personal relationships is based on a sexual relationship which is not at issue herein.

4. As a matter of fact the only result of the dual relationship established between the Respondent and (P.D.) and (P.M.) was a benefit to both (P.D.) and (P.M.) (P.D.) benefitted financially and educationally and (P.M.) benefitted educationally through the seminar classes attended with the Respondent.

5. The Recommended Order should be stricken and an order entered finding that the Respondent did not violate the governing statutes or ethical considerations.

WHEREFORE, the Respondent, respectfully requests relief consistent with the notice of written exceptions to Recommended Order.

RAMEY LAW OFFICES

3/9 move to exceptions

R

40

456

RUSSELL K. RAMEY, ESQUIRE
Florida Bar No.0480762
1042 Jenks Avenue
Panama City, Florida 32401
(850) 522-8075
ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail to Deborah Loucks, Esq., Senior Attorney, Agency for Health Care Administration, P.O. Box 14229, Tallahassee, Florida 32317-4229; and Hon. Harry L. Hooper, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060 this 23rd day of May, 2002.



RUSSELL K. RAMEY

STATE OF FLORIDA
DEPARTMENT OF HEALTH

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

PETITIONER,

vs.

DOAH CASE No.: 01-04570; 01-4571
AHCA CASE No.: 2000-05484; 2000-05516

PATTI WILLIAMS,

RESPONDENT.

PETITIONER'S RESPONSE
TO RESPONDENT'S EXCEPTIONS TO RECOMMENDED ORDER

Petitioner, the Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, files this response in opposition to Respondent's Exceptions to Recommended Order and states:

FINDINGS OF FACT

1. The first exception listed by the Respondent sets forth the testimony of Deborah Frank, Ph. D., LMFT, an expert witness for the Petitioner. The Respondent fails to specify the reasons for her exception to this testimony. The statements are properly attributed to Dr. Frank (Tr. 112; 116).

2. The Respondent excepts to the fact that neither the Administrative Complaints nor the evidence at hearing alleged or established any misconduct, harm, undue influence or any detriment to either of the clients. The Administrative Complaints alleged that the Respondent failed to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance. There is competent and substantial evidence in

the record to support that the Respondent established dual relationships with both of the clients. Petitioner's expert testified that while dual relationships are not specifically prohibited, dual relationships have the potential to harm the client because the therapist is taking advantage of the vulnerability of the client. (Tr. 112, 114). Accordingly, the Board should reject this exception.

3. The Respondent excepts to the portion of Finding of Fact listed in paragraph 24 of the Recommended Order wherein the Administrative Law Judge (ALJ) found that dual relationships are prohibited where they may have the potential to harm a client. Respondent states that this finding is contrary to applicable statutes, case law and ethical standards. The record supports that there are no statutory prohibitions against forming dual relationships with clients. The testimony of Dr. Frank addressed the application of ethical code for marriage and family therapists to the situations discussed by the clients who testified at hearing. Dr. Frank's uncontroverted testimony was that multiple relationships are prohibited where they have the potential to harm the client (Tr. 114).

4. The Respondent excepts to the portion of Finding of Fact listed in paragraph 25 in which the ALJ states that there should be a gap in time prior to the therapist moving to another relationship. The uncontroverted testimony of Dr. Frank supports this finding of fact (Tr. 114).


5. Respondent's exception four states that clients PD and PM benefited financially and educationally from the dual relationship with Respondent. In his Conclusions of Law (paragraph 31), the ALJ found that there was no evidence of actual harm to either client. The ALJ did not specifically find that the clients received benefits in the manner set forth in Respondent's exceptions and the Board is not at liberty to make supplemental findings of fact. See, e.g., HMY New Yacht Sales, Inc. v. Dep't of Revenue, 676 So. 2d 1385, 1389 (Fla. 1st DCA 1996) (even though HMY did not deny that it used a certain yacht for promotion purposes,

the ALJ made no such finding, probably because she did not interpret the applicable statute as making this determination central to her conclusion; it was not within the agency's province to make this factual finding). Accordingly, the Board should reject this exception.

The Respondent requests that the Recommended Order be stricken and the Board dismiss the case. The Board should deny this request based on the Findings of Fact and Conclusions of Law found in this case.

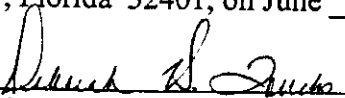
WHEREFORE, the Petitioner requests that Respondent's Exceptions be denied.

RESPECTFULLY SUBMITTED this 5th day of June 2002.


Deborah B. Loucks, Senior Attorney
Florida Attorney Number 0169889
Agency for Health Care Administration
Office of General Counsel – MQA
Practitioner Regulation – Legal
Post Office Box 14229
Tallahassee, Florida 32317-4229
Phone: (850) 487-9694
Fax: (850) 414-1989

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petitioner's Response to Respondent's Exceptions to Recommended Order was sent via U.S. Mail to the Respondent, Patti Williams, by sending same via US Mail, first-class delivery, postage prepaid, to her attorney of record, Russell K. Ramey, at 1042 Jenks Avenue, Panama City, Florida 32401, on June 5, 2002.


Deborah B. Loucks

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

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Vicki R. Keron*
DATE 9/30/02

PATTI WILLIAMS,
Respondent/Appellant,

vs.

DEPARTMENT OF HEALTH
Petitioner/Appellee.

1st DCA Case No.:
DOAH Case No. 01-4570
DOH Case No. 2000-05484

NOTICE OF ADMINISTRATIVE APPEAL

NOTICE IS GIVEN that PATTI WILLIAMS, Appellant, appeals to the District Court of Appeal, First District, a final order of the Department of Health, Board of Medicine rendered August 28, 2002. A conformed copy of the order designated in the notice of appeal is attached in accordance with Rules 9.110(d), and 9.130 (c), Florida Rules of Appellate Procedure. The nature of the order is a final order imposing discipline against Appellant's license to practice as a marriage and family therapist.

Respectfully submitted,

HOLTZMAN, EQUELS & FURIA

Lisa Shearer Nelson
Lisa Shearer Nelson

Attorney for Appellant Margaret Black
Florida Bar No. 370657
Holtzman, Equels & Furia
542 E. Park Avenue
Tallahassee, Florida 32301
Telephone: (850) 222-2900
Facsimile: (850) 222-2933

STATE OF FLORIDA, DEPT. OF HEALTH
I HEREBY CERTIFY that the above and
foregoing is a true and correct copy of
a Notice of Appeal received by the
Department of Health on the 1st day
October 20 02.
SIGNED: *Elia Lloyd*
Deputy Agency Clerk
DATE: October 1, 2002

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by United States Mail to Pamela Page, Senior Appellate Attorney, and to Deborah Loucks, Senior Attorney, Department of Health, Prosecutorial Services Unit, 4052 Bald Cypress Way, BIN #C-65, Tallahassee, FL 32399-3265; and to the Agency Clerk, Department of Health, 2020 Capital Circle S.E., BIN #C-01, Tallahassee, FL 32399 this 27th day of September, 2002.


Lisa Shearer Nelson



DISTRICT COURT OF APPEAL
FIRST DISTRICT
STATE OF FLORIDA
TALLAHASSEE, FLORIDA 32399-1850

JON S. WHEELER
CLERK OF THE COURT

(850) 488-6151

October 3, 2003

R. S. Power, Clerk
Department Of Health
4052 Bald Cypress Way
Bin A02
Tallahassee, FL 32399

RECEIVED
DEPARTMENT OF HEALTH
2003 OCT -6 PM 4:52
OFFICE OF THE CLERK

RE: Patti Williams

v. Department of Health

Docket No: 1D02-3928
Lower Tribunal Case No.: 01-4570

Dear Mr. Power:

I have been directed by the court to issue the attached mandate in the above-styled cause. It is enclosed with a certified copy of this Court's opinion.

Yours truly,

Jon S. Wheeler
Clerk of the Court

JSW/je

Enclosures

c: (letter and mandate only)

Lisa S. Nelson

Jennifer Fulks, A.G.C.

Deborah Loucks

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

PATTI WILLIAMS,
Appellant,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

v.

CASE NO. 1D02-3928

DEPARTMENT OF HEALTH,
Appellee.

Opinion filed September 17, 2003.

An appeal from an order of the Department of Health, Board of Clinical Social
Work, Marriage and Family Therapy and Mental Health Counseling.

Lisa Shearer Nelson of Holtzman and Equels, Tallahassee, for Appellant.

Jennifer E. Fulks, Assistant General Counsel, Appellate Section, Department of
Health, Tallahassee, for Appellee.

PER CURIAM.

AFFIRMED.

BOOTH, DAVIS and PADOVANO, JJ., CONCUR.



STATE OF FLORIDA
JAN 17 2004
JAN 17 2004
JAN 17 2004
DISTRICT COURT OF APPEAL
FIRST DISTRICT

M A N D A T E

From

DISTRICT COURT OF APPEAL OF FLORIDA
FIRST DISTRICT

To Susan Foster, Director, Department of Health

WHEREAS, in that certain cause filed in this Court styled:

PATTI WILLIAMS

Case No : 1D02-3928

v.

Lower Tribunal Case No : 01-4570

DEPARTMENT OF HEALTH

The attached opinion was issued on September 17, 2003.

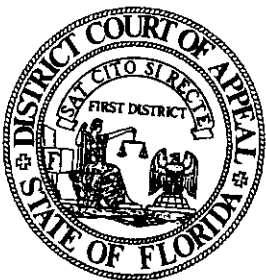
YOU ARE HEREBY COMMANDED that further proceedings, if required, be had in accordance with said opinion, the rules of Court, and the laws of the State of Florida.

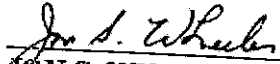
WITNESS the Honorable JAMES R. WOLF, Chief Judge

of the District Court of Appeal of Florida, First District,

and the Seal of said Court done at Tallahassee, Florida,

on this 3rd day of October 2003.





JON S. WHEELER, Clerk
District Court of Appeal of Florida, First District