

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

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

Petitioner,

vs.

Case Number: 2000-13136

MIA F. SEGCEL, formerly known as  
FRANCINE TORAN,

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 against MIA F. SEGCEL, formerly known as FRANCINE TORAN, hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice 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 licensed Marriage and Family Therapist in the State of Florida, having been issued license number MT 1257.

3. The last address of record for the Respondent is 4890 North Citation Drive, #101, Delray Beach, Florida 33445.

4. From approximately 1993 until April 1998, patient NS received counseling services from the Respondent. The counseling addressed long-term marital problems between patient NS and his then

wife, BS. During this treatment, patient NS was seen one to two times per week, and sometimes, three times per week.

5. Approximately three months subsequent to the termination of the counseling relationship (approximately in July 1998), the Respondent and patient NS began a personal relationship

### COUNT I

6. Petitioner realleges and incorporates paragraphs one (1) through five (5) as if fully set forth herein this Count One.

7. Developing a personal relationship with a former client shortly after termination of the professional relationship creates an inappropriate dual relationship.

8. Creating an inappropriate dual relationship by entering into a personal relationship with a former patient soon after termination of the counseling relationship falls below the minimum standards of performance.

9. The Respondent is subject to discipline for violating 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

10. Petitioner realleges and incorporates paragraphs one (1) through five (5) as if fully set forth herein this Count Two.

11. In approximately January 2000, the Respondent and Patient NS began living together.

12. In approximately May 2000, the Respondent and Patient NS were married.

13. Section 491.009 (2)(k), Florida Statutes, states that a licensee may be subject to discipline for committing any act upon a patient or client which would constitute sexual misconduct as defined in section 491.0111, Florida Statutes and 64B4-10.002 (2), Florida Administrative Code. Section 491.0111,

Florida Statutes states that sexual misconduct shall be defined by rule. Rule 64B4-10.002(1), Florida Administrative Code, states:

It is sexual misconduct for a psychotherapist to engage, attempt to engage, or offer to engage a client in sexual behavior, or any behavior, whether verbal or physical, which is intended to be sexually arousing, including kissing; sexual intercourse, either genital or anal; cunnilingus; fellatio; or the touching by the psychotherapist or the client of the other's breasts, genital areas, buttocks, or thighs, whether clothed or unclothed.

14. Rule 64B4-10.003(2), Florida Administrative Code states that a psychotherapist-client relationship is deemed to continue for a minimum of two (2) years after termination of psychotherapy.

15. The Respondent and patient NS began living together within two (2) years of the termination of therapy.

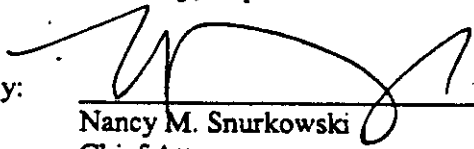
16. The Respondent is subject to discipline for violating Section 491.009(2)(k), Florida Statutes, by committing any act that is defined as sexual misconduct by Section 491.0111, Florida Statutes and 64B4-10.002, Florida Administrative Code.

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 relief which the Board deems appropriate.

SIGNED this 18th day of October, 2001.

John O. Agwunobi, M. D., MBA  
Secretary, Department of Health

By:

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

COUNSEL FOR PETITIONER:

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

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Vicki R. Keron*  
DATE 10/22/01

*PCP: Shyers and Zachary  
on 10/2/01*

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH  
Petitioner,

vs.

CASE NUMBER: 2000-13136

FRANCINE TORAN,  
Respondent,

VOLUNTARY RELINQUISHMENT OF LICENSE

To avoid the necessity of further administrative proceedings in this case, the Respondent herein files this voluntary relinquishment of her license to practice Marriage and Family Therapy in the State of Florida, with the provision that the Respondent agrees never again to apply for licensure as a marriage and family therapist in the State of Florida. Additionally, Respondent understands that upon acceptance by the Board, this Voluntary Relinquishment shall be considered discipline by the Board.

DATED this 2nd day of January, 2002

Francine Toran  
Francine Toran  
AKA MIA FRANCINE SEGGER  
Respondent x Mia Francine Segger  
Case Number 00-13136  
(Signature must be notarized below)

Before me, personally appeared MIA FRANCINE SEGGER, whose identity is know to me by (type of identification) and who, under oath, acknowledges that his/her signature appears above.  
FLA. DRIVER'S LIC

Sworn to and subscribed by Respondent before me this 2nd day of January, 2002

STATE OF FLORIDA  
COUNTY OF PALM BEACH

[Signature]  
NOTARY PUBLIC  
My Commission expires: 8/30/2002

FLOR MA. JORGE  
NOTARY PUBLIC, STATE OF FLORIDA  
COMMISSION NO. CC 771480  
MY COMMISSION EXPIRES AUG. 30, 2002

Pact.

By: Vicki R. 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.: 00-13136

FRANCINE TORAN,

Respondent.

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**FINAL ORDER ACCEPTING VOLUNTARY RELINQUISHMENT**

THIS MATTER came before the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling (hereinafter the "Board") at a duly-noticed public meeting held on April 26, 2002 in Jacksonville, 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 13<sup>th</sup> day of June, 2002.

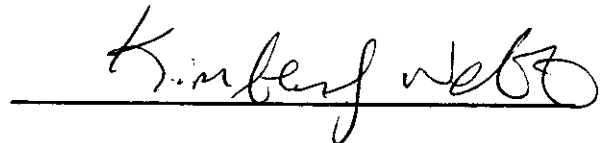
**BOARD OF CLINICAL SOCIAL  
WORK, MARRIAGE AND FAMILY  
THERAPY AND MENTAL HEALTH  
COUNSELING**



Susan J. Foster  
Executive Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail to: Respondent's Counsel, Anthony C. Vitale, P.A., 799 Brickell Plaza, Suite 700, Miami, Florida 33131; Francine Toran, 4890 N. Citation Drive, #101, Delray Beach, Florida 33445; Gary Asbell, Esq., Senior Attorney, Agency for Health Care Administration, P.O. Box 14229, Tallahassee, Florida 32317-4229; Lisa Pease, Esq., 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, on this 18 day of June, 2002.





Jeb Bush  
Governor

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

December 7, 2004

Office of the State Attorney  
Fifteenth Judicial Circuit  
Barry E. Krischer  
401 North Dixie Highway  
West Palm Beach, FL 33401

Complaint #200013136

Subject: Francine Toran

Dear Mr. Krischer:

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. The complaint was investigated by the Department of Health for a possible violation 491.009 (2)(k)(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 Nelson".

Sondra N. Allen  
Regulation Specialist III  
Consumer Services Unit

/www

Enclosure