

PJM

By: Shirley McKinn  
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.: 2001-17158**

**License No.: SW 1714**

**MARGARET GUMMOE, L.C.S.W.,**

**Respondent.**

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**FINAL ORDER**

This matter appeared before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, at a duly-noticed public meeting on October 28, 2005, in Jacksonville, Florida, for consideration of a Stipulation (attached hereto as Exhibit "A").

Respondent was present and was not represented by counsel. Upon consideration of the Stipulation, the documents submitted in support thereof, the arguments of the parties and otherwise being advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Stipulation be and hereby is approved and adopted in toto and incorporated by reference herein. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Stipulation.

This Order shall take effect upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 29 day of November, 2005.



SUSAN J. FOSTER, Board Executive Director  
for the Board of Clinical Social Work, Marriage and  
Family Therapy, and Mental Health Counseling

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by  
U.S. Mail to **MARGARET GUMMOE**, 17030 Winner's Circle, Odessa, Florida 33556; by  
interoffice mail to **Michael T. Flury**, Assistant Attorney General, Office of the Attorney  
General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; **Lynette Norr**, Assistant General  
Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida  
32399-3265 this 30<sup>th</sup> day of November, 2005.



**Deputy Agency Clerk**

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

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**v.**

**CASE NO.: 2001-17158**

**MARGARET GUMMOE, L.C.S.W.,**

**Respondent.**

**SETTLEMENT STIPULATION**

Pursuant to Section 120.57(4), Florida Statutes, the above named parties hereby offer this Stipulation to the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (hereinafter "Board") as disposition of the Administrative Complaint, attached hereto as Exhibit "A" and incorporated herein by reference, in lieu of any other administrative proceedings. The terms herein become effective only if and when a Final Order accepting this Stipulation is issued by the Board and filed. In considering this Stipulation, the Board may review all investigative materials regarding this case. If this Stipulation is rejected, it, and its presentation to the Board, shall not be used against either party.

**STIPULATED FACTS**

1. For all times pertinent herein, Respondent was a licensed clinical social worker in the State of Florida, having been issued license number LSW 1714 on

December 12, 1986. The Respondent's address of record is 17030 Winner's Circle, Odessa, Florida 33556-1052.

2. The Respondent was charged by an Administrative Complaint, filed by the Department of Health and properly served upon Respondent with violations of Chapters 456 and 491, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit "A".

3. Respondent neither admits nor denies the factual allegations contained in the Administrative Complaint for the purposes of settlement in these administrative proceedings only.

#### **STIPULATED LAW**

1. Respondent admits that she is subject to the provisions of Chapters 456 and 491, Florida Statutes, and the jurisdiction of the Department of Health and the Board.

2. Respondent admits that the stipulated facts, if proven true, constitute violations of laws as alleged in the Administrative Complaint.

3. Respondent admits that the Stipulation is a fair, appropriate, and reasonable resolution to this pending matter.

#### **PROPOSED DISPOSITION**

1. **APPEARANCE**: The Respondent shall be present when this Stipulation is presented by the Department to the Board and under oath shall answer questions by the Board concerning this case and the disposition thereof.

2. **LETTER OF CONCERN**: The license of Respondent shall receive a Letter of Concern from the Board.

3. **FINE**: The Board shall impose an administrative fine of two hundred fifty dollars (\$250.00) against the license of the Respondent.

4. **COSTS**: Respondent shall pay the actual costs of the complaint and investigation of this matter of four hundred sixty dollars and sixteen cents (\$460.16).

***The fine and costs are to be paid by the Respondent to the Department of Health, HMQAMS/Client Services, ATTN: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Compliance Officer, P.O. Box 6320, Tallahassee, FL 32314-6320, within (30) thirty-days of the filing of a Final Order accepting and incorporating this Stipulation.***

5. Respondent shall not in the future violate Chapters 456 and 491, Florida Statutes, the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or to the ability to practice mental health counseling.

6. It is expressly understood that a violation of the terms of this Stipulation shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 491, Florida Statutes.

7. It is expressly understood that this Stipulation is subject to approval of the Board and Department of Health and has no force or effect until the Board bases an Order upon it.

8. The Respondent, for the purpose of avoiding further administrative action with respect to this particular case, executes this Stipulation. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this Stipulation. Respondent agrees to support this Stipulation at the time it is presented to the Board and shall offer no evidence, testimony, or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this Stipulation not be accepted by the Board, it is agreed that the presentation and consideration of this Stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

9. The Respondent and the Department of Health fully understand that this Stipulation and subsequent Final Order incorporating same, will in no way preclude additional proceedings by the Board and/or Department of Health against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint, attached hereto as Exhibit "A", issued in this cause.

10. The Respondent waives the right to seek attorneys' fees and/or costs from the Department of Health in connection with this disciplinary proceeding.

11. Upon the Board's adoption of this Stipulation, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this Stipulation and the Final Order of the Board incorporating said Stipulation.

WHEREFORE, the parties hereby request the Board to enter a Final Order accepting and implementing the terms contained herein.

SIGNED this 26 day of September, 2005.

Margaret Gummoe  
Margaret Gummoe  
Case Number: 2001-17158

STATE OF FLORIDA  
COUNTY OF HILLS-

Before me personally appeared Margaret Gummoe, whose identity is known to me by personal knowledge or by presentation of \_\_\_\_\_ as Identification (type of identification), and who acknowledges that his or her signature appears above.

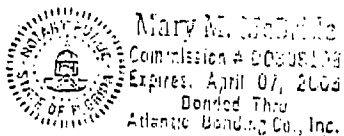
Sworn to or affirmed before me this 26 day of Sept-, 2005.

Mary M. McBride  
Notary Public

4-7-08  
My Commission Expires

APPROVED this 26 day of Sept-, 2005.

John O. Agwunobi, MD, MBA  
Secretary, Department Of Health



Mari M. Burt  
By: Wings S. Berton  
Deputy General Counsel  
Department of Health

**COUNSEL FOR PETITIONER:**  
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Assistant General Counsel  
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STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

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vs.

Case Number: 2001-17158

MARGARET GUMMOE, LCSW,

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 MARGARET GUMMOE, LCSW, 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 456 (formerly Chapter 455, Part II; see Chapter 2000-160, Laws of Florida), 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 1714.

3. The last address of record for the Respondent is 3820 Northdale Boulevard, Suite 350B, Tampa, Florida 33624.

4. On November 20, 2000, an Order Holding Cause of Action in Abeyance and Requiring the Parties to Participate in Counseling was filed in the case of In re: The Marriage of: LC v KC, pending In the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, State of Florida, Family Law Division.

5. The Order did not specifically identify the Respondent as the treating marital counselor. The Order did not require the therapist to provide treatment reports to the court.



6. In December 2000, the Respondent provided marital counseling services to KC and LC. The marital counseling sessions were held on or about December 8, 2000 and December 18, 2000.

7. In a letter to the Respondent dated December 21, 2000, LC stated that LC would not be attending any additional counseling sessions.

8. The Respondent contacted KC and requested that he execute a waiver permitting the Respondent to submit a summary report of the marital counseling to the parties' attorneys.

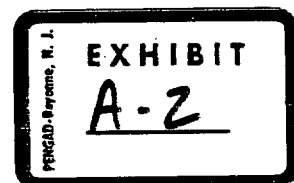
9. KC refused to sign a waiver and advised Respondent that he did not consent to the release of any information about him to anyone.

10. The Respondent sent a letter dated December 29, 2000, to LC's attorney that contained personal information about KC learned during the marital counseling sessions.

11. Section 491.0147, Florida Statutes states that any communication between a licensee and a patient or client shall be confidential. The statute allows for waiver of confidentiality only when: the licensee is a defendant in a civil, criminal, or disciplinary action arising from a complaint filed by the patient; the patient agrees to waive confidentiality, in writing, or in the case of a family receiving therapy, when each family member agrees in writing to waive confidentiality; or there is a clear and immediate probability of physical harm to the patient, other individuals, or to society.

12. None of the circumstances permitting waiver of confidentiality were present when the Respondent submitted the summary report to LC's attorney.

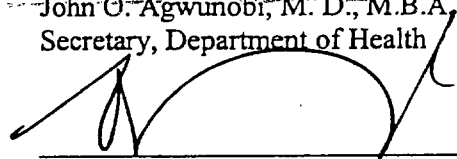
13. The Respondent is subject to discipline for violating Section 491.009(2)(v), Florida Statutes (2000), by failing to maintain in confidence a communication made by a patient or client in the context of such services.




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 the Respondent's license; restriction of Respondent's practice; imposition of an administrative fine; assessment of the costs related to the investigation and prosecution of the matter; 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 17th day of June, 2002.

John O. Agwunobi, M. D., M.B.A.  
Secretary, Department of Health

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

COUNSEL FOR PETITIONER:

Deborah B. Loucks   
Senior Attorney  
Florida Attorney Number 0169889  
Agency for Health Care Administration  
Practitioner Regulation - Legal  
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(850) 487-9694

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK Vicki R. Kenon  
DATE 6/24/02

PCP: ACKORD, SHYER + ZACHARY  
DATE: APRIL 18, 2002

EXHIBIT  
A-3  
PENNSYLVANIA, N. J.