

RSM

By: Rachel Bell
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.: 2003-03453
2005-67717
License No.: MH 2912**

H. STEVEN PEIRSOL, L.M.H.C.

Respondent.

_____ /


FINAL ORDER

This matter appeared before the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, pursuant to Sections 120.569 and 120.57(4), Florida Statute, at a duly-noticed public meeting on May 11, 2007, in Orlando, Florida, for consideration of a Voluntary Relinquishment of License (attached hereto as Exhibit "A") executed by the Respondent in this cause. Petitioner was represented by Cynthia Jakeman, Assistant General Counsel. Respondent was not present. Upon consideration of the Voluntary Relinquishment, 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 voluntary relinquishment is accepted as a resolution of this case.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 21st day of June, 2007.


Susan J. Foster, 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 **H. Steven Peirsol, c/o Allen Grossman, Esq., P.O. Box 11189, Tallahassee, FL 32302-3189**; by interoffice mail to Joy A. Tootle, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; **Cynthia Jakeman**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265 this 21 day of June, 2007.



Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2005-67717
CASE NO. 2003-03453

H. STEVEN PEIRSOL, L.M.H.C.,

Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent H. STEVEN PEIRSOL, L.M.H.C., license number MH 2912, hereby voluntarily relinquishes Respondent's license to practice MENTAL HEALTH COUNSELING in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes.

2. Respondent acknowledges that probable cause has been found as to a violation of Sections 491.009(1)(k)(r), Florida Statutes, and that an Amended Administrative Complaint has been filed in the above referenced case. Respondent neither admits nor denies the factual allegations in the Amended administrative Complaint.

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Case Nos. 2005-67717, 2003-03453 VRL
Prepared October 25, 2006

page 1 Initialed by Respondent 

3. Respondent agrees to never reapply for licensure under Chapter 491, Florida Statutes.

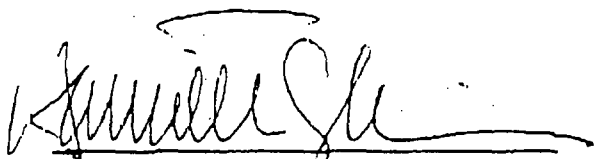
4. Respondent agrees to voluntarily cease practicing mental health counseling immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of mental health counseling until such time as this Voluntary Relinquishment is presented to the Board and the Board Issues a written final order in this matter.

5. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

6. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

7. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 16th day of NOVEMBER, 2006.

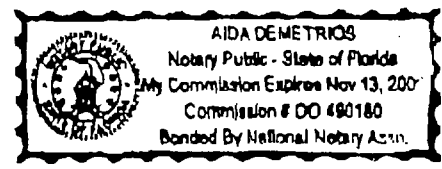


H. Steven Peirson, L.M.H.C.
Voluntary Relinquishment of License MH 2912
Case Numbers 2005-67717, 2003-03453

STATE OF FLORIDA FL
COUNTY OF Volusia

Before me personally appeared Hamilton Steven Peirson whose identity is known to me by personal knowledge or by presentation of FL Driver License as identification (type of identification), and who acknowledges that his or her signature appears above.

Sworn to or affirmed before me this 16th day of November, 2006.



Aida Demetrios
Notary Public

My Commission Expires

ATTORNEY FOR PETITIONER:
Lynette Norr, Ph.D., J.D.
Assistant General Counsel
Florida Bar Number 0010717
DOH/Prosecution Services Unit
4052 Bald Cypress Way, Bln C-65
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STATE OF FLORIDA
DEPARTMENT OF HEALTH

MAY 11 2006

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2003-03453

H. STEVEN PEIRSOL, L.M.H.C.,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (Board) against H. Steven Peirsol, L.M.H.C., and alleges:

1. Petitioner is the state agency charged with regulating the practice of clinical social work, marriage and family therapy, and mental health counseling pursuant to section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 491, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed mental health counselor in the State of Florida, having been issued license number MH 2912.

3. Respondent's address of record is Wellspring Institute, 930 Woodcock Road, Suite 200, Orlando, Florida 32803-1536; however, Respondent has closed that office facility and is receiving mail at 1300 Asbury Avenue, Orlando, Florida 32803.

4. At all times material hereto, Respondent provided mental health counseling at the Professional Counseling Division of the Wellspring Institute of Central Florida, L.L.C.

5. At all times material hereto, Respondent was the incorporator, director, and registered agent of the non-profit The Wellspring Institute Foundation, Inc.

6. At all times material hereto, Respondent was the manager and registered agent of the company The Wellspring Institute of Central Florida, L.L.C.

7. In or around the summer of 2002, patient E.M., an adult female, presented to the Respondent for mental health counseling.

8. In a signed memorandum from Respondent, dated August 30, 2002, to Louise Buhrman, M.D., psychiatrist, re: E.M., Respondent offers the diagnosis that the patient has been self-medicating, coupled with longstanding anxiety and possible psychosomatic affective syndrome(s); and asks Dr. Buhrman to "please consider a med-review for R/O Bipolar disorder."

9. As defined by Rule 64B4-10.003, Florida Administrative Code,

A psychotherapist-client relationship is established between a psychotherapist and a person once a psychotherapist renders, or purports to render, clinical social work, marriage and family therapy or mental health services including, but not limited to, psychotherapy, counseling, assessment or treatment to that person. A formal contractual relationship, the scheduling of professional appointments, or payment of a fee for services are not necessary conditions for the establishment of a psychotherapist-client relationship, although each of these may be evidence that such a relationship exists.

(1) Sexual misconduct, as defined in Rule 64B4-10.002, F.A.C., with a client is prohibited.

(2) For purposes of determining the existence of sexual misconduct the psychotherapist-client relationship, once established, is deemed to continue for a minimum of 2 years after termination of psychotherapy or the date of the last professional contact with the client.

(3) The psychotherapist shall not engage in or request sexual contact with a former client at any time if engaging with that client would be exploitative, abusive or detrimental to that client's welfare.

10. While E.M. was a patient of Respondent, Respondent told E.M. that he would help her as a friend.

11. While E.M. was a patient of Respondent, Respondent held E.M.'s hand during therapy sessions and other meetings when Respondent spoke with E.M., making E.M. feel uncomfortable.

12. While E.M. was a patient of Respondent, Respondent held E.M. and gave E.M. long hugs, making E.M. feel uncomfortable.

13. While E.M. was a patient of Respondent, Respondent invited E.M. into his home.

14. While E.M. was a patient of Respondent, Respondent managed E.M.'s money to keep her from spending it on drugs.

15. In or around the fall of 2002, Respondent's Institute loaned E.M. money as an advance for services.

16. While E.M. was a patient of Respondent and struggling with addiction issues, Respondent encouraged E.M. to drink wine at business lunches and in the office.

17. While E.M. was a patient of Respondent, Respondent invited E.M. to have a relationship with him.

18. While E.M. was a patient of Respondent, Respondent suggested she wear more provocative attire in the office.

19. While E.M. was a patient of Respondent, Respondent asked E.M. to dance for him.

20. While E.M. was a patient of Respondent, Respondent asked E.M. if Respondent could come over and give E.M. a massage.

21. While E.M. was a patient of Respondent, Respondent french-kissed E.M.

22. On or about October 9, 2002, E.M. reported the kissing incident to another L.M.H.C., who at that time practiced in a nearby office.

23. In or around the fall of 2002, Respondent hired E.M. to work as an office receptionist.

24. In or around the fall of 2002, Respondent hired E.M. to redecorate his house.

25. In an October 9, 2002, memorandum signed by and from Respondent to E.M., re: Formal Directives, Respondent re-iterated the importance of following the office Phone Policy, which included how and where to record phone messages.

26. In an October 9, 2002, memorandum signed by and from Respondent to E.M., re: Formal Directives, Respondent discussed E.M.'s salary, annual wages, pay periods, and reimbursement for mileage.

27. In an October 9, 2002, memorandum signed by and from Respondent to E.M., re: Formal Directives, Respondent discussed a prior advance of monies by the institute to E.M., and directed that the funds will be allocated per room or outdoor

project and only deducted when completed; the average cost per room will not exceed \$500.00 unless discussed in advance of each room or project; the loan will be reimbursed in full prior to December 15, 2002; the amount due is approximately \$1950.00; prior to December 15, 2002, four rooms in the house will have been completed before any further payment for services will be released unless previously discussed prior to the proceeding pay-period which corresponds with the office payroll

COUNT ONE – Boundary Issues

28. Petitioner re-alleges and incorporates paragraphs one (1) through twenty-seven (27) as if fully set forth in this count.

29. Section 491.009(1)(r), Florida Statutes (2002) provides that failure 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 certificate holder is not qualified by training or experience, constitutes grounds for disciplinary action by the Board.

30. An offer by a therapist to be a friend with, to manage money for, and take care of a patient are actions that fall below minimum standards of performance in professional activities because the therapist's actions are an inappropriate use of power in the therapeutic relationship, and give the patient the impression of a dual relationship, which violates the professional boundaries that must exist between a therapist and client.

31. Respondent failed to meet minimum standards of performance in professional activities when he offered to be a friend, take care of, and manage money for patient E.M.

32. Touching and affectionate behavior by a therapist with a patient are acts that fail to meet minimum standards of performance in professional activities because the therapist's actions are an inappropriate use of power in the therapeutic relationship, and give the patient the impression of a dual relationship, which violates the professional boundaries that must exist between a therapist and client.

33. Respondent fell below minimum standards of performance in professional activities when he held hands, hugged, and behaved affectionately toward his patient E.M.

34. Lending money to a patient and managing a patient's money are acts that fail to meet minimum standards of performance in professional activities because the therapist's actions are an inappropriate use of power in the therapeutic relationship, and give the patient the impression of a dual relationship, which violates the professional boundaries that must exist between a therapist and client.

35. Respondent fell below minimum standards of performance in professional activities when he advanced money to E.M. and offered to manage E.M.'s finances.

36. Based on the foregoing, Respondent violated Section 491.009(1)(r), Florida Statutes (2002), by failing to meet the minimum standards of performance in carrying out his professional activities by violating the professional boundaries that must exist between Respondent as the therapist and E.M. as the patient.

COUNT TWO – Standard of Care

37. Petitioner re-alleges and incorporates paragraphs one (1) through twenty-seven (27) as if fully set forth in this count.

38. Section 491.009(1)(r), Florida Statutes (2002) provides that failure 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 certificate holder is not qualified by training or experience, constitutes grounds for disciplinary action by the Board.

39. Encouragement by a therapist for a patient struggling with addiction issues to drink wine at business lunches or at any other time falls beneath the minimum standards of performance in professional activities when measured against generally prevailing peer performance.

40. Respondent failed to meet the minimum standards of performance in professional activities when Respondent encouraged E.M. to drink wine with lunch and at other times when they were together.

41. Based on the foregoing, Respondent violated Section 491.009(1)(r), Florida Statutes (2002), by failing to meet the minimum standards of performance in carrying out his professional duties by encouraging a patient with addictive tendencies to drink alcohol.

COUNT THREE – Sexual Misconduct

42. Petitioner re-alleges and incorporates paragraphs one (1) through twenty-seven (27) as if fully set forth in this count.

43. Section 491.009(1)(k), Florida Statutes (2005), provides that committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to s. 491.0111 constitutes grounds for disciplinary action by the Board.

44. Section 491.0111, Florida Statutes (2002), states that sexual misconduct by any person licensed or certified under this chapter, in the practice of her or his profession, is prohibited. Sexual misconduct shall be defined by rule.

45. Rule 64B4-10.002(1), Florida Administrative Code, provides, in part, that 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, among other acts, kissing or the touching of thighs whether clothed or unclothed.

46. Respondent committed sexual misconduct pursuant to Rule 64B4-10.002(1), Florida Administrative Code, by engaging in verbal and physical behavior intended to be sexually arousing with patient E.M.

47. Based on the foregoing, Respondent violated Section 491.009(1)(k), Florida Statutes (2002), by committing sexual misconduct as defined by Rule 64B4-10.002(1), Florida Administrative Code.

COUNT FOUR – Dual Relationship Employee

48. Petitioner re-alleges and incorporates paragraphs one (1) through twenty-seven (27) as if fully set forth in this count.

49. Section 491.009(1)(r), Florida Statutes (2002), provides that failure to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, constitutes grounds for disciplinary action by the Board.

50. Hiring a patient to work in the therapy office falls below minimum standards of performance in professional activities because the dual relationship of patient and employee in the office violates the professional boundaries that must exist between a therapist and client.

51. Respondent failed to meet minimum standards of performance in professional activities by hiring E.M. to work in his therapy office.

52. Hiring a patient to work in the therapist's home falls below minimum standards of performance in professional activities because the dual relationship of patient and employee in the home violates the professional boundaries that must exist between a therapist and client.

53. Respondent failed to meet minimum standards of performance in professional activities by hiring patient E.M. to redecorate his home.

54. Based on the foregoing, Respondent violated Section 491.009(1)(r), Florida Statutes (2002), by failing to meet the minimum standards of performance in carrying out his professional activities by hiring Respondent's patient, E.M., to work in his therapy office and in his home.

COUNT FIVE – Patient Records

55. Petitioner re-alleges and incorporates paragraphs one (1) through twenty-seven (27) as if fully set forth in this count.

56. Section 491.009(1)(w), Florida Statutes (2002), provides that violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto, constitutes an act for which discipline may be imposed by the Board.

57. Section 491.0148, Florida Statutes (2002), provides that each psychotherapist who provides services as defined in this chapter shall maintain records. The board may adopt rules defining the minimum requirements for records and reports, including content, length of time records shall be maintained, and transfer of either the records or a report of such records to a subsequent treating practitioner or other individual with written consent of the client or clients.

58. Rule 64B4-9.001(1), Florida Administrative Code, provides that a licensed clinical social worker, marriage and family therapist, or mental health counselor, including any registered intern or provisional licensee, shall maintain responsibility for all records relating to his clients as provided in Section 456.057, F.S. All such records shall remain confidential except as provided by law or as allowed pursuant to a written and signed authorization by the client specifically requesting or authorizing release or disclosure of records in his office or possession.

59. Rule 64B4-9.001(2), Florida Administrative Code, provides that a full record of services shall be maintained for 7 years after the date of the last contact with the client or user.

60. Rule 64B4-9.002(2), Florida Administrative Code, provides that a psychotherapy record shall contain basic information about the client including name, address and telephone number, dates of therapy sessions, treatment plan and results achieved, diagnosis if applicable, and financial transactions between therapist and client including fees assessed and collected. A record shall also include notes or documentation of the client's consent to all aspects of treatment, copies of all client authorizations for release of information, any legal forms pertaining to the client, and documentation of any contact the therapist has with other professionals regarding the client.

61. Respondent violated Section 491.0148, Florida Statutes (2002), by failing to maintain records for E.M.

62. Based on the foregoing, Respondent violated Section 491.009(1)(w), Florida Statutes (2002) by violating Section 491.0148, Florida Statutes (2002), by failing to maintain records according to Rules 64B4-9.001(1), 64B4-9.001(2), and 64B4-9.002(2), Florida Administrative Code.

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WHEREFORE, the Petitioner respectfully requests that the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 10th day of May, 2006.

M. Rony Francois, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health



By: _____

Lynette Norr, Ph.D., J.D.
Assistant General Counsel
Florida Bar No. 0010717
Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
(850) 245-4640
(850) 245-4682 FAX

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK *Jhessa McKinn*

DATE 5-11-06

PCP Date: April 20, 2006
PCP-2 Members: Zachary, Shyers, Adejokun-Ojo

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2005-67717

H. STEVEN PEIRSOL, L.M.H.C.,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (Board) against H. STEVEN PEIRSOL, L.M.H.C., and alleges:

1. Petitioner is the state agency charged with regulating the practice of clinical social work, marriage and family therapy, and mental health counseling pursuant to section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 491, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed mental health counselor in the State of Florida, having been issued license number MH 2912.

3. Respondent's address of record is Wellspring Institute, 930 Woodcock Road, Suite 200, Orlando, Florida 32803-1536; however, Respondent has closed that office facility and is receiving mail at 1300 Asbury Avenue, Orlando, Florida 32803.

4. At all times material hereto, Respondent provided mental health counseling at the Professional Counseling Division of the Wellspring Institute of Central Florida, L.L.C.

5. At all times material hereto, Respondent was the incorporator, director, and registered agent of the non-profit The Wellspring Institute Foundation, Inc.

6. At all times material hereto, Respondent was the manager and registered agent of the company The Wellspring Institute of Central Florida, L.L.C.

7. On or around December 20, 2004, adult male T.P., presented to the Respondent for mental health counseling.

8. On or about December 20, 2004, J.P., adult female and spouse of T.P. presented to Respondent with her husband.

9. In or about January 2005, T.P. entered in-patient treatment at The Plaza House.

10. In or about January 2005, J.P. began individual therapy sessions with the Respondent approximately three times a week.

11. On or about January 17, 2005, Respondent hugged J.P.

12. On or about January 17, 2005, Respondent told J.P. she could kiss him.

13. From in or about April 2005 to in or about July 2005, Respondent and J.P. engaged in sexual acts, including sexual intercourse, at Respondent's office, at the Marriot World Center, at Respondent's home, and at J.P.'s home.

14. During the time J.P. was seeing the Respondent for individual counseling, Respondent sought nutritional advise from J.P. and obtained nutritional products from J.P.

15. Respondent invited J.P. to his home to look at his pantry as part of J.P.'s nutritional assessment for Respondent.

16. As defined by Rule 64B4-10.003, Florida Administrative Code,

A psychotherapist-client relationship is established between a psychotherapist and a person once a psychotherapist renders, or purports to render, clinical social work, marriage and family therapy or mental health services including, but not limited to, psychotherapy, counseling, assessment or treatment to that person. A formal contractual relationship, the scheduling of professional appointments, or payment of a fee for services are not necessary conditions for the establishment of a psychotherapist-client relationship, although each of these may be evidence that such a relationship exists.

(1) Sexual misconduct, as defined in Rule 64B4-10.002, F.A.C., with a client is prohibited.

(2) For purposes of determining the existence of sexual misconduct the psychotherapist-client relationship, once established, is deemed to continue for a minimum of 2 years after termination of psychotherapy or the date of the last professional contact with the client.

(3) The psychotherapist shall not engage in or request sexual contact with a former client at any time if engaging with that client would be exploitative, abusive or detrimental to that client's welfare.

COUNT ONE

17. Petitioner re-alleges and incorporates paragraphs one (1) through sixteen (16) as if fully set forth in this count.

18. Section 491.009(1)(k), Florida Statutes (2005), provides that committing any act upon a patient or client which would constitute sexual battery or which would

constitute sexual misconduct as defined pursuant to s. 491.0111 constitutes grounds for disciplinary action by the Board.

19. Section 491.0111, Florida Statutes (2002), states that sexual misconduct by any person licensed or certified under this chapter, in the practice of her or his profession, is prohibited. Sexual misconduct shall be defined by rule.

20. Rule 64B4-10.002(1), Florida Administrative Code, provides that 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 either the psychotherapist or the client of the other's breasts, genital areas, buttocks, or thighs, whether clothed or unclothed.

21. Respondent committed sexual misconduct pursuant to Rule 64B4-10.002(1), Florida Administrative Code, by engaging in sexual acts, including sexual intercourse, with patient J.P.

22. Based on the foregoing, Respondent violated Section 491.009(1)(k), Florida Statutes (2002), by committing sexual misconduct as defined by Rule 64B4-10.002(1), Florida Administrative Code.

COUNT TWO

23. Petitioner re-alleges and incorporates paragraphs one (1) through sixteen (16) as if fully set forth in this count.

24. Section 491.009(1)(r), Florida Statutes (2002) provides that failure 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 certificate holder is not qualified by training or experience, constitutes grounds for disciplinary action by the Board.

25. An invitation by a therapist for a patient or client to come to the therapist's home is an act that fails to meet minimum standards of performance in professional activities because the therapist's actions are an inappropriate use of power in the therapeutic relationship, and give the patient the impression of a dual relationship, which violates the professional boundaries that must exist between a therapist and client.

26. Respondent failed to meet minimum standards of performance in professional activities when he invited J.P. to his home.

27. Pursuing a dual relationship with a patient is an act that fails to meet minimum standards of performance in professional activities because the therapist's actions are an inappropriate use of power in the therapeutic relationship and a violation of the professional boundaries that must exist between a therapist and client.

28. Respondent failed to meet minimum standards of performance in professional activities by pursuing a nutritional consulting relationship with J.P.

29. Based on the foregoing, Respondent violated Section 491.009(1)(r), Florida Statutes (2002), by failing to meet the minimum standards of performance in carrying out his professional activities by violating the professional boundaries that must exist between Respondent as the therapist and J.P. as the patient.

WHEREFORE, the Petitioner respectfully requests that the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 30th day of June, 2006.

M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

By: 

Lynette Norr, Ph.D., J.D.
Assistant General Counsel
Florida Bar No. 0010717
Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
(850) 245-4640
(850) 245-4682 FAX

Waiver of Probable Cause

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2005-67717

H. STEVEN PEIRSOL, L.M.H.C.,

Respondent.

VOLUNTARY AGREEMENT TO WAIVE CONFIDENTIALITY AND
TO WITHDRAW FROM PRACTICE

Respondent, H. STEVEN PEIRSOL, L.M.H.C. license number MH 2912, hereby agrees to withdraw from Respondent's practice of mental health counseling in the State of Florida and states:

1. Respondent understands that this Agreement constitutes a legal obligation within the meaning of Section 456.072(1)(k), Florida Statutes. Respondent further understands that any violation of the terms of this Agreement by Respondent shall constitute sufficient probable cause for the issuance by Petitioner of an Emergency Suspension of Respondent's license to practice as a health care practitioner in the State of Florida.

2. Petitioner has received a complaint in this matter containing allegations that Respondent has violated Section 491.009(1)(k), Florida Statutes.

3. So as to avoid the necessity of an order restricting or suspending Respondent's license to practice, Respondent has agreed to voluntarily withdraw from his practice in the State of Florida until such time as the Board determines that the Respondent can safely practice mental health counseling.

4. Respondent understands that this Agreement in no way precludes additional proceedings by Petitioner for any acts or omissions by Respondent not referenced in this matter.

5. Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public.

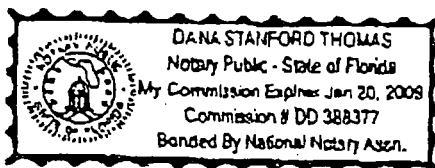
6. Respondent, being fully advised of the consequences of so doing and having the opportunity to consult with counsel of his/her choosing, hereby agrees that upon his/her execution of this Agreement, it shall immediately be made accessible to the public. In addition, Respondent's licensure status and profile with the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling will reflect the withdrawal stated herein.

SIGNED this 2nd day of June 2006.


 H. Steven Peirsol, L.M.H.C.
 RESPONDENT

STATE OF FLORIDA
 County of ORANGE

Before me, personally appeared H. Steven Peirsol, L.M.H.C., whose identity is known to me by FL DRIVER'S LICENSE (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed by Respondent before me this 2 day of JUNE 2006.




 Notary Public
 My Commission Expires: 1/20/09

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No. 2005-67717

H. STEVEN PEIRSOL, L.M.H.C.,

Respondent.

WAIVER OF FINDING OF PROBABLE CAUSE
AND WAIVER OF CONFIDENTIALITY

1. A confidential Uniform Complaint Form was filed in the above referenced case with the Department of Health on or about December 16, 2005. A copy of an Administrative Complaint, which will be filed, along with this waiver, with the office of the agency clerk of the Department of Health, is attached as Exhibit A.

2. Pursuant to Section 456.073(10), Florida Statutes, I, **H. Steven Peirsol**, license number MH 2912, have been advised of my right to a finding of probable cause and of the confidentiality provisions of Section 456.073(4) and (10), Florida Statutes. I understand that if I choose not to waive the privilege of confidentiality or the right to a determination of probable cause by the Probable Cause Panel or by the Department, the complaint and all information obtained pursuant to the department's investigation would be confidential until 10 days after probable cause has been found to exist by the Probable Cause Panel or by the Department. I also understand that if there is no finding by a Probable Cause Panel or the Department that probable cause exists, then in the absence of my waiver of probable cause and waiver of confidentiality, the


Initials

complaint and all information obtained pursuant to the investigation would remain confidential.

3. I, **H. Steven Peirsol**, being fully advised of the consequences of so doing, hereby admit probable cause exists in Count One for a violation of Section 491.009(1)(k), Florida Statutes (2002), as defined pursuant to s. 491.0111, Florida Statutes, and rules 64B4-10.002 and 64B4-10.003, Florida Administrative Code, and in Count Two for a violation of Section 491.009(1)(r), Florida Statutes (2002); waive the statutory privilege of confidentiality; and waive the right to a determination of probable cause by the Probable Cause Panel, or the Department when appropriate, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action in order to expedite consideration and resolution of this action by the Florida Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling in a public meeting. I further waive personal service of any Administrative Complaint filed in the above-referenced matters and consent to service of the Administrative Complaint on my attorney of record.

By signing this waiver, I understand that the complaint and all information obtained pursuant to the investigation by the Department, as well as the Administrative Complaint, will immediately become a public record that is immediately accessible to the public. Section 456.073(10) Florida Statutes.


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I AFFIRM THAT I HAVE READ AND UNDERSTOOD THE FOREGOING WAIVER OF PROBABLE CAUSE AND CONSENT TO ALL TERMS HEREIN.

[Handwritten Signature]

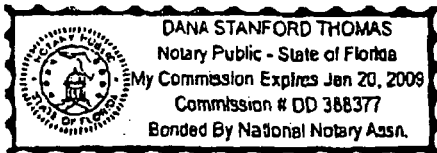
H. Steven Peirsol, L.M.H.C.
Case No. 2005-67717

STATE OF FLORIDA
COUNTY OF ORANGE

Sworn to and subscribed before me this 30 day of JUNE, 2006, by H. Steven Peirsol, L.M.H.C., _____ who is personally known to me, _____ or who produced FL/DRIVERS LICENSE (type of identification) as identification.

[Handwritten Signature]

NOTARY PUBLIC, STATE OF FLORIDA



My Commission Expires: 1/20/09

[Handwritten Initials]
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