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By: Racal R. [Signature]
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.: 2006-25721
License No.: SW 1862**

GAIL W. ALLEN, L.C.S.W.,

Respondent.

_____ /

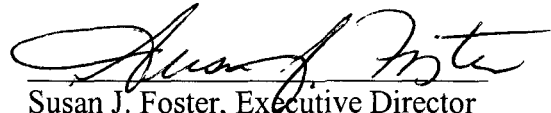
FINAL ORDER

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 August 3, 2007, in Ft. Lauderdale, 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,

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.

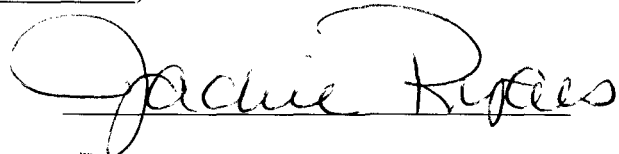
DONE AND ORDERED this 22nd day of August, 2007.



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 **GAIL W. ALLEN, L.C.S.W., 8301 Route 28 #7, Barnweld, NY 13304**; 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 23rd day of August, 2007.



Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2006-25721

GAIL ALLEN, L.C.S.W.,

Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent, Gail Allen, L.C.S.W., license No. SW 1862, hereby voluntarily relinquishes Respondent's license to clinical social work 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 & 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 agrees to never reapply for licensure under Chapter 491, Florida Statutes.

3. Respondent agrees to voluntarily cease practicing clinical social work in the State of Florida immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of clinical social work until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

4. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), 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. Section 456.073(10), Florida Statutes.

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 10th day of July, 2007.

Gail W. Allen
Gail Allen, L.C.S.W.

STATE OF: NEW YORK
COUNTY OF: Oneida

Before me, personally appeared Gail W. Allen, whose Identity is known to me by Florida Drivers License (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 10th day of June, 2007.

Jacqueline Paladino
NOTARY PUBLIC

My Commission Expires: 07/03/10

JACQUELINE PALADINO
Notary Public, State of New York
Oneida County, Reg. #01PA6149200
My Commission Expires 07/03/10

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2006-25721

GAIL ALLEN, L.C.S.W.,

Respondent.

MAY 22 2007

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling (Board) against the Respondent, Gail Allen, L.C.S.W., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of clinical social work, marriage & family therapy and mental health counseling pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 491, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed clinical social worker within the state of Florida and was issued license number SW 1862 on December 3, 1987.
3. Respondent's address of record is 715 North Lavon Avenue, Kissimmee, Florida, 34741.

4. J.H. initially sought individual treatment with the Respondent on or about August 19, 2005, due to depression and emotional turmoil with J.H.'s son and estranged husband. Respondent's records indicate that Respondent saw J.H. ten (10) times, from on or about August 19, 2005 to on or about November 8, 2005.

5. On or about November 2, 2005, the Respondent met with J.H. and J.H.'s estranged husband to talk with J.H. about signing documents concerning the pending divorce between J.H. and her estranged husband.

6. During the November 2, 2005 meeting, the Respondent, without the consent of J.H., suggested that J.H.'s estranged husband should come in and see the Respondent.

7. Respondent sent a letter dated April 23, 2006, to J.H.'s estranged husband's attorney which contained confidential communications regarding J.H.'s therapy with the Respondent.

8. The Respondent failed to obtain a waiver of confidentiality from J.H., prior to disclosure of the April 23, 2006, letter to J.H.'s estranged husband's attorney.

9. On or about June 23, 2006, the Respondent provided deposition testimony in the Circuit Court of the Ninth Judicial Circuit in and for Orange County, involving a case between J.H.'s former daughter-in-law and J.H.'s son.

10. During the Respondent's deposition, the Respondent revealed confidential communications regarding J.H.'s therapy with the Respondent.

11. The Respondent failed to obtain a waiver of confidentiality from J.H. prior to her disclosure in her deposition of confidential communications regarding J.H.'s therapy with the Respondent.

COUNT ONE

12. Petitioner realleges and incorporates paragraphs one (1) through eleven (11) as if fully set forth herein.

13. Section 491.009(1)(r), Florida Statutes (2005-2006), provides that 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 is not qualified by training or experience, constitutes an act for which disciplinary action may be taken.

14. Respondent violated Section 491.009(1)(r), Florida Statutes (2005-2006), in one or more of the following ways:

- a. By suggesting, without J.H.'s consent, that J.H.'s estranged husband should come in and see the Respondent;
- b. By revealing, without a waiver from J.H., confidential communications regarding J.H.'s therapy in Respondent's April 23, 2006, letter to J.H.'s estranged husband's attorney; or
- c. By revealing, without a waiver from J.H., confidential communications regarding J.H.'s therapy during Respondent's deposition testimony of June 23, 2006.

15. Based on the foregoing, Respondent violated Section 491.009(1)(r), Florida Statutes (2005-2006), by failing to meet minimum standards of performance in professional activities when measured against generally prevailing peer performance.

COUNT TWO

16. Petitioner realleges and incorporates paragraphs one (1) through eleven (11) as if fully set forth herein.

17. Section 491.009(1)(u), Florida Statutes (2005-2006), provides that failing to maintain in confidence a communication made by a patient or client in the context of such services, except as provided in s. 491.0147, constitutes an act for which disciplinary action may be taken.

18. Section 491.0147, Florida Statutes (2005-2006) provides that any communication between any person licensed under this chapter and her or his patient or client shall be confidential. This secrecy may be waived under the following conditions:

- (1) When the person licensed under this chapter is a party defendant to a civil, criminal, or disciplinary action arising from a complaint filed by the patient or client, in which case the waiver shall be limited to that action.
- (2) When the patient or client agrees to the waiver, in writing, or when more than one person in a family is receiving therapy, when each family member agrees to the waiver, in writing.
- (3) When there is a clear and immediate probability of physical harm to the patient or client, to other individuals, or to society and the person licensed

or certified under this chapter communicates the information only to the potential victim, appropriate family member, or law enforcement or other appropriate authorities.

19. Respondent violated Section 491.009(1)(u), Florida Statutes (2005-2006), in one or more of the following ways:

a. By failing to maintain confidentiality of privileged information regarding J.H.'s therapy in the April 23, 2006, letter that was sent by the Respondent to J.H.'s estranged husband's attorney; or

b. By failing to maintain confidentiality of privileged information regarding J.H.'s therapy in Respondent's deposition given on June 23, 2006.

20. Based on the foregoing, Respondent violated Section 491.009(1)(u), Florida Statutes (2005-2006), by failing to maintain in confidence communications made by J.H. during the course of J.H.'s therapy with Respondent except as provided in s. 491.0147.

WHEREFORE, the Petitioner respectfully requests that the Board 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 and/or any other relief that the Board deems appropriate.

SIGNED this 17th day of May, 2007.

Ana M. Viamonte Ros, M.D., M.P.H.
Secretary, Department of Health



Cynthia L. Jakeman
Assistant General Counsel
Florida Bar # 0714690
Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
(850) 245-4640 voice
(850) 245-4682 FAX

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Racner
DATE 5-27-07

PCP Date: May 17, 2007
PCP Members: Shyers, Day, Macomber

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.