

FILED

Agency for Health Care Administration

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STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONS

BOARD: Marriage and Family Therapy

CASE NUMBER: 90-14318

COMPLAINT MADE BY: DPR

DATE COMPLAINT RECEIVED: October 29, 1990

COMPLAINT MADE AGAINST: Thomas A. Walton  
233 S.E. 11th Ave.  
Pompano Bch., Fl 33060

INVESTIGATED BY: Denise Love

REVIEWED BY: Charles Faircloth/DN *CF*

RECOMMENDATION: PL-82

DETAILED REPORT/CLOSING ORDER

THE COMPLAINT: The Complainant alleged that the Subject violated Chapter 491, Florida Statutes, by willfully filing a false report, making misleading representations, and failing to meet the minimum standard of care.

THE FACTS: The instant case was reviewed by the Probable Cause Panel on April 9, 1993 where probable cause was found on the following violations:

1. Section 491.009(2)(i), Florida Statutes;
1. Section 491.009(2)(l), Florida Statutes;
2. Section 491.009(2)(s), Florida Statutes;

Section 455.225(2), Florida Statutes in part states:

... At any time after legal sufficiency is found, the department may dismiss any case, or any part thereof, if the department determines that there is insufficient evidence to support the prosecution of allegations contained therein...

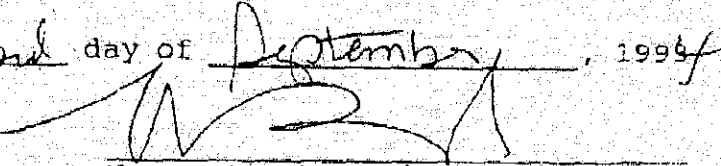
The Complainant alleged that the Subject engaged in false billing. The Investigative Report contains no evidence to support this allegation. The fact that the patient's insurance company has requested monies be refunded due to overpayment does not establish that the Subject submitted false claims. This fact alone does not provide the Department with sufficient evidence to prosecute.

Pursuant to Section 455.225(2), Florida Statutes, the Department has determined that there is insufficient evidence to warrant additional prosecution in this matter.

THE LAW: Based on the foregoing and pursuant to Section 455.225, Florida Statutes, the department has hereby furnished a detailed report to the probable cause panel and dismissed the instant case.

It is therefore, ORDERED that this case be and thereby closed and Nolle Prossed.

DONE AND ORDERED this 23rd day of September, 1998

  
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Nancy Snurkowski  
Chief Attorney  
Allied Health

② presented 9-15-94 by  
LISA M. BASSITT, Esq.  
Accepted by panel