

MAR 06 2000

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 97-00988

GLENN ROSS CADDY,

Respondent.

ADMINISTRATIVE COMPLAINT

DEPARTMENT OF HEALTH, hereinafter referred to as "Petitioner", files this Administrative Complaint before the Board of Psychology against GLENN ROSS CADDY, hereinafter referred to as "Respondent", and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of Psychology pursuant to Section 20.43, Florida Statutes, Chapter 455, Florida Statutes, and Chapter 490, Florida Statutes. Pursuant to the authority of Section 20.43(3)(f), Petitioner 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, including the issuance of emergency orders of suspension or restriction.

2. Respondent is, and has been at all times material hereto, a licensed Psychologist in the state of Florida, having been issued license number PY 0002093.

3. Respondent's last known address is 2801 North University Drive #201, Coral Springs, Florida 33065.

4. From approximately June 1994 to August 1996 Respondent was the court-appointed psychologist in the marriage dissolution custody case between R.B. and J.A.B.

5. The billing statements reflect that Respondent conducted four psychological evaluations and seven psychotherapy sessions with J.A.B., the mother of the minor child.

6. According to the patient records, Respondent only saw J.A.B. on five separate occasions.

7. Respondent billed J.A.B.'s insurance company repeatedly for psychotherapy sessions he was not authorized to perform and which never took place. Respondent was only supposed to conduct an evaluation of J.A.B. J.A.B. was receiving counseling elsewhere at the time, through Christian Counseling services. Respondent never had written or oral consent from J.A.B. to perform any type of psychotherapy.

8. When J.A.B. attended an evaluation session accompanied by her counselor, Respondent terminated the session early and charged J.A.B. as if the entire session had taken place.

9. When J.A.B. attended an evaluation session accompanied by her attorney, Respondent terminated the scheduled appointment and charged J.A.B. for the session.

10. Additionally, Respondent billed J.A.B.'s insurance company for collateral contact, although Respondent testified in court that he made no collateral contact on behalf of J.A.B.

11. Respondent spent the majority of his authorized court time providing services, evaluations, and psychotherapy to J.A.B.'s ex-husband, R.B. There are in excess of thirty psychotherapy sessions billed to R.B. Respondent testified that he

conducted psychological testing only with the ex-husband and not J.A.B. Respondent further testified that his total time spent with J.A.B. amounted to two and a half hours.

12. Respondent also charged J.A.B. for report preparation when there is no documentation of there ever being a written report. Respondent only testified in a deposition and to the court.

13. Based on the amount of professional time spent with J.A.B. and R.B. and the absence of any psychological testing performed on J.A.B., Respondent's evaluation of both parties with regard to the marriage dissolution custody case was biased in favor of R.B. Respondent's ability to evaluate J.A.B. and R.B. objectively was compromised, and his findings were one-sided.

COUNT I

14. Based on the foregoing, Respondent has violated Section 490.009(2)(s), Florida Statutes, by 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.

COUNT II

15. Petitioner realleges and incorporates by reference the allegations contained in paragraphs one (1) through thirteen (13).

16. Based on the foregoing, Respondent has violated Section 490.009(2)(i), Florida Statutes, by willfully making or filing a false report or record; failing to file a report or record required by state or federal law.

COUNT III

17. Petitioner realleges and incorporates by reference the allegations contained in paragraphs one (1) through thirteen (13).

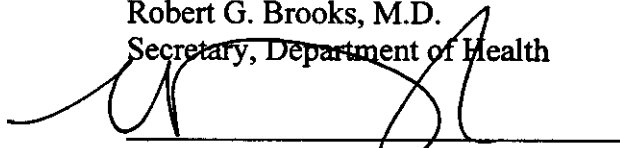
18. Based on the foregoing, Respondent has violated Section 490.009(2)(1), Florida Statutes, by making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed under this chapter.

WHEREFORE, Petitioner respectfully requests the Board of Psychology to enter an order imposing one or more of the following penalties: revocation or suspension of Respondent's license, restriction of Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of Respondent's license on probation for a period of time and subject to term and/or any other relief which the Board deems appropriate.

Signed this 20th day of February, 2000.

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Vicki R. Ellison
DATE 3-6-2000

Robert G. Brooks, M.D.
Secretary, Department of Health


By: Nancy M. Snunkowski
Chief Attorney
Office of General Counsel-MQA
Practitioner Regulation-Legal

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SF/st

PCP Date 1-26-2000

STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK *Heather Coleman*

DATE 1/13/04

BOARD: Psychology

CASE NUMBER: 1997-00988

COMPLAINT MADE BY: J.A.B.

COMPLAINT MADE AGAINST: Glenn Ross Caddy, Ph. D.
2455 East Sunrise Boulevard
Suite 320
Fort Lauderdale, Florida 33304

DATE OF COMPLAINT: January 14, 1997

INVESTIGATED BY: Laura Eggnatz
Fort Lauderdale ISU

REVIEWED BY: Richard J. Shoop *RS*

RECOMMENDATION: Dismiss (4097)

NOTICE OF DISMISSAL/CLOSING ORDER

THE COMPLAINT: Complaint alleges that the Subject of the investigation violated Section 490.009(2)(h),(i),(q),(s) (now at Section 490.009(1)(h),(i),(w),(r), Florida Statutes), Florida Statutes, by failing to perform any statutory or legal obligation; by willfully making or filing a false report or record; by violating any provision of this chapter; and by 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.

THE FACTS: This investigation was predicated upon receipt of a complaint from J.A.B. alleging that Caddy sent her bills for psychotherapy

sessions when he had told her that she was seeing him for evaluation purposes only, and that Caddy was biased in his evaluations.

In regards to the billing allegation, Caddy responded to the complaint by stating that it was hard for him to figure out exactly how the incorrect billing occurred since the complaint arose two years after the custody case had ended and the staff person in charge of billing at the time in question no longer worked in his office. However, Caddy, to the best of his recollection, surmised that the errors in question might have been the result of there initially being only one account created when he was appointed by the court to do the evaluation and all services that he performed for both parties were billed to that account. When Caddy received the order of appointment he noticed that the judge ordered the father to pay for the mother's services and ordered the mother to pay for the father's services. Based on the order, Caddy then asked his billing clerk at the time to break the bill into two separate bills. Caddy did not recall if he reviewed these bills, and did not know that any errors were made until he received notice of the complaint. Caddy stated that if the errors were brought to his attention at the time that the complainant mother first received the bill in question, he would have promptly corrected the bill. As for the incorrect coding on the bills, at the time that the bills were generated, there was no code that accurately described the services that Caddy was rendering to the father and mother, however all parties involved were aware as to what services were being rendered and no one objected to using this code at the time.

In regards to the allegation of bias, it was well-documented in the underlying custody case that the complainant mother was very uncooperative during the evaluation process, so most of the information that Caddy obtained was from the father and his list of collateral sources. Caddy openly stated this on several occasions and documented it in writing. If there was any bias, it was due to the complainant mother's refusal to cooperate with Caddy, not due to any actions on Caddy's part.

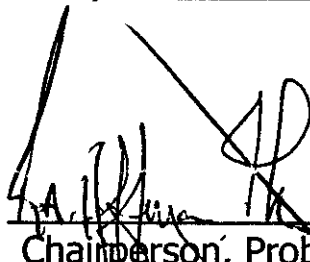
It is well-settled under Florida law, that, in order to prove fraud, the element of intent on the part of the one accused of committing fraud must be proven. Caddy has steadfastly stated that he never intended to commit fraud. Further, the billing clerk who was responsible for generating the

bills in question no longer works for him and the original bill was erased when the services were broken down into two separate bills. Caddy also stated that he is unaware of how the insurance company was billed for the services, i.e. why the father's services were billed to the insurance company in the mother's name. The allegation of bias on the part of Caddy cannot be proven either because it was well-documented that the complainant mother refused to cooperate with Caddy. Therefore, it is recommended that this case be dismissed due to a lack of sufficient evidence necessary to prove the violations alleged.

THE LAW: Pursuant to Section 456.073(2), Florida Statutes, the Department, pursuant to the provisions of Section 20.43(3), Florida Statutes, finds that, while there was sufficient evidence to prove that a violation may have occurred at the time that probable cause was found in this case, there is now insufficient evidence to prove that a violation of Chapter 490, Florida Statutes, or the rules promulgated thereunder has occurred.

It is, therefore, ORDERED that this matter should be and the same is hereby DISMISSED.

DONE AND ORDERED this 23rd day of December, 2003.



Chairperson, Probable Cause Panel
Board of Psychology

RJS/rs

PCP Date: 12/23/03

PCP Members: Hoffman + Lewis

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.

Joanne B. Sobeck, R.Ph., Case 2002-24303