

STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Vicki R. Kenor*
DATE 6/11/01

BOARD: Psychology
CASE NUMBER: 99-54776
COMPLAINT MADE BY: TF
DATE OF COMPLAINT: May 10, 1999
SUBJECT: Lance D. Scalf
320 Johnston Street
Tallahassee, FL 32303
INVESTIGATED BY: Jill Miraglia
Tallahassee Area Office II
REVIEWED BY: *DO* Mary Denise O'Brien, Senior Attorney
RECOMMENDATION: CLOSED (PL-97) *cd*

CLOSING ORDER

THE COMPLAINT: Alleged violation of Sections 490.009(2)(v), Florida Statutes, by failing to maintain confidential communication made by a patient or client.

THE FACTS: Respondent provided psychological treatment to TF and SK. TF alleges that the Respondent breached confidentiality by writing a letter to the judge presiding over the divorce of TK and SK. The letter was given to Sk's attorney not the presiding judge. The Respondent felt that he had a duty to inform the judge that FT had abused SK. The affirmative defense of the Respondent was that because of spousal abuse, SK was in immediate danger and he had a duty to inform the court of this circumstance. Probable cause was found on April 23, 2000. However, when TF, the complainant, learned that his background and character were going to be put in issue as the affirmative defense of the Respondent, he refused to testify and withdrew his complaint. Therefore, this matter should be CLOSED.

THE LAW: Based on the foregoing, probably has been found, however, this matter has been reconsidered and this case should be CLOSED.

It is, therefore, ORDERED that this matter be CLOSED, and same is hereby, CLOSED.

DONE AND ORDERED this 11th day of June, 2001.



Chairman, Probable Cause Panel
Board of Physical Therapy Practice

Shannon Fleming, Senior Attorney
Denis O'Brien, Senior Attorney
Agency for Health Care Administration
General Counsel's Office-MQA
Practitioner Regulation-Legal

SF/dja 01/11/01