

STATE OF FLORIDA
BOARD OF PSYCHOLOGY

Final Order No. DOH-09-0888-5-MOA
FILED DATE - 5-13-09
Department of Health
By: [Signature]
Deputy Agency Clerk

DEPARTMENT OF HEALTH,
BOARD OF PSYCHOLOGY,

Petitioner,

v.

CASE NO.: 2004-27669
LICENSE NO.: PY 4605

A. NORMAN GOLDWASSER, Ph.D.,

Respondent.

FINAL ORDER ACCEPTING STIPULATION

A. Norman Goldwasser, Ph.D., (hereinafter "Respondent"), is licensed as a psychologist by the Board of Psychology (hereinafter "the Board"). The Department of Health (hereinafter "the Department") filed an Administrative Complaint against Respondent on November 27, 2007. Following the filing of Department's Administrative Complaint, a copy of which is attached hereto as Exhibit "A" and incorporated by reference into this Final Order, Respondent and the Department entered into a Stipulation settling all issues in the case pursuant to § 120.57(4), Florida Statutes. The Board reviewed the case and the Stipulation at its duly noticed public meeting held in Tampa, Florida, on April 24, 2009, at which time Respondent was present and not represented by counsel. The Department was represented by Laura Lopez, Assistant General Counsel. The Board accepted the Stipulation, which is attached as Exhibit "B" and incorporated by reference into this Final Order.

WHEREFORE, the Board hereby accepts the Stipulation, settling all matters in this case consistent with the terms of the agreement between the parties, and dismisses Count Three of the Administrative Complaint. Respondent is hereby **ORDERED** to abide by the terms of the Stipulation, complete the twelve (12) penalty hours of continuing education (Paragraph 5, Page 3 of the Stipulation) in the areas of record keeping and supervision, and pay costs in the amount of \$5,780.56. This Final Order shall be placed in and made a part of Respondent's official records.

This Final Order shall become effective upon filing with the Clerk for the Department of Health.

DONE AND ORDERED, this 13th day of May, 2009.

BOARD OF PSYCHOLOGY

Cheryl Searcy for
Allen Hall, Executive Director
for Amy Swan, Psy.D., Chair

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY ANY PARTY PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE, BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(D), FLORIDA RULES OF APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE DEPARTMENT'S CLERK OF AGENCY PROCEEDINGS, WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by United States Mail to A. Norman Goldwasser, Ph.D., 975 Arthur Godfrey Road #308, Miami Beach, FL 33140; and by Inter-Office Mail to Laura Lopez, Esquire, Department of Health, Prosecutorial Services Unit, 4052 Bald Cypress Way, Bin C-65, Tallahassee, FL 32399-3265; and Donna McNulty, Assistant Attorney General, Administrative Law Section, PL-01 The Capitol, Tallahassee, Florida 32399-1050 this

13th day of May, 2009.

Angel Sanders

Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2004-27669

A. NORMAN GOLDWASSER, Ph.D.,

RESPONDENT.

_____ /

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Psychology against the Respondent, A. Norman Goldwasser, Ph.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of psychology pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 490, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed Psychologist within the state of Florida, having been issued license number 4606 on December 16, 1991.
3. Respondent's address of record is 975 Arthur Godfrey Road, #308, Miami Beach, Florida 33140.
4. On or about May 29, 2003, J.M. and P.M., then a married couple, sought treatment with the Respondent as a result of their differences in the religious,

11-27-07

Exhibit A

educational, and residential needs of their children. The Respondent saw J.M. and P.M. a total of approximately 15-20 times.

5. Pursuant to Respondent's treatment records for P.M., Respondent failed to obtain and document a consent for treatment from P.M., Respondent failed to obtain and document a release for information, Respondent failed to document billing records for P.M. or her children, Respondent failed to document a formal diagnosis for P.M., Respondent failed to document full patient identifying information for P.M., or Respondent failed to document relevant history for P.M.

6. J.M. and P.M. terminated treatment prior to filing for dissolution of their marriage.

7. Between on or about October 29, 2003 through on or about January 25, 2004, a clinical intern that was employed and supervised by Respondent, J.K., saw J.M.'s and P.M.'s children for therapy.

8. J.K. saw the children for therapy approximately 10-20 sessions.

9. In preparation for the divorce proceedings, the attorney for P.M. requested the clinical notes and reports for the parties' four children, from both the Respondent and his supervised clinical intern.

10. In response, the Respondent sent a treatment summary of the Respondent's sessions with J.M. and P.M., which included communications to the Respondent made in confidence, to J.M.'s attorney, rather than P.M.'s attorney. P.M. had not authorized the Respondent to release any information about her to anyone.

11. On or about March 10, 2006, an investigator for the Petitioner hand-served a subpoena and signed release from P.M. to Respondent.

12. The subpoena requested that Respondent provide all billing records for services provided to P.M.

13. The subpoena requested that all billing records be brought to the investigator's office no later than 10:00 a.m., March 15, 2006, for inspection and copying.

14. Respondent failed to provide the billing records for services provided to P.M. to Petitioner's investigator on or before March 15, 2006.

15. As of October 1, 2007, Respondent has failed to comply with the March 10, 2006, subpoena and provide the billing records to the Petitioner.

16. According to Respondent's treatment summary dated February 25, 2004, Respondent wrote that P.M. and J.M., "...continued to see an associate, a child psychologist who was working with their children," even though J.K. was not licensed as a psychologist in the State of Florida.

COUNT ONE

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

18. Section 490.009(1)(u), Florida Statutes Florida Statutes (2002-2003), provides that the failure of a licensee to maintain in confidence a communication made by a patient or client in the context of such services, except as provided in Section

490.0147, Florida Statutes (2002-2003), constitutes grounds for disciplinary action by the Board of Psychology.

19. Section 490.0147 Florida Statutes (2002-2003), allows for a waiver of confidentiality under the following conditions: when the person licensed under this chapter is a party defendant to a civil, criminal, or disciplinary action arising from the complaint filed by the patient or client, in which case the waiver shall be limited to that action; 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; or when there is a clear and immediate probability of physical harm to the patient or client, other individuals, or to society, and the person licensed under this chapter communicates the information only to the potential victim, appropriate family member, or law enforcement or other appropriate authorities.

20. None of the circumstances permitting a waiver of confidentiality were present when the Respondent submitted the summary to the attorney for J.M.

21. Based on the foregoing, Respondent violated Section 490.009(1)(u), Florida Statutes (2002-2003), by failing to maintain in confidence a communication made by a patient or client in the context of such services, except as provided in Section 490.0147, Florida Statutes (2002-2003).

COUNT TWO

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

23. Section 456.072(1)(q), Florida Statutes (2005), provides that violating a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department constitutes grounds for disciplinary action by the Board of Psychology.

24. Respondent has failed to comply with the lawfully issued March 10, 2006, subpoena issued by the Petitioner, by failing to provide the billing records for services rendered to P.M. or her children.

25. Based upon the foregoing, Respondent has violated Section 456.072(1)(q), Florida Statutes (2005), by failing to comply with a lawfully issued subpoena of the department.

COUNT THREE

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

27. Section 490.009(1)(l), Florida Statutes (2002-2003), provides that making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed under this chapter, constitutes grounds for disciplinary action by the Board of Psychology.

28. According to Respondent's treatment summary for P.M. and J.M., dated February 25, 2004, Respondent wrote that P.M. and J.M., "...continued to see an associate, a child psychologist [J.K.] who was working with their children," even though J.K. was not licensed as a psychologist in the State of Florida.

29. Based upon the foregoing, Respondent violated Section 490.009(1)(l), Florida Statutes (2002-2003), by making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed under this chapter.

COUNT FOUR

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

31. Section 490.009(1)(r), Florida Statutes (2002-2003), 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 grounds for disciplinary action by the Board of Psychology.

32. Respondent failed to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance in one or more of the following ways:

- (a) by failing to obtain a consent for treatment from Patient P.M.;
- (b) by failing to obtain a release for information;
- (c) by failing to keep billing records for Patient P.M. or her children; or
- (d) by failing to state a formal diagnosis in Patient P.M.'s treatment records.

33. Based upon the foregoing, Respondent violated Section 490.009(1)(r), Florida Statutes (2002-2003), 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 FIVE

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

35. Section 490.009(1)(w), Florida Statutes (2002-2003), provides that violating any provision of this chapter, or chapter 456, or any rules adopted pursuant thereto, constitutes grounds for disciplinary action by the Board of Psychology.

36. Rule 64B19-19.0025, Florida Administrative Code ("F.A.C."), states:

To serve and protect users of psychological services, psychologists' records must meet minimum requirements for chronicling and documenting the services performed by the psychologist, documenting informed consent and recording financial transactions.

(1) Records for chronicling and documenting psychologists' services must include the following: basic identification data such as name, address, telephone number, age and sex; presenting symptoms or requests for services; dates of service and types of services provided. Additionally, as applicable, these records must include: test data (previous and current); history including relevant medical data and medication, especially current; what transpired during the service sessions; significant actions by the psychologist, service user, and service payer; psychologist's indications suggesting possible sensitive matters like threats; progress notes; copies of correspondence related to assessment or services provided; and notes concerning relevant psychologist's conversation with persons significant to the service user.

(2) Written informed consent must be obtained concerning all aspects of services including assessment and therapy.

(3) A provisionally licensed psychologist must include on the informed consent form the fact that the provisional licensee is working under the supervision of a licensed psychologist as required by Section 490.0051, F.S. The informed consent

form must identify the supervising psychologist.

(4) Records shall also contain data relating to financial transactions between the psychologist and service user, including fees assessed and collected.

(5) Entries in the records must be made within ten (10) days following each consultation or rendition of service. Entries that are made after the date of service should indicate the date the entries are made, as well as the date of service.

37. Respondent violated Rule 64B19-19.0025, F.A.C., in one or more of the following ways:

(a) by failing to include full patient identifying information in P.M.'s medical records;

(b) by failing to include relevant history in P.M.'s medical records;

(c) by failing to maintain billing records for P.M. or her children;

(d) by failing document informed consent from P.M.; or

(e) by failing to document patient releases from P.M.

38. Based upon the foregoing, Respondent violated Section 490.009(1)(w), Florida Statutes (2002-2003), through a violation of Rule 64B19-19.0025, F.A.C., by failing to keep complete and adequate medical records.

WHEREFORE, Petitioner respectfully requests that the Board of Psychology 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 21st day of November, 2007.

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

Cynthia Jakeman

Cynthia Jakeman
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 0136440
(850) 488-0587
(850) 488-1855 FAX

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
Rachelle
CLERK
DATE 11-27-07

PCP: November 20, 2007
PCP Members: Rivas-Vazquez/Webster

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**

PRACTITIONER REGULATION
LEGAL
2008 DEC 18 AM 10: 03

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2004-27669

A. NORMAN GOLDWASSER, PH.D.,

Respondent.

SETTLEMENT AGREEMENT

Pursuant to Section 120.57(4), Florida Statutes, the above named parties hereby offer this Settlement Agreement to the Board of Psychology (hereinafter "Board") as disposition of the Administrative Complaint filed in this cause and incorporated herein by reference, in lieu of any other administrative proceedings. The terms herein become effective only if and when a Final Order accepting this Settlement Agreement is issued by the Board and filed. If this Settlement Agreement is rejected, it, and its presentation to the Board, shall not be used against either party.

STIPULATED FACTS

1. Respondent is and has been at all times material hereto a licensed psychologist and was issued license number PY 4606 on December 16, 1991. Respondent's address of record is 975 Arthur Godfrey Road, #308, Miami Beach, Florida, 33140.

2. The Respondent was charged by an Administrative Complaint, filed by the Department of Health (hereinafter "Department") and properly served upon Respondent with violations of Chapters 456 and 490, Florida Statutes. A true and

correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit "A".

3. Respondent neither admits nor denies the factual allegations in the Administrative Complaint and is entering into this Settlement Agreement for the purpose of settlement in these administrative proceedings only.

STIPULATED LAW

1. Respondent admits that, in Respondent's capacity as a licensed psychologist, Respondent is subject to the provisions of Chapters 456 and 490, Florida Statutes, and the jurisdiction of the Department of Health and the Board.

2. Respondent admits that the stipulated facts, if proven true, constitute violations of laws as alleged in the Administrative Complaint.

3. Respondent admits that the Settlement Agreement is a fair, appropriate, and reasonable resolution to this pending matter.

PROPOSED DISPOSITION

1. **APPEARANCE**: The Respondent is required to be present when this Settlement Agreement is presented to the Board for approval.

2. **FINE**: The Board shall impose an administrative fine of three thousand dollars (\$3,000.00) against the license of the Respondent. The Respondent acknowledges that the timely payment of the FINE is Respondent's legal obligation and responsibility. The FINE shall be paid by check or money order to the Board of Psychology **within twenty-four (24) months of the filing of the Final Order** in this matter, and sent to: **Department of Health, HMQAMS/Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attn.: Psychology Compliance Officer.**

3. **COSTS:** Pursuant to Section 456.072(4), Florida Statutes, Respondent shall also pay the administrative costs associated with the investigation and prosecution of this matter in an amount not to exceed \$6,000.00. Total costs shall be assessed when the Settlement Agreement is presented to the Board. The ACTUAL COSTS, as indicated in the Final Order, shall be paid by check or money order to the Board of Psychology **within twenty-four (24) months of the filing of the Final Order** in this matter, and sent to: **Department of Health, HMQAMS/Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attn.: Psychology Compliance Officer.**

4. **AFFIDAVIT:** The Respondent shall, within thirty (30) days following the filing of the Final Order adopting and incorporating this Settlement Agreement, provide the Board office with a signed and notarized affidavit stating that Respondent has read and understands the laws and rules governing the practice of psychology in the State of Florida, including Chapters 456 and 490, Florida Statutes, and Chapter 64B-19, Florida Administrative Code, Rules of the Board of Psychology, and the importance of adhering to same.

5. **CONTINUING EDUCATION:** Respondent shall, within one (1) year of the filing of the final order adopting and incorporating this Settlement Agreement, successfully complete and document to the Board a minimum of twelve (12) hours of continuing education in an area or areas to be determined by the Board. These continuing education hours shall be in addition to the continuing education hours normally required for renewal of Respondent's license. Home study courses will not be accepted to satisfy this condition unless specifically authorized by the Board. Verification of successful completion and documentation of course content shall be timely submitted to: **Department of Health, HMQAMS/Client Services/Bin #C01,**

4052 Bald Cypress Way, Tallahassee, Florida 32399-3251, Attn.: Psychology Compliance Office.

6. **AMENDMENT TO ADMINISTRATIVE COMPLAINT:** The Final Order will reflect by incorporation of this Settlement Agreement that Count Three of the Administrative Complaint is deleted. The Parties agree that this issue pertains to a scrivener's error rather than an issue of fraudulent misrepresentation.

7. **ADDRESSES:** Respondent agrees to keep current residence and practice addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses.

8. Respondent shall not in the future violate Chapters 456 and 490, Florida Statutes, the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or to the ability to engage in the practice of psychology.

9. It is expressly understood that a violation of the terms of this Settlement Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 490, Florida Statutes.

10. It is expressly understood that this Settlement Agreement is subject to approval of the Board and the Department, and has no force or effect until the Board bases an Order upon it.

11. The Respondent, for the purpose of avoiding further administrative action with respect to this particular case, executes this Settlement Agreement. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this Settlement Agreement. Respondent agrees to support this Settlement Agreement at the time it is presented to the Board and shall offer no evidence, testimony, or

argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this Settlement Agreement not be accepted by the Board, it is agreed that the presentation and consideration of this Settlement Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

12. The Respondent and the Department fully understand that this Settlement Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or Department of Health against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint, attached hereto as Exhibit "A", issued in this cause.

13. The Respondent waives the right to seek attorneys' fees and/or costs from the Department of Health in connection with this disciplinary proceeding.

14. Upon the Board's adoption of this Settlement Agreement, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this Settlement Agreement and the Final Order of the Board incorporating said Settlement Agreement.

WHEREFORE, the parties hereby request the Board to enter a Final Order accepting and implementing the terms contained herein.

SIGNED this 15 day of December, 2008.

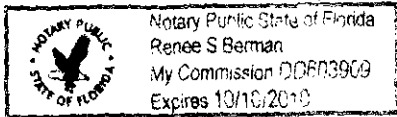
A. Norman Goldwasser
A. Norman Goldwasser, Ph.D.
Case number 2004-27669

STATE OF FLORIDA
COUNTY OF _____

Before me personally appeared A. Norman Goldwasser whose identity is known to me by personal knowledge or by presentation of _____ as identification (type of identification), and who acknowledges that his signature appears above.

Sworn to or affirmed before me this 15 day of December, 2008.

Renee S. Berman
Notary Public

My Commission Expires

Notary Public State of Florida
Renee S Berman
My Commission 00803909
Expires 10/10/2010

APPROVED this 17th day of February, 2008.

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

[Signature]
[Illegible text]