

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2017-13017**

**GERARD KRUSE, L.C.S.W.,**

**RESPONDENT.**

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**ADMINISTRATIVE COMPLAINT**

Petitioner Department of Health (Department) files this Administrative Complaint before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (Board) against Respondent Gerard Kruse, L.C.S.W., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of clinical social work pursuant to Chapters 20.43, Florida Statutes (2017); Chapter 456, Florida Statutes (2017); and Chapter 468, Florida Statutes (2017).

2. At all times material to this Complaint, Respondent was licensed to practice clinical social work within the State of Florida, having been issued license number SW 14255.

3. At all times material to this Complaint, Respondent's address of record was 3310 Red Ash Circle, Oviedo, Florida 32766.

4. At all times material to this Complaint, Respondent worked as a clinical social worker for Compass Counseling Services, LLC, located in Orlando, Florida.

5. On or about June 23, 2017, July 6, 2017, and July 19, 2017, Patient L.P., a 27-year-old female patient, presented to Respondent for psychotherapy services at Compass Counseling Services, LLC.

6. During one or more of Patient L.P.'s appointments with Respondent, Respondent told Patient L.P. that he thought she was attractive.

7. At the end of the July 19, 2017, appointment, Patient L.P. attempted to leave.

8. Respondent followed Patient L.P. to the door and grabbed her buttocks with his hand.

9. Respondent grabbed Patient L.P.'s arm, pulled her towards him, and attempted to kiss her.

10. Patient L.P. rebuffed Respondent's advances and left the office.

11. Section 491.009(1)(k), Florida Statutes (2016-2017), authorizes the Board of Clinical Social Work, Marriage and Family, and Mental Health

Counseling to impose discipline against a licensee for committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to Section 491.0111, Florida Statutes (2016-2017).

12. Section 491.0111, Florida Statutes (2016-2017), provides that sexual misconduct shall be defined by board rule.

13. Rule 64B4-10.002(1), Florida Administrative Code, provides that it is sexual misconduct for a psychotherapist to engage, attempt to engage, or offer to engage a client in sexual behavior, or any behavior whether verbal or physical, which is intended to be sexually arousing, including kissing; sexual intercourse, either genital or anal; cunnilingus; fellatio; or the touching by either the psychotherapist or the client of the other's breasts, genital areas, buttocks, or thighs, whether clothed or unclothed.

14. Respondent committed sexual battery and/or sexual misconduct by engaging and/or attempting to engage Patient L.P. in sexual behavior and/or behavior that is intended to be sexually arousing in one or more of the following ways:

- a. Touching Patient L.P.'s buttocks;
- b. Attempting to kiss Patient L.P.; and/or

c. Telling Patient L.P. that she was attractive.

15. Based on the foregoing, Respondent violated Section 491.009(1)(k), Florida Statutes (2016-2017), by violating Section 491.0111, Florida Statutes (2016-2017) and/or Rule 64B4-10.002(1).

**WHEREFORE**, 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 Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

*[Signature appears on following page]*

SIGNED this 26<sup>th</sup> day of September, 2017.

Celeste Philip, M.D., M.P.H.  
Surgeon General and Secretary



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Kristen M. Summers  
Assistant General Counsel  
FL DOH Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, FL 32399-3265  
Florida Bar Number 112206  
(T) (850) 558-9909  
(F) (850) 245-4662  
(E) Kristen.Summers@flhealth.gov

PCP Meeting: September 27, 2017  
PCP Members: Buller, Day, and Roberts

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK **Angel Sanders**  
DATE **SEP 27 2017**

### **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. A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.**

**Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.**

### **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 any other discipline imposed.**