



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Gary R. Sarozek
Master Case No.: M2008-117251
Docket No.:
Document: Statement of Charges

Regarding your request for information about the above-named practitioner, certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld:

The identity of the complainant if the person is a consumer, health care provider, or employee, pursuant to RCW 43.70.075 (Identity of Whistleblower Protected) and/or the identity of a patient, pursuant to RCW 70.02.020 (Medical Records - Health Care Information Access and Disclosure)

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
SECRETARY OF HEALTH

FILED
NOV 13 2008
Adjudicative Clerk Office

In the Matter of

No. M2008-117251

GARY R. SAROZEK
Credential No. MHC.LH.0007235

STATEMENT OF CHARGES

Respondent

The Executive Director of the Licensed Mental Health Counselor Program (Program), on designation by the Secretary of Health (Secretary), makes the allegations below, which are supported by the evidence contained in case no. 2007-107596 (program file no. 2007-06-0002LH). The client referred to in this Statement of Charges is identified in the attached Confidential Schedule.

1. ALLEGED FACTS

1.1 On December 10, 2001, the state of Washington issued Respondent a credential to practice as a licensed mental health counselor. Respondent's credential expires on December 24, 2008, but is subject to renewal.

1.2 The following allegations occurred while the Respondent was working as a licensed mental health counselor at Family Services in Seattle, Washington.

1.3 In or about February 2007, Client A applied with Family Services for a parenting program as a self-referred client. At such time, Client A was involved in a custody dispute with his ex-wife. Client A was not court-ordered to take the parenting program; he voluntarily applied to the program. Respondent informed Client A that, as part of the parenting program intake process, clients are evaluated for domestic violence propensities. After the screening process, Respondent recommended to Client A that he complete a domestic violence class. Client A never enrolled in the domestic violence class. Without Client A's written consent, Respondent sent Client A's domestic violence evaluation and client progress report to a third party, Client A's ex-wife and her attorney.

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2. ALLEGED VIOLATIONS

2.1 Based on the Alleged Facts, Respondent has committed unprofessional conduct in violation of RCW 18.130.180(1), (7) and (20); RCW 18.225.100; and RCW 18.225.105(1) which provide in part:

RCW 18.130.180 Unprofessional conduct. The following conduct, acts, or conditions constitute *unprofessional conduct* for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

...

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

...

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

....

RCW 18.225.100 Disclosure information

A person licensed under this chapter must provide clients at the commencement of any program of treatment with accurate disclosure information concerning the practice, in accordance with rules adopted by the department, including the right of clients to refuse treatment, the responsibility of clients to choose the provider and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter. The disclosure information must also include the license holder's professional education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, financial requirements, and such other information as required by rule. The disclosure must be acknowledged in writing by the client and license holder.

RCW 18.225.105 Disclosure of information- Exceptions.

A person licensed under this chapter shall not disclose the written acknowledgment of the disclosure statement pursuant to RCW 18.225.100, nor any information acquired from persons consulting the individual in a professional capacity when the information was necessary to enable the individual to render professional services to those persons except:

- (1) With the written authorization of that person or, in the case of death or disability, the person's personal representative.

....

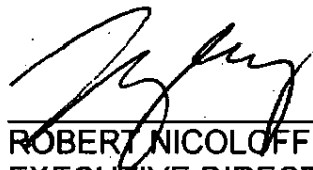
2.2 The above violations provide grounds for imposing sanctions under RCW 18.130.160.

3. NOTICE TO RESPONDENT

The charges in this document affect the public health, safety and welfare. The Executive Director of the Program directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline pursuant to RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

DATED: NOVEMBER 13, 2008.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
SECRETARY OF HEALTH



ROBERT NICOLOFF
EXECUTIVE DIRECTOR


HEATHER A. CARTER, WSBA #30477
ASSISTANT ATTORNEY GENERAL

CONFIDENTIAL SCHEDULE

This information is confidential and is NOT to be released without the consent of the individual or individuals named herein. RCW 42.56.240(1)

Client A:

