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## MENTAL HEALTH CENTER DENIES ABUSE ALLEGATIONS

**BYLINE:** REBECCA CATALANELLO, Times Staff Writer

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**HIGHLIGHT:** Tampa Bay Academy says there are simple explanations for the events in question.

Attorneys for a mental health treatment center deny state findings that the residential program for troubled kids is teeming with problems that include unreported sexual assaults by minors.

Tampa Bay Academy officials have asked the 2nd District Court of Appeal to intervene, claiming the Florida Agency for Health Care Administration acted unfairly and on the basis of poor information when it ordered the facility's license be suspended.

But court records indicate this is not the first time the 20-year-old Riverview center has been the focus of complaints that unsafe conditions and inadequate supervision left children vulnerable to abuse.

In 2006, the adoptive mother of a deaf teenager filed suit saying her son had been sexually and physically abused by other residents.

A year earlier, a 13-year-old girl became pregnant during an 11-month stay at the facility, a lawsuit states. She had come seeking psychiatric help after being sexually abused.

Both suits are pending.

"It's a horrific place," said Brian Cabrey, attorney for the deaf teenager and vice president of Florida's Children First. "This stuff has been going on for years."

In the 1990s, several lawsuits alleged child-on-child abuse at the center, including one that described a 5-year-old victim.

But the Health Care Administration - which has ordered Tampa Bay Academy to relocate all of its 54 clients to other facilities by Jan. 9 - knew nothing of the earlier lawsuits, a spokeswoman said Thursday.

Despite regular reviews of the center, the agency only learned about the allegations of sex abuse from a recent

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anonymous tip, said Shalisha Durden, a Health Care Administration spokeswoman.

"Now that we know about them, we are looking into them," she said of the lawsuits.

Tampa Bay Academy, located on a 24-acre property at 12012 Boyette Road, provides psychiatric treatment of children ages 4 to 17 for eating disorders, chronic anxiety, drug abuse and sexual abuse, among other things, according to its Web site.

Though privately owned by Youth and Family Centered Services in Austin, Texas, the center receives funding from Medicaid and the Florida Department of Children and Families, and insurance and private pay from Florida families as well as out-of-state clients, Durden said.

The Health Care Administration ordered a moratorium last week on admissions at the center following a Dec. 8 on-site investigation that it said showed evidence of sexual assault by clients both against other clients and against staff members.

The report portrays a facility where the staff is intimidated by the youthful clients, where unruly children hold the power - so much so that in one reported instance a staff member secluded himself or herself within an office for safety.

In a point-by-point rebuttal filed in court Wednesday, attorneys for the academy wrote the allegations are exaggerated accounts of more innocuous truths.

For example:

-The Health Care Administration cited a Nov. 25 incident in which a client sexually assaulted a staff member, but the academy failed to report it to law enforcement. Tampa Bay Academy said that the incident involved a 10-year-old boy who poked at the woman's breasts and hit her in the buttocks. The staff member chose not to press charges, attorneys wrote.

-A staff member was assaulted by two children on Nov. 28, according to both reports, and again, authorities weren't notified.

Tampa Bay Academy attorneys wrote that the assault amounted to a 10-minute incident during which the same 10-year-old attempted to touch the breasts, crotch and buttocks of a staff member and then encouraged a "mildly retarded 13-year-old boy" to participate.

Again, attorneys wrote, the staff member did not want to press charges and therefore did not contact authorities.

-And finally, the Health Care Administration found that a client told Tampa Bay Academy that she had gonorrhea and HIV. Yet, she engaged in sexual activity with other clients while at the facility.

Tampa Bay Academy retorted that not only were staff members unable to substantiate claims that the girl had sex while at the center, but also that her test results for the STDs were negative.

"Clearly, children and adolescents residing in a health care facility and requiring mental health assessment and treatment services will act out," attorneys for Tampa Bay Academy wrote again and again, "but it is unreasonable to conclude that 'immediate' and 'serious' danger would be threatened to the public health, safety or welfare."

A judge has ordered the Health Care Administration to respond to Tampa Bay Academy by 2 p.m. Monday, according to a court docket.

Tallahassee attorney Karen Gievers has represented several foster children over the years who were placed in Tampa Bay Academy.

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Gievers said the charges coming out of the Health Care Administration were no surprise. Child-on-child sex abuse, she said, "is the dirty secret of the foster care system," and the problem is exacerbated because programs like these are often poorly staffed by people unqualified to treat the patients.

Indeed, the Health Care Administration reported that of 36 staff members working one of the academy's seven units during one week, 21 had been there less than three months.

"There's a real question," Gievers said, "as to whether these facilities benefit children."

Times researcher John Martin and staff writers Chandra Broadwater and Letitia Stein contributed to this report. Rebecca Catalanello can be reached at rcatalanello@sptimes.com or (813) 226-3383

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