

**COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE FOR
MARRIAGE & FAMILY THERAPISTS
Agency Case No. 2013-007**

IN RE: Brendan McLeod v. Sally DiGiovanni, LMFT No. 0066
Complaint No. 2013-007

SETTLEMENT AGREEMENT

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The Kentucky Board of Licensure for Marriage & Family Therapists (hereinafter “the Board”), for its complaint against the Respondent, Sally DiGiovanni (hereinafter “DiGiovanni”), states as follows:

1. DiGiovanni is a licensed Marriage and Family Therapist in the Commonwealth of Kentucky, having been issued License No. KY-066.
2. Pursuant to KRS 335, the Board is authorized to regulate and control matters related to marriage & family therapy, not delegated to another agency of the Commonwealth of Kentucky, and this matter has not been delegated to another agency of the Commonwealth.
3. On or about October 10, 2013, the Board received a complaint from Brendan McLeod, alleging DiGiovanni breached her duty to her clients G.M. and J.M. (McLeod’s minor children).
4. From December 2011 to November 2013, DiGiovanni was the therapist for G.M. and J.M.
5. During this time DiGiovanni included Brenden McLeod and his then wife, Meghan McLeod, in therapy sessions to negotiate a healthy co-parenting relationship.

5. On or about April 18, 2012, during a therapy session with only Mrs. McLeod, DiGiovanni recommended Mrs. McLeod should prepare for separation from Mr. McLeod.

6. DiGiovanni continued to have separate therapy sessions with Mrs. McLeod, focusing on her marriage and its dissolution, while providing therapy to the children, which included therapy sessions with Mr. McLeod that focused on his relationship with his children.

7. Although Mrs. McLeod was agreeable to maintain her services, DiGiovanni acknowledges that single therapy sessions with Mrs. McLeod was not an appropriate use of DiGiovanni's services and therefore, a violation of 201 KAR 32:050 §1(1)(c), and that she should have referred Mrs. McLeod to another therapist for counseling on the marriage and its dissolution.

8. The parties mutually desire to settle the issues in an expeditious manner, without the need for a formal hearing. DiGiovanni understands the Board is free to accept or reject this Settlement Agreement and if rejected by the Board, a formal disciplinary hearing on the accusations against DiGiovanni may be scheduled. DiGiovanni hereby agrees to waive any right she may have to challenge the impartiality of the Board, based solely upon the presentation of this Settlement Agreement, to hear the administrative action if, after review by the Board, this Settlement Agreement is rejected.

9. Following review by the Board of the facts and circumstances associated with the case against DiGiovanni, **IT IS HEREBY ORDERED THAT:**

- 1. DiGiovanni's license is place on PROBATION for six (6) months beginning at the time the Agreement is accepted by the Board, with the following conditions:**

- a. Complete six (6) additional continuing education hours focusing on the appropriate use of therapeutic services and referrals of family members when parents are separating or divorcing. The six (6) additional hours must be provided by a Kentucky Licensed Marriage & Family Therapist; and
 - b. DiGiovanni shall obtain prior approval of the continuing education courses to ensure they address the appropriate topic and she shall provide the Board with proof of completion of the continuing education hours.
2. If DiGiovanni does not complete the terms of probation within the six (6) months, her license will be automatically suspended until the Board receives proof of completion of all six (6) continuing education hours.

By entering into this Settlement Agreement, DiGiovanni expressly acknowledges that she is completely informed of the due process rights afforded under KRS 335.350 and KRS 13B and knowingly, willingly and voluntarily agrees to waive those rights and enter into this Settlement Agreement.

Seen and Agree to:

Sally DiGiovanni 8-7-14
 Sally DiGiovanni Date
 Licensee

Paul Paletti, Jr. 8/7/14
 Paul Paletti, Jr. Date
 Attorney for Licensee

Angela Evans 8/18/14
 Angela Evans Date
 Board Counsel

Jane Prouty 8-28-14
 Jane Prouty Date
 Board Chairperson