

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF SOCIAL WORK
DISCIPLINARY SUBCOMMITTEE

In the Matter of

Charles T. Jax, L.M.S.W.

License No. 68-01-020297

Complaint No. 68-19-154839

ORDER OF SUMMARY SUSPENSION

An administrative complaint has been issued against Respondent under the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 *et seq.*, promulgated rules, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq.*

After consideration of the documentation filed in this case and consultation with the Chairperson of the Board of Social Work, the Department concludes that the public health, safety or welfare requires emergency action, as allowed by section 16233(5) of the Public Health Code and section 92(2) of the Administrative Procedures Act.

THEREFORE, IT IS ORDERED that Respondent's license to practice social work in the State of Michigan shall be summarily suspended commencing on the date this order is served.

Under Mich Admin Code, R 792.10702, Respondent has the right to petition for the dissolution of this order of summary suspension. This petition shall clearly state that it is a Petition for Dissolution of Summary Suspension and shall be filed with the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, P.O. Box 30670, Lansing, Michigan 48909, with a copy served upon the Department of Attorney General, Licensing & Regulation Division, P.O. Box 30758, Lansing, Michigan, 48909. Questions concerning the Order of Summary Suspension may be directed to (517) 335-7569. Upon receipt of such a petition, an administrative hearing will immediately be scheduled before an administrative law judge, who shall dissolve the order of summary suspension unless sufficient evidence is produced to support a finding that the public health, safety, or welfare requires emergency action and a continuation of the suspension order.

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS

By: 

Cheryl Wykoff Pezon, Director
Bureau of Professional Licensing

Dated: 07/15/19

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ADMINISTRATIVE COMPLAINT

Attorney General Dana Nessel, through Assistant Attorneys General Bridget K. Smith and Emily A. Jefferson, on behalf of the Department of Licensing & Regulatory Affairs, Bureau of Professional Licensing (Complainant), files this complaint against Charles T. Jax, L.M.S.W. (Respondent), alleging upon information and belief as follows:

1. The Board of Social Work, an administrative agency established by the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq*, is empowered to discipline licensees under the Code through its Disciplinary Subcommittee.

2. Respondent is currently a licensed master's social worker licensed pursuant to the Public Health Code. At all times relevant to the complaint, Respondent worked as a licensed social worker at his private practice, Charles T. Jax and Associates, located in Warren, Michigan.

3. Section 16221(a) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to, or supervision of employees or other individuals, whether or

not injury results, or any conduct, practice, or condition that impairs, or may impair, the ability to safely and skillfully practice as a licensed master's social worker.

4. Section 16221(b)(i) of the Code authorizes the DSC to take disciplinary action against a licensee for incompetence, which is defined at section 16106(1) of the Code as a "departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for a health profession, whether or not actual injury to an individual occurs."

5. Section 16221(b)(vi) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for lack of good moral character, defined at section 1 of 1974 PA 381, as amended; MCL 338.41 *et seq*, as the "propensity on the part of the person to serve the public in the licensed area in a fair, honest and open manner."

6. Section 16221(e)(ii) of the Code authorizes the Disciplinary Subcommittee to discipline licensees for betrayal of a professional confidence.

7. Section 16221(e)(vi) of the Code authorizes the Disciplinary Subcommittee to discipline licensees for conduct with a patient "including conduct initiated by a patient or to which the patient consents, that is sexual or may reasonably be interpreted as sexual."

8. Section 16221(e)(vii) of the Code authorizes the Disciplinary Subcommittee to discipline licensees for offering to provide practice-related services in exchange for sexual favors.

9. Section 16221(h) of the Code authorizes the Disciplinary Subcommittee to discipline licensees for violating, or aiding and abetting a violation of, Article 15 or a rule promulgated under Article 15.

10. Section 18511 of the Code provides, “A licensee shall not perform an act, task, or function within the practice of social work unless. . . the performance of the act, task, or function is consistent with the code of ethics for social workers.”

11. Michigan Administrative Code, R 338.2909 prohibits licensees from the following acts or omissions:¹

(c) Involvement in a dual relationship with a client or a former client and/or a client's or former client's immediate family in which there is a risk of exploitation or harm to the client.

(d) Involvement in a conflict of interest that interferes with the exercise of professional discretion or makes a client's interests secondary.

(e) Taking advantage of any professional relationship or exploiting others to further the social worker's personal, religious, political, and/or business/financial interests.

(f) Involvement in or soliciting a sexual relationship with a client or member or members of the client's immediate family.

12. Section 16233(5) of the Public Health Code provides for the summary suspension of a license, reading, in pertinent part, as follows:

After consultation with the chair of the appropriate board or task force or his or her designee, the department may summarily suspend a license or registration if the public health, safety, or welfare requires emergency action in accordance with section 92 of the administrative procedures act of 1969, being section 24.292 of the Michigan Compiled Laws. If a licensee or registrant is convicted of a felony; a misdemeanor punishable by imprisonment for a maximum term of 2 years; or a misdemeanor

¹ Rule 9 was rescinded in 2016. Mich Admin Code, R 338.2909.

involving the illegal delivery, possession, or use of a controlled substance, the department shall find that the public health, safety, or welfare requires emergency action and, in accordance with section 92 of the administrative procedures act of 1969, shall summarily suspend the licensee's license or the registrant's registration.

13. Section 16226 of the Code authorizes the Disciplinary Subcommittee to impose sanctions against persons licensed by the Board if, after opportunity for a hearing, the Disciplinary Subcommittee determines that a registrant violated one or more of the subdivisions contained in section 16221 of the Code.

ALLEGATIONS

Patient D.S.

14. Respondent provided therapy services to D.S. (initials used to protect patient confidentiality) from approximately December 2002 to April 2003. D.S. saw Respondent for therapy weekly or biweekly.

15. At her second therapy session, Respondent began rubbing D.S.'s shoulders until she was relaxed and almost asleep. Respondent then began rubbing the rest of her body, eventually going under her pants and touching her vagina. When D.S. asked what this "treatment" was for, Respondent said it was a "relaxation treatment" to make her brain release endorphins and relieve stress. Respondent also told D.S. that he performed this treatment on all his patients and that it was how all psychiatrists treated patients.

16. Respondent repeated the "relaxation treatment" at each appointment from December 2002 through April 2003.

17. In April 2003, Respondent digitally penetrated D.S.'s vagina. D.S. did not return to Respondent's office after that visit.

18. On January 2, 2004, D.S. reported the incident to the Taylor Police Department. No charges were filed.

Patient J.C.

19. Respondent provided therapy services to J.C. (initials used to protect patient confidentiality) from approximately January 2010 to 2014.

20. J.C. saw Respondent for therapy weekly or biweekly.

21. In approximately 2011, Respondent asked J.C. to assist him into the men's restroom by pushing Respondent's wheelchair. Respondent told J.C., a woman, to use the men's restroom with Respondent, even though there were separate restrooms for women. J.C. would go into one stall and Respondent would use the stall next to it.

22. During sessions from 2011 to 2014, Respondent had J.C. lie down and close her eyes. Respondent would rub her face, arms, legs, and collarbone. Respondent worked up to kissing J.C., massaging and sucking her breasts, and digitally penetrating her vagina. Respondent told J.C. he did this to cover J.C.'s copay.

23. During therapy sessions, Respondent had J.C. watch pornographic movies with him on Respondent's computer.

24. While J.C. was Respondent's patient, Respondent attempted to get J.C. to "hook up" with other women who were his friends and clients.

25. While J.C. was Respondent's patient, Respondent gave J.C. several hundred dollars for school.

26. While J.C. was Respondent's patient, Respondent had J.C. perform office work, such as answering the telephone, pulling client files, and copying other patients' insurance documents, as well as preparing food for him and completing other household tasks.

27. Respondent saw other patients via video conference while J.C. was in the room.

28. Respondent and J.C. communicated via text messages. At some point during their patient-provider relationship, Respondent allowed his daughter to access his phone and respond to confidential text messages from J.C. J.C. believed she was speaking with Respondent, within the confidence of their patient-provider relationship.

29. J.C. ended the patient-provider relationship in 2014 and found a new therapist.

30. In March 2019, J.C. reported the abuse to the Warren Police Department. Respondent was subsequently charged with Criminal Sexual Conduct in the Fourth Degree (Mental Health Professional). As of the filing of this Administrative Complaint, this charge is currently pending in the 16th Judicial Circuit Court for Macomb County.

COUNT I

31. Respondent's conduct as described above constitutes negligence and a failure to exercise due care in violation of section 16221(a) of the Code.

COUNT II

32. Respondent's conduct as described above constitutes incompetence in violation of section 16221(b)(i) of the Code.

COUNT III

33. Respondent's conduct as described above constitutes a lack of good moral character in violation of section 16221(b)(vi) of the Code.

COUNT IV

34. Respondent's conduct as described above constitutes a betrayal of a professional confidence in violation of section 16221(e)(ii) of the Code.

COUNT V

35. Respondent's conduct as described above constitutes sexual misconduct in violation of section 16221(e)(vi) of the Code.

COUNT VI

36. Respondent's conduct as described above constitutes offering to provide practice-related services in exchange for sexual favors in violation of section 16221(e)(vii) of the Code.

COUNT VII

37. Respondent's conduct as described above includes actions inconsistent with the code of ethics, in violation of sections 16221(h) and 18511 of the Code.

COUNT VIII

38. Respondent's conduct as described above constitutes a dual relationship with a client in violation of section 16221(h) of the Code and Rule 9(c).

COUNT IX

39. Respondent's conduct as described above constitutes a conflict of interest in violation of section 16221(h) of the Code and Rule 9(d).

COUNT X

40. Respondent's conduct as described above constitutes taking advantage of a professional relationship or exploiting others to further the social worker's personal and/or business/financial interests in violation of section 16221(h) of the Code and Rule 9(e).

COUNT XI

41. Respondent's conduct as described above constitutes involvement in or solicitation of sexual relationship with a client in violation of section 16221(h) of the Code and Rule 9(e).

THEREFORE, Complainant requests that this Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the aforesaid license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated pursuant to it, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq.*

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, Respondent has 30 days from the receipt of this Complaint to submit a written response to the allegations contained in it. Pursuant to section 16192(2) of the Code, Respondent is deemed to be in receipt of the complaint 3 days after the date of mailing listed in the attached proof of service. The written response shall be submitted to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general.

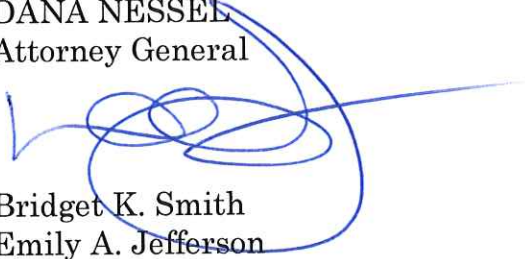
FURTHER, Complainant requests that pending the hearing and final determination Respondent's license to practice as a social worker in the State of Michigan be summarily suspended pursuant to section 92 of the Administrative

Procedures Act and section 16233(5) of the Public Health Code for the reason that, based upon the allegations set forth herein, to permit Respondent to continue to practice the profession constitutes a danger to the public health, safety and welfare requiring emergency action.

Further, pursuant to section 16231(9), failure to submit a written response within 30 days shall be treated as an admission of the allegations contained in the complaint and shall result in the transmittal of the complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Respectfully submitted,

DANA NESSEL
Attorney General



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P.O. Box 30758
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(517) 335-7569

Dated: July 12, 2019