

REDC Special Investigatory Committee Report

Date: **October 21, 2019**

Matter: **REDC Code of Ethics Grievance**

Claimant: **Laura Collins Lyster-Mensch**, MS – CEO, F.E.A.S.T.

Respondent Member Organization: **Center for Discovery** via Deandra Christianson, MA, LPC, CCMHC, Eating Disorders Division President, Discovery Behavioral Health

REDC Special Investigatory Committee:

Chase Bannister, MDIV, MSW, LCSW, CEDS – Chair; **Craig Johnson**, PhD, CEDS; **Sharon Zimpler**, MA, LMFT

This REDC Special Investigatory Committee (hereafter, 'the Committee') was empaneled in response to a REDC Code of Ethics grievance received from Laura Collins Lyster-Mensch regarding REDC member organization Center for Discovery and the website fbtinfo.com (hereafter, 'website' or 'site').

The grievance alleged that the content of the unsigned website—largely critical of eating disorders treatment modality Family Based Treatment (FBT)—was the veiled work product of Center for Discovery. Ms. Lyster-Mensch claimed that the acts of creating and/or publishing the site were deceptive in nature, in that the site (a) obfuscated its authorship, (b) omitted or misrepresented information about FBT, and (c) under a guise of neutrality, attempted to influence public opinion in a sphere wherein which it has economic interest.

The Committee's initial review found reasonable grounds for further investigation, which proceeded in accordance with established procedure. The Committee held teleconference interviews both with the claimant and with the respondent, and further sought and received written responses to clarifying questions. Alongside information provided in the context of interviews and correspondence, the Committee reviewed archived website content, website source code data, salient ethics literature, applicable REDC documents (i.e., REDC Code of Ethics, REDC Center of Excellence Standards, REDC Marketing Best Practices), and other documents.

In simplified (and, thus, inherently imperfect form), the Committee identified the most plausible event sequence was as follows:

1. In 2016 or 2017, Center for Discovery Employee A ('Employee A') requested Center for Discovery Employee B ('Employee B') to pen an informal article comparing and contrasting FBT with other available eating disorders treatments, including residential treatment.
2. Employee B wrote such an article and delivered it to Employee A, per initial request.
3. Employee A made significant alterations to the original article.
4. Employee A directed a contracted web developer to create a new web domain (fbtinfo.com), separate and apart from Center for Discovery's regular/established web

- presence, and to post the edited content thereunto. The site contained no immediately observable reference to Center for Discovery.
5. Over the course of approximately two years, Employee A continued to edit the scope and the content of the site, directing changes to the contracted web developer to enact.
 6. Employee A ceased employment with Center for Discovery.
 7. Absent further direction from Center for Discovery, the website remained online/active.
 8. The unsigned website came to the attention of Ms. Lyster-Mensch. Ms. Lyster-Mensch (together with associates) discovered that the source code of the website—unobservable to the casual viewer—contained the words “© copyright Center for Discovery”.
 9. Ms. Lyster-Mensch perceived that the website implied significant participation (if not authorship) by Michael Strober, PhD, yet further perceived the content to be inconsistent with Dr. Strober’s writing style and methodology.
 10. Upon Ms. Lyster-Mensch’s communicating these concerns directly to Dr. Strober, Dr. Strober denied involvement.
 11. Dr. Strober (and/or representatives) contacted Center for Discovery in order to object to the content and request removal.
 12. Center for Discovery’s Internet Marketing Team (‘IMT’) was immediately tasked with site removal. However, IMT members discovered they did not have the requisite administrative credentials to remove the site. The IMT reached out to the contracted web developer, who, being in possession of the necessary access codes, deactivated the site.
 13. Ms. Lyster-Mensch expressed concerns with the REDC Ethics Committee Chairperson, ultimately filing grievance with the organization.

In an online blog posting, Ms. Lyster-Mensch elaborated on the site, offering thoughts as to its perceived purpose, saying,

“I think it was to redirect newer clinicians with questions. It wasn’t to promote the chain’s clinics or even an honest critique of FBT. It hijacked an unwilling and unknowing person’s identity and didn’t reveal its ownership. The only purpose was to push back on a perceived threat to business.” (feast-ed.org/this-balanced-critique; dated September 10, 2019, retrieved October 21, 2019)

The investigation was expedited by the congruence of opinion held by the Complainant, the Respondent, and the Committee—the existence of the website and its contents were in poor judgment.

During an interview with Deandre Christianson, Eating Disorders Division President of Discovery Behavioral Health (Center for Discovery’s parent company), Ms. Christianson said that the website was “a poor decision” and hypothesized that the website may have been created by the former employee as a means to gain “competitive advantage by suggesting residential [treatment] was somehow better or more effective than FBT.” While unable to speak to the exact motivations or behaviors of former employees, Ms. Christianson acknowledged it is incumbent upon organizations like Center for Discovery “to create the kind of environment and culture that fosters principled behavior.”

The Committee aligns with the reasonable conclusion as drawn by both Center for Discovery and Ms. Lyster-Mensch—the website can be viewed as a stealth marketing activity, complete with specious content, misleading authorship, and less-than-principled perceived intent.

As such, according to a preponderance of the evidence, the Committee found that the respondent organization **did violate** Section 5 of the REDC Code of Ethics, which states in part:

"In marketing their services, REDC members employ messaging that is truthful, fair, non-deceptive, capable of being substantiated, and in all respects lawful." (From Section 5, REDC Code of Ethics, 2018)

With an eye toward ensuring these methods are not replicated by the respondent or other REDC organizations, the Committee took special note of material offered Center for Discovery (per Ms. Christianson).

"I worked with our Vice President of Marketing to ensure that we retrieved any accounts that exist from this consultant and any other consultant that this department has worked with, currently or historically. We recently established a process in which all content that is posted on behalf of the organization is reviewed through several channels, including operations and myself, to ensure information is not being posted that is not aligned with our philosophy. ... Thus far, the new process has been productive in ensuring several people are involved in approving content."

"We have educated our staff and consultants on the processes in order to get content approved for posting. We are working with our Human Resources and Quality Management departments to approve a policy for all staff and consultants, which will address the posting of any content that does not align with the organization's values and philosophies. This will be reviewed in our next Policy Committee Meeting for approval. The incident has been reviewed with executive leadership and the marketing teams to identify any other ways we can prevent such an event in the future. It has been widely acknowledged throughout the leadership of the organization that we have no interest in engaging in questionable business practices."

Accounting for (a) the timely, fulsome, and candid responses the Committee received from Center for Discovery during the investigation as well as (b) the earnest effort the Committee sensed those responses represented, the Committee recommends the following:

1. Sanction of Warning
2. Letter of Assurance from Center for Discovery/Discovery Behavioral Health to REDC Board of Directors to include (a) acknowledgment of violation, (b) a plan of corrective action, and (c) commitment to REDC Code of Ethics
3. Presentation to (and accompanying dialogue with) REDC Membership at the March 2020 REDC Member Meeting with respect to matters raised in this report, inclusive of (a) a review of related events, (b) discussion regarding the practical and philosophical challenges introduced by those events, (c) procedural safeguards implemented against future infraction, and (d) overall 'lessons-learned' from the experience standing to edify the full REDC Membership
4. Brokered dialogue between Ms. Lyster-Mensh and Center for Discovery at a mutually agreeable time and place
5. Disclosure of the Committee's report in full to Claimant (Ms. Lyster-Mensh)

The Committee recommends adoption of this investigatory report—together with its findings, and its recommendations—by the full Ethics Committee of REDC, and, if approved, to the REDC Board for further consideration and/or action.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Chase Bannister', written in a cursive style.

Chase Bannister, MDIV, MSW, LCSW, CEDS
Chair, REDC Special Investigatory Committee

Supplemental: Related Guidance from REDC

“When eating disorders treatment programs have reasonable grounds to believe that they are offering a service that is substantially better than and/or different from others in the field, they also must be willing to have these practices studied and validated, such that the entire field can benefit.” (From Section 5, REDC Code of Ethics, 2018)

“Promotional messaging from a COE is never simply an enticement to choose one facility over another, nor is it focused on superficial attributes or used as a vehicle for deceptive claims. REDC provides all members with ‘Marketing Best Practices guidelines that identify concrete ways for eating disorders treatment programs to ensure that their marketing practices are educational and focused on treatment, consistent with — and truly representative of — programs’ operational focus on best-practice care.” (REDC Whitepaper: Defining an Eating Disorders Center of Excellence, 2018)

“Online advertising has become an important channel of communication with potential referral sources and with individuals who could benefit from members’ programs. REDC’s Code of Ethics does not establish rules specific to online advertising, but the principle that REDC members should not engage in marketing practices that are intentionally misleading applies to online advertising as well. Engaging in intentionally misleading paid or organic Internet advertising, or engaging in predatory online activities, are considered examples of practices inconsistent with the guiding principles of REDC and the expectations of its constituent members.” (Policy/Guideline 7, REDC Marketing Best Practices, 2018)