
CHAPTER 490
PSYCHOLOGICAL SERVICES

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Most people print off a copy of the post test and circle the answers as they read through the materials. Then, you can log in, go to "My Account" and under "Courses I Need to Take" click on the blue "Enter Answers" button.

After completing the post test, you can print your certificate.

490.001 Short title.--This chapter may be cited as the "Psychological Services Act."

History.--ss. 1, 3, ch. 81-235; ss. 1, 3, ch. 83-265; ss. 18, 19, ch. 87-252; s. 36, ch. 88-392; ss. 12, 13, ch. 89-70; s. 10, ch. 90-192; s. 4, ch. 91-429.

490.002 Intent.--The Legislature finds that as society becomes increasingly complex, emotional survival is equal in importance to physical survival. Therefore, in order to preserve the health, safety, and welfare of the public, the Legislature must provide privileged communication for members of the public or those acting on their behalf to encourage needed or desired psychological services to be sought out. The Legislature further finds that, since such psychological services assist the public primarily with emotional survival, which in turn affects physical and psychophysical survival, the practice of psychology and school psychology by unqualified persons presents a danger to public health, safety, and welfare.

History.--ss. 1, 3, ch. 81-235; ss. 1, 3, ch. 83-265; ss. 1, 18, 19, ch. 87-252; s. 36, ch. 88-392; ss. 12, 13, ch. 89-70; s. 10, ch. 90-192; s. 4, ch. 91-429.

490.003 Definitions.--As used in this chapter:

(1) "Board" means the Board of Psychology.

(2) "Department" means the Department of Health.

(3)(a) Prior to July 1, 1999, "doctoral-level psychological education" and "doctoral degree in psychology" mean a Psy.D., an Ed.D. in psychology, or a Ph.D. in psychology from:

1. An educational institution which, at the time the applicant was enrolled and graduated, had institutional accreditation from an agency recognized and approved by the United States Department of Education or was recognized as a member in good standing with the Association of Universities and Colleges of Canada; and

2. A psychology program within that educational institution which, at the time the applicant was enrolled and graduated, had programmatic accreditation from an accrediting agency recognized and approved by the United States Department of Education or was comparable to such programs.

(b) Effective July 1, 1999, "doctoral-level psychological education" and "doctoral degree in psychology" mean a Psy.D., an Ed.D. in psychology, or a Ph.D. in psychology from:

1. An educational institution which, at the time the applicant was enrolled and graduated, had institutional accreditation from an agency recognized and approved by the United States Department of Education or was recognized as a member in good standing with the Association of Universities and Colleges of Canada; and

2. A psychology program within that educational institution which, at the time the applicant was enrolled and graduated, had programmatic accreditation from an agency recognized and approved by the United States Department of Education.

(4) "Practice of psychology" means the observations, description, evaluation, interpretation, and modification of human behavior, by the use of scientific and applied psychological principles, methods, and procedures, for the purpose of describing, preventing, alleviating, or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal behavioral health and mental or psychological health. The ethical practice of psychology includes, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning, including evaluation of mental competency to manage one's affairs and to participate in legal proceedings; counseling, psychoanalysis, all forms of psychotherapy, sex therapy, hypnosis, biofeedback, and behavioral analysis and therapy; psychoeducational evaluation, therapy, remediation, and consultation; and use of psychological methods to diagnose and treat mental, nervous, psychological, marital, or emotional disorders, illness, or disability, alcoholism and substance abuse, and disorders of habit or conduct, as well as the psychological aspects of physical illness, accident, injury, or disability, including neuropsychological evaluation, diagnosis, prognosis, etiology, and treatment.

(a) Psychological services may be rendered to individuals, couples, families, groups, and the public without regard to place of service.

(b) The use of specific modalities within the practice of psychology is restricted to psychologists appropriately trained in the use of such modalities.

(c) The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is requested or received for services rendered.

(5) "Practice of school psychology" means the rendering or offering to render to an individual, a group, an organization, a government agency, or the public any of the following services:

(a) Assessment, which includes psychoeducational, developmental, and vocational assessment; evaluation and interpretation of intelligence, aptitudes, interests, academic achievement, adjustment, and motivations, or any other attributes, in individuals or groups, that relate to learning, educational, or adjustment needs.

(b) Counseling, which includes short-term situation-oriented professional interaction with children, parents, or other adults for amelioration or prevention of learning and adjustment problems. Counseling services relative to the practice of school psychology include verbal interaction, interviewing, behavior techniques, developmental and vocational intervention, environmental management, and group processes.

(c) Consultation, which includes psychoeducational, developmental, and vocational assistance or direct educational services to schools, agencies, organizations, families, or individuals related to learning problems and adjustments to those problems.

(d) Development of programs, which includes designing, implementing, or evaluating educationally and psychologically sound learning environments; acting as a catalyst for teacher involvement in adaptations and innovations; and facilitating the psychoeducational development of individual families or groups.

(6) "Provisional psychologist licensee" means a person provisionally licensed under this chapter to provide psychological services under supervision.

(7) "Psychologist" means a person licensed pursuant to s. 490.005(1), s. 490.006, or the provision identified as s. 490.013(2) in s. 1, chapter 81-235, Laws of Florida.

(8) "School psychologist" means a person licensed pursuant to s. 490.005(2), s. 490.006, or the provision identified as s. 490.013(1) in s. 1, chapter 81-235, Laws of Florida.

History.--ss. 1, 3, ch. 81-235; ss. 1, 3, ch. 83-265; ss. 2, 18, 19, ch. 87-252; s. 36, ch. 88-392; ss. 2, 12, 13, ch. 89-70; s. 10, ch. 90-192; s. 4, ch. 91-429; s. 190, ch. 94-218; s. 3, ch. 95-279; s. 2, ch. 97-198; s. 194, ch. 97-264.

490.004 Board of Psychology.--

(1) There is created within the department the Board of Psychology, composed of seven members appointed by the Governor and confirmed by the Senate.

(2) Five members of the board must be psychologists licensed pursuant to this chapter in good standing in this state. The remaining two members must be citizens of the state who are not and have never been licensed psychologists and who are in no way connected with the practice of psychology. At least one member of the board must be 60 years of age or older.

(3) Members shall be appointed for terms of 4 years and shall serve until their successors are appointed.

(4) The board shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

(5) All applicable provisions of chapter 456 relating to activities of regulatory boards shall apply to the board.

(6) The board shall maintain its official headquarters in the City of Tallahassee.

History.--ss. 1, 3, ch. 81-235; ss. 1, 3, ch. 83-265; s. 25, ch. 87-172; ss. 3, 18, 19, ch. 87-252; s. 36, ch. 88-392; ss. 12, 13, ch. 89-70; s. 10, ch. 90-192; s. 4, ch. 91-429; s. 191, ch. 94-218; s. 4, ch. 95-279; s. 148, ch. 98-166; s. 162, ch. 98-200; s. 207, ch. 2000-160.

490.005 Licensure by examination.--

(1) Any person desiring to be licensed as a psychologist shall apply to the department to take the licensure examination. The department shall license each applicant who the board certifies has:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed \$500 and an examination fee set by the board sufficient to cover the actual per applicant cost to the department for development, purchase, and administration of the examination, but not to exceed \$500.

(b) Submitted proof satisfactory to the board that the applicant has:

1. Received doctoral-level psychological education, as defined in s. 490.003(3);

2. Received the equivalent of a doctoral-level psychological education, as defined in s. 490.003(3), from a program at a school or university located outside the United States of America and Canada, which was officially recognized by the government of the country in which it is located as an institution or program to train students to practice professional psychology. The burden of establishing that the requirements of this provision have been met shall be upon the applicant;

3. Received and submitted to the board, prior to July 1, 1999, certification of an augmented doctoral-level psychological education from the program director of a doctoral-level psychology program accredited by a programmatic agency recognized and approved by the United States Department of Education; or

4. Received and submitted to the board, prior to August 31, 2001, certification of a doctoral-level program that at the time the applicant was enrolled and graduated maintained a standard of education and training comparable to the standard of training of programs accredited by a programmatic agency recognized and approved by the United States Department of Education. Such certification of comparability shall be provided by the program director of a doctoral-level psychology program accredited by a programmatic agency recognized and approved by the United States Department of Education.

(c) Had at least 2 years or 4,000 hours of experience in the field of psychology in association with or under the supervision of a licensed psychologist meeting the academic and experience requirements of this chapter or the equivalent as determined by the board. The experience requirement may be met by work performed on or off the premises of the supervising psychologist if the off-premises work is not the independent, private practice rendering of psychological services that does not have a psychologist as a member of the group actually rendering psychological services on the premises.

(d) Passed the examination. However, an applicant who has obtained a passing score, as established by the board by rule, on the psychology licensure examination designated by the board as the national licensure examination need only pass the Florida law and rules portion of the examination.

(2) Any person desiring to be licensed as a school psychologist shall apply to the department to take the licensure examination. The department shall license each applicant who the department certifies has:

(a) Satisfactorily completed the application form and submitted a nonrefundable application fee not to exceed \$250 and an examination fee sufficient to cover the per applicant cost to the department for development, purchase, and administration of the examination, but not to exceed \$250 as set by department rule.

(b) Submitted satisfactory proof to the department that the applicant:

1. Has received a doctorate, specialist, or equivalent degree from a program primarily psychological in nature and has completed 60 semester hours or 90 quarter hours of graduate

study, in areas related to school psychology as defined by rule of the department, from a college or university which at the time the applicant was enrolled and graduated was accredited by an accrediting agency recognized and approved by the Commission on Recognition of Postsecondary Accreditation or an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada.

2. Has had a minimum of 3 years of experience in school psychology, 2 years of which must be supervised by an individual who is a licensed school psychologist or who has otherwise qualified as a school psychologist supervisor, by education and experience, as set forth by rule of the department. A doctoral internship may be applied toward the supervision requirement.

3. Has passed an examination provided by the department.

History.--ss. 1, 3, ch. 81-235; ss. 1, 3, ch. 83-265; s. 91, ch. 83-329; ss. 4, 18, 19, ch. 87-252; s. 36, ch. 88-205; s. 36, ch. 88-392; ss. 3, 12, 13, ch. 89-70; s. 10, ch. 90-192; s. 4, ch. 91-429; s. 109, ch. 92-149; s. 30, ch. 94-310; s. 5, ch. 95-279; s. 3, ch. 97-198; s. 195, ch. 97-264; s. 302, ch. 98-166; s. 162, ch. 99-397.

490.0051 Provisional licensure; requirements.--

(1) The department shall issue a provisional psychology license to each applicant who the board certifies has:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed \$250, as set by board rule.

(b) Earned a doctoral degree in psychology as defined in s. 490.003(3).

(c) Met any additional requirements established by board rule.

(2) A provisional licensee must work under the supervision of a licensed psychologist until the provisional licensee is in receipt of a license or a letter from the department stating that he or she is licensed as a psychologist.

(3) A provisional license expires 24 months after the date it is issued and may not be renewed or reissued.

History.--s. 4, ch. 97-198; s. 196, ch. 97-264.

490.006 Licensure by endorsement.--

(1) The department shall license a person as a psychologist or school psychologist who, upon applying to the department and remitting the appropriate fee, demonstrates to the department or, in the case of psychologists, to the board that the applicant:

(a) Holds a valid license or certificate in another state to practice psychology or school psychology, as applicable, provided that, when the applicant secured such license or certificate, the requirements were substantially equivalent to or more stringent than those set forth in this chapter at that time; and, if no Florida law existed at that time, then the requirements in the other state must have been substantially equivalent to or more stringent than those set forth in this chapter at the present time;

(b) Is a diplomate in good standing with the American Board of Professional Psychology, Inc.; or

(c) Possesses a doctoral degree in psychology as described in s. 490.003 and has at least 20 years of experience as a licensed psychologist in any jurisdiction or territory of the United States within 25 years preceding the date of application.

(2) In addition to meeting the requirements for licensure set forth in subsection (1), an applicant must pass that portion of the psychology or school psychology licensure examinations

pertaining to the laws and rules related to the practice of psychology or school psychology in this state before the department may issue a license to the applicant.

(3) The department shall not issue a license by endorsement to any applicant who is under investigation in this or another jurisdiction for an act which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of s. 490.009 shall apply.

History.--ss. 1, 3, ch. 81-235; ss. 1, 3, ch. 83-265; ss. 5, 18, 19, ch. 87-252; s. 36, ch. 88-392; ss. 4, 12, 13, ch. 89-70; s. 10, ch. 90-192; s. 4, ch. 91-429; s. 6, ch. 95-279; s. 163, ch. 99-397.

490.007 Renewal of license.--

(1) The department or, in the case of psychologists, the board shall prescribe by rule a method for the biennial renewal of a license at a fee set by rule, not to exceed \$500.

(2) Each applicant for renewal shall present satisfactory evidence that, in the period since the license was issued, the applicant has completed continuing education requirements set by rule of the department or, in the case of psychologists, by rule of the board. Not more than 25 hours of continuing education per year shall be required.

History.--ss. 1, 3, ch. 81-235; s. 102, ch. 83-218; ss. 1, 3, ch. 83-265; s. 116, ch. 83-329; ss. 6, 18, 19, ch. 87-252; s. 36, ch. 88-392; ss. 12, 13, ch. 89-70; s. 10, ch. 90-192; s. 4, ch. 91-429; s. 110, ch. 92-149; s. 286, ch. 94-119.

490.0085 Continuing education; approval of providers, programs, and courses; proof of completion.--

(1) Continuing education providers, programs, and courses shall be approved by the department or, in the case of psychologists, the board.

(2) The department or, in the case of psychologists, the board has the authority to set a fee not to exceed \$500 for each applicant who applies for or renews provider status. Such fees shall be deposited into the Medical Quality Assurance Trust Fund.

(3) Proof of completion of the required number of hours of continuing education shall be submitted to the department in the manner and time specified by rule and on forms provided by the department.

(4) The department or, in the case of psychologists, the board shall adopt rules and guidelines to administer and enforce the provisions of this section.

History.--ss. 1, 2, ch. 84-168; ss. 18, 19, ch. 87-252; s. 36, ch. 88-392; ss. 12, 13, ch. 89-70; s. 10, ch. 90-192; s. 4, ch. 91-429; s. 111, ch. 92-149; s. 7, ch. 95-279; s. 164, ch. 99-397.

490.009 Discipline.--

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(a) Attempting to obtain, obtaining, or renewing a license under this chapter by bribery or fraudulent misrepresentation or through an error of the board or department.

(b) Having a license to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of his or her profession or the ability to practice his or her profession. A plea of nolo contendere creates a rebuttable presumption of guilt of the underlying

criminal charges. However, the board shall allow the person who is the subject of the disciplinary proceeding to present any evidence relevant to the underlying charges and circumstances surrounding the plea.

(d) False, deceptive, or misleading advertising or obtaining a fee or other thing of value on the representation that beneficial results from any treatment will be guaranteed.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Maintaining a professional association with any person who the applicant or licensee knows, or has reason to believe, is in violation of this chapter or of a rule of the department or, in the case of psychologists, of the department or the board.

(g) Knowingly aiding, assisting, procuring, or advising any nonlicensed person to hold himself or herself out as licensed under this chapter.

(h) Failing to perform any statutory or legal obligation placed upon a person licensed under this chapter.

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record. Such report or record includes only a report or record which requires the signature of a person licensed under this chapter.

(j) Paying a kickback, rebate, bonus, or other remuneration for receiving a patient or client, or receiving a kickback, rebate, bonus, or other remuneration for referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

(k) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined in s. 490.0111.

(l) Making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed under this chapter.

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(n) Failing to make available to a patient or client, upon written request, copies of test results, reports, or documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client.

(o) Failing to respond within 30 days to a written communication from the department concerning any investigation by the department or to make available any relevant records with respect to any investigation about the licensee's conduct or background.

(p) Being unable to practice the profession for which he or she is licensed under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the ¹State Surgeon General, the ¹State Surgeon General's designee, or the board that probable cause exists to believe that the licensee is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by psychologists or physicians designated by the department or board. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The licensee shall not be named or identified by initials in the petition or in any other public court records or documents, and the enforcement proceedings shall be closed to the public. The

department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall be afforded an opportunity at reasonable intervals to demonstrate that he or she can resume the competent practice for which he or she is licensed with reasonable skill and safety to patients.

(q) Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(r) Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.

(s) Delegating professional responsibilities to a person whom the licensee knows or has reason to know is not qualified by training or experience to perform such responsibilities.

(t) Violating a rule relating to the regulation of the profession or a lawful order of the department previously entered in a disciplinary hearing.

(u) Failing to maintain in confidence a communication made by a patient or client in the context of such services, except as provided in s. 490.0147.

(v) Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.

(w) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The department, or in the case of psychologists, the board, may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

History.--ss. 1, 3, ch. 81-235; s. 35, ch. 83-215; ss. 1, 3, ch. 83-265; s. 9, ch. 84-203; ss. 8, 18, 19, ch. 87-252; s. 36, ch. 88-392; ss. 6, 12, 13, ch. 89-70; s. 10, ch. 90-192; s. 4, ch. 91-429; s. 112, ch. 92-149; s. 8, ch. 95-279; s. 228, ch. 96-410; s. 1135, ch. 97-103; s. 6, ch. 97-198; s. 198, ch. 97-264; s. 150, ch. 98-166; s. 209, ch. 2000-160; s. 52, ch. 2001-277; s. 27, ch. 2005-240.

1Note.--Chapter 2007-40 redesignated the Secretary of Health as the State Surgeon General.

490.0111 Sexual misconduct.--Sexual misconduct by any person licensed under this chapter, in the practice of her or his profession, is prohibited. Sexual misconduct shall be defined by rule.

History.--ss. 1, 3, ch. 81-235; ss. 1, 3, ch. 83-265; ss. 9, 18, 19, ch. 87-252; s. 36, ch. 88-392; ss. 12, 13, ch. 89-70; s. 10, ch. 90-192; s. 4, ch. 91-429; s. 502, ch. 97-103.

490.012 Violations; penalties; injunction.--

(1)(a) No person shall hold herself or himself out by any professional title, name, or description incorporating the word "psychologist" unless such person holds a valid, active license as a psychologist under this chapter.

(b) No person shall hold herself or himself out by any professional title, name, or description incorporating the words "school psychologist" unless such person holds a valid, active license as a school psychologist under this chapter or is certified as a school psychologist by the Department of Education.

(c) No person shall hold herself or himself out by any title or description incorporating the words, or permutations of them, "psychology," "psychological," or "psychodiagnostic," or describe any

test or report as psychological, unless such person holds a valid, active license under this chapter or is exempt from the provisions of this chapter.

(d) No person shall hold herself or himself out by any title or description incorporating the word, or a permutation of the word, "psychotherapy" unless such person holds a valid, active license under chapter 458, chapter 459, chapter 490, or chapter 491, or such person is certified as an advanced registered nurse practitioner, pursuant to s. 464.012, who has been determined by the Board of Nursing as a specialist in psychiatric mental health.

(e) No person licensed or provisionally licensed pursuant to this chapter shall hold herself or himself out by any title or description which indicates licensure other than that which has been granted to her or him.

(2)(a) A licensed psychologist shall conspicuously display the valid, active license issued by the department or a true copy thereof at each location at which the licensee practices his or her profession.

(b) A licensed psychologist shall include the words "licensed psychologist" on all professional advertisements, including, but not limited to, advertisements in any newspaper, magazine, other print medium, airwave or broadcast transmission, or phone directory listing purchased by or on behalf of a person licensed according to this chapter.

(3)(a) A person provisionally licensed under this chapter as a provisional psychologist licensee shall conspicuously display the valid provisional license issued by the department or a true copy thereof at each location at which the provisional licensee is providing services.

(b) A provisional psychologist licensee shall include the words "provisional psychologist licensee" on all promotional materials, including cards, brochures, stationery, advertisements, and signs, naming the provisional licensee.

(4) Any person who violates any provision of this section, except for subsections (2) and (3), commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who violates any provision of subsection (2) or subsection (3) is subject to disciplinary action under s. 490.009.

(5) The department may institute appropriate proceedings to enjoin violation of subsection (1).

(6) No person shall practice psychology in this state, as such practice is defined in s. 490.003(4), for compensation, unless such person holds an active, valid license to practice psychology issued pursuant to this chapter. Nothing in this subsection shall be construed to limit the practice of school psychology, as such practice is defined in s. 490.003(5).

(7) No person shall practice school psychology in this state, as such practice is defined in s. 490.003(5), for compensation, unless such person holds an active, valid license to practice school psychology issued pursuant to this chapter.

(8) Effective October 1, 2000, a person may not practice juvenile sexual offender therapy in this state, as the practice is defined in s. 490.0145, for compensation, unless the person holds an active license issued under this chapter and meets the requirements to practice juvenile sexual offender therapy. An unlicensed person may be employed by a program operated by or under contract with the Department of Juvenile Justice or the Department of Children and Family Services if the program employs a professional who is licensed under chapter 458, chapter 459, s. 490.0145, or s. 491.0144 who manages or supervises the treatment services.

History.--ss. 1, 3, ch. 81-235; ss. 1, 3, ch. 83-265; ss. 10, 18, 19, ch. 87-252; s. 36, ch. 88-392; ss. 8, 12, 13, ch. 89-70; s. 10, ch. 90-192; s. 3, ch. 90-263; s. 4, ch. 91-429; s. 113, ch. 92-149; s. 503, ch. 97-103; s. 7, ch. 97-198; s. 199, ch. 97-264; s. 2, ch. 98-158; s. 125, ch. 2001-277.

490.0121 Licensed school psychologists; private sector services.--It shall not be a violation of s. 112.313(7) for a licensed school psychologist employed by a school district to provide private sector services to students within that district if:

- (1) The parent, guardian, or adult client is informed in writing prior to provision of services of their eligibility for such free services from the school district.
- (2) The client is not a student of the schools to which the school psychologist is currently assigned.
- (3) The parent, guardian, or adult client is informed that, as a dual practitioner, the school psychologist may not function as an independent evaluator.
- (4) The school psychologist does not promise 24-hour service or on-call services and does not engage in private practice during hours of contracted employment.
- (5) The school psychologist does not use his or her position within a school district to offer private services or to promote a private practice.
- (6) The school psychologist does not utilize tests, materials, or services belonging to the school district.

History.--s. 116, ch. 92-149; s. 504, ch. 97-103.

490.014 Exemptions.--

(1)(a) No provision of this chapter shall be construed to limit the practice of physicians licensed pursuant to chapter 458 or chapter 459 so long as they do not hold themselves out to the public as psychologists or use a professional title protected by this chapter.

(b) No provision of this chapter shall be construed to limit the practice of nursing, clinical social work, marriage and family therapy, mental health counseling, or other recognized businesses or professions, or to prevent qualified members of other professions from doing work of a nature consistent with their training, so long as they do not hold themselves out to the public as psychologists or use a title or description protected by this chapter. Nothing in this subsection shall be construed to exempt any person from the provisions of s. 490.012.

(2) No person shall be required to be licensed or provisionally licensed under this chapter who:

(a) Is a salaried employee of a government agency; developmental disability facility or program, mental health, alcohol, or drug abuse facility operating under chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management program, or child care resource and referral program operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter 39; accredited academic institution; or research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution, so long as the employee is not held out to the public as a psychologist pursuant to s. 490.012(1)(a).

(b) Is a salaried employee of a private, nonprofit organization providing counseling services to children, youth, and families, if such services are provided for no charge, if such employee is performing duties for which he or she was trained and hired, so long as the employee is not held out to the public as a psychologist pursuant to s. 490.012(1)(a).

(c) Is a student who is pursuing a course of study which leads to a degree in medicine or a profession regulated by this chapter who is providing services in a training setting, provided such activities or services constitute part of a supervised course of study, or is a graduate accumulating the experience required for any licensure under this chapter, provided such graduate or student is designated by a title such as "intern" or "trainee" which clearly indicates the in-training status of the student.

(d) Is certified in school psychology by the Department of Education and is performing psychological services as an employee of a public or private educational institution. Such exemption shall not be construed to authorize any unlicensed practice which is not performed as a direct employee of an educational institution.

(e) Is not a resident of the state but offers services in this state, provided:

1. Such services are performed for no more than 5 days in any month and no more than 15 days in any calendar year; and

2. Such nonresident is licensed or certified by a state or territory of the United States, or by a foreign country or province, the standards of which were, at the date of his or her licensure or certification, equivalent to or higher than the requirements of this chapter in the opinion of the department or, in the case of psychologists, in the opinion of the board.

(f) Is a rabbi, priest, minister, or member of the clergy of any religious denomination or sect when engaging in activities which are within the scope of the performance of his or her regular or specialized ministerial duties and for which no separate charge is made, or when such activities are performed, with or without charge, for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination, or sect, and when the person rendering service remains accountable to the established authority thereof.

(3) No provision of this chapter shall be construed to limit the practice of any individual who solely engages in behavior analysis so long as he or she does not hold himself or herself out to the public as possessing a license issued pursuant to this chapter or use a title or description protected by this chapter.

(4) Nothing in this section shall exempt any person from the provisions of s. 490.012(1)(a)-(b).

(5) Except as stipulated by the board, the exemptions contained in this section do not apply to any person licensed under this chapter whose license has been suspended or revoked by the board or another jurisdiction.

History.--ss. 1, 3, ch. 81-235; s. 36, ch. 82-179; s. 40, ch. 83-216; ss. 1, 3, ch. 83-265; s. 92, ch. 83-329; ss. 11, 18, 19, ch. 87-252; s. 36, ch. 88-392; ss. 9, 12, 13, ch. 89-70; s. 10, ch. 90-192; s. 4, ch. 90-263; s. 4, ch. 91-429; s. 114, ch. 92-149; s. 33, ch. 93-39; s. 9, ch. 95-279; s. 505, ch. 97-103; s. 8, ch. 97-198; s. 200, ch. 97-264; s. 156, ch. 98-403; s. 126, ch. 2001-277; s. 62, ch. 2006-227.

490.0141 Practice of hypnosis.--A licensed psychologist who is qualified as determined by the board may practice hypnosis as defined in s. 485.003(1). The provisions of this chapter may not be interpreted to limit or affect the right of any person qualified pursuant to chapter 485 to practice hypnosis pursuant to that chapter or to practice hypnosis for nontherapeutic purposes, so long as such person does not hold herself or himself out to the public as possessing a license issued pursuant to this chapter or use a title protected by this chapter.

History.--ss. 2, 3, ch. 84-168; ss. 18, 19, ch. 87-252; s. 36, ch. 88-392; ss. 12, 13, ch. 89-70; s. 10, ch. 90-192; s. 4, ch. 91-429; ss. 115, 127, ch. 92-149; s. 2, ch. 95-279; s. 506, ch. 97-103; s. 210, ch. 2000-160.

490.0143 Practice of sex therapy.--Only a person licensed by this chapter who meets the qualifications set by the board may hold himself or herself out as a sex therapist. The board shall define these qualifications by rule. In establishing these qualifications, the board may refer to the sexual disorder and sexual dysfunction sections of the most current edition of the Diagnostic and Statistical Manual of the American Psychiatric Association or other relevant publications.

History.--ss. 12, 19, ch. 87-252; s. 36, ch. 88-392; ss. 12, 13, ch. 89-70; s. 10, ch. 90-192; s. 4, ch. 91-429; s. 507, ch. 97-103.

490.0145 The practice of juvenile sexual offender therapy.--Only a person licensed by this chapter who meets the qualifications set by the board may hold himself or herself out as a juvenile sexual offender therapist, except as provided in s. 491.0144. These qualifications shall be determined by the board. The board shall require training and coursework in the specific areas of juvenile sexual offender behaviors, treatments, and related issues. In establishing these qualifications, the board may refer to the sexual disorder and dysfunction sections of the most current edition of the Diagnostic and Statistical Manual of the American Psychiatric Association, Association for the Treatment of Sexual Abusers Practitioner's Handbook, or other relevant publications.

History.--s. 3, ch. 98-158.

490.0147 Confidentiality and privileged communications.--Any communication between any person licensed under this chapter and her or his patient or client shall be confidential. This privilege may be waived under the following conditions:

- (1) When the person licensed under this chapter is a party defendant to a civil, criminal, or disciplinary action arising from a complaint filed by the patient or client, in which case the waiver shall be limited to that action.
- (2) When the patient or client agrees to the waiver, in writing, or when more than one person in a family is receiving therapy, when each family member agrees to the waiver, in writing.
- (3) When there is a clear and immediate probability of physical harm to the patient or client, to other individuals, or to society and the person licensed under this chapter communicates the information only to the potential victim, appropriate family member, or law enforcement or other appropriate authorities.

History.--ss. 13, 19, ch. 87-252; s. 36, ch. 88-392; ss. 12, 13, ch. 89-70; s. 10, ch. 90-192; s. 4, ch. 91-429; s. 508, ch. 97-103.

490.0148 Psychologist and school psychologist records.--Each psychologist and school psychologist who provides services as defined in this chapter shall maintain records. The board or, in the case of a school psychologist, the department may adopt rules defining the minimum requirements for such records, including content, length of time such records shall be maintained, and transfer of such records or of a summary of such records, or both, to a subsequent treating practitioner or other individual with the written consent of the client or clients.

History.--s. 117, ch. 92-149.

490.0149 Specialties.--

- (1) As used in this section, the term "certified psychology specialist," "board-certified psychology specialist," or "psychology diplomate" means a psychologist with recognized special competency acquired through an organized sequence of formal education, training, experience, and professional standing that is recognized by a certifying body approved by the board pursuant to criteria adopted under subsection (3).
- (2) A person licensed as a psychologist may not hold himself or herself out as a certified psychology specialist, board-certified psychology specialist, or psychology diplomate unless the person has received formal recognition from an approved certifying body.

(3) The board shall adopt rules to establish criteria for approval of certifying bodies that provide certification for specialties in psychology as provided in subsection (1). The criteria shall include that a certifying body:

(a) Be national in scope, incorporate standards of the profession, and collaborate closely with organizations related to specialization in psychology.

(b) Have clearly described purposes, bylaws, policies, and procedures.

(c) Have established standards for specialized practice of psychology.

(d) Provide assessments that include the development and implementation of an examination designed to measure the competencies required to provide services that are characteristic of the specialty area.

(4) A person licensed as a psychologist under this chapter may indicate the services he or she offers and may indicate that his or her practice is limited to one or more types of services when this accurately reflects his or her scope of practice.

History.--s. 1, ch. 2006-209.

490.015 Duties of the department.--

(1) All functions reserved to boards under chapter 456 shall be exercised by the department with respect to the regulation of school psychologists and in a manner consistent with the exercise of its regulatory functions.

(2) The department shall adopt rules to implement the provisions of this chapter.

History.--ss. 1, 3, ch. 81-235; ss. 1, 3, ch. 83-265; ss. 14, 18, 19, ch. 87-252; s. 36, ch. 88-392; ss. 12, 13, ch. 89-70; s. 10, ch. 90-192; s. 4, ch. 91-429; s. 151, ch. 9Page 13 of 708-166; s. 211, ch. 2000-160.



64B19 BOARD OF PSYCHOLOGY

CHAPTER 64B19-10 GENERAL ORGANIZATION AND PROCEDURES; DELEGATION OF FUNCTIONS

64B19-10.006 Meetings and Compensation.

64B19-10.014 Attendance at Board Meetings.

64B19-10.006 Meetings and Compensation.

For the purposes of Board member compensation pursuant to subsection 456.011(4), F.S., "other business involving the Board" is defined to include:

- (1) Board meetings;
- (2) Meetings of committees of the Board;
- (3) Attendance at any meeting of a Board member with Department staff or contractors of the Department at the Department or the Board's request;
- (4) Meetings attended by a Board member at the request of the Department or the Board;
- (5) Probable cause panel meetings;
- (6) Meetings of the Association of State and Provincial Psychology Boards or other state, regional or national organizations attended by a Board member at the request of the Department or the Board dealing with issues pertaining to state licensure or discipline of psychologists;
- (7) Legislative or legislative committee meetings.

Specific Authority 456.011(4), 490.004(4) FS. Law Implemented 456.011(3), (4) FS. History—New 1-17-82, Formerly 21U-10.06, Amended 7-18-88, Formerly 21U-10.006, Amended 6-14-94, Formerly 61F13-10.006, Amended 1-7-96, 6-26-97, Formerly 59AA-10.006.

64B19-10.014 Attendance at Board Meetings.

(1) Board members shall attend all regularly scheduled Board meetings unless prevented from doing so by reason of court order, subpoena, business with a court which has the sole prerogative of setting the date of such business, death of a family member, illness of the Board member, or hospitalization of the member's immediate family.

(2) No Board member may be absent from three consecutive regularly scheduled Board meetings unless the absence is excused for one of the reasons stated in subsection (1) of this rule. An absence for any reason other than the reasons stated in section (1) constitutes an unexcused absence for the purpose of declaring a vacancy on the Board. An otherwise excused absence is not excused if the Board member fails to notify the Board office of the impending absence prior to the regularly scheduled Board meeting at which the absence will occur or unless the failure to notify the Board office is the result of circumstance surrounding the reason for the absence which the Board itself excuses after the absence has occurred.

(3) "Family" consists of immediate family, nieces, nephews, cousins, and in-laws.

(4) "Immediate family" consists of spouse, child, parents, parents-in-law, siblings, grandchildren, and grandparents.

Specific Authority 456.011(3), (4), 490.004(4) FS. Law Implemented 456.011 FS. History—New 10-28-92, Formerly 21U-10.014, 61F13-10.014, 59AA-10.014.

CHAPTER 64B19-11 APPLICATIONS, EXAMINATIONS, CRITERIA FOR LICENSURE

64B19-11.001 Examination.

64B19-11.003 Licensure by Examination: Certification for Examination. (Repealed)

64B19-11.0035 Licensure by Examination: Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination.

64B19-11.004 Licensure by Examination: Additional Educational Requirements for Initial Licensure.

64B19-11.005 Supervised Experience Requirements.

64B19-11.006 Incomplete Applications.

64B19-11.007 Rule Governing Time Limits and Conditions for the Maintenance of an Active Application File. **(Repealed eff. 4/17/05)**

64B19-11.008 Reapplication by Persons Whose Licenses Have Been Revoked by the Board.

64B19-11.009 Denial of Licensure.

64B19-11.010 Limited Licensure.

64B19-11.011 Provisional License: Supervision of Provisional Licensees.

64B19-11.012 Application Forms.

64B19-11.001 Examination.

(1)(a) The first part of the examination shall be the Examination for Professional Practice in Psychology (EPPP) developed by the Association of State and Provincial Psychology Boards.

(b) The minimum passing score on EPPP is the cut-off score provided by the national examination provider established according to a standard setting and statistical equating methods. Statistical equating is used to adjust for the level of difficulty of the different examination administrations. After the statistical equating, candidates' raw scores are converted to a scaled score with a maximum possible score of 800. The minimum passing score shall be a scaled score of 500.

(c) The minimum passing score on EPPP shall be 70% correct of the items scored on the examination prior to the October 2000 examination. The minimum passing score on EPPP for the October 2000 examination and thereafter shall be the ASPPB recommended cut-off score.

(2)(a) The second part of the licensure examination is an examination consisting of forty (40) objective questions which test knowledge of Florida Statutes and rules relevant to the practice of psychology in this State. The content of the examination is as follows:

SUBJECT	NO. OF QUESTIONS
1. Chapter 490, F.S. (Psychological Services Act)	9
2. Section 90.503, F.S. (Psychotherapist-patient privilege)	1
3. Chapter 394, Part I, F.S. (Florida Mental Health Act)	7
4. Chapter 415, F.S. (Protection From Abuse, Neglect, and Exploitation)	1
5. Chapter 64B19, F.A.C. (Board of Psychology)	12
6. Chapter 456, F.S. (Health Professions and Occupations: General Provisions)	8
7. Chapter 39, F.S. (Proceeding Relating to Children)	2

(b) A raw score of thirty-two (32) correct answers (80%) is necessary to pass the second part of the licensure examination.

(3) The Board will certify as exempt from the EPPP those applicants who have taken the Association of State and Provincial Psychology Boards' examination in another state and obtained a score equal to or greater than the score required in paragraph (1)(b) or (c).

(4)(a) A candidate for licensure by examination who fails to pass one part of the examination shall only be required to retake and pass that part of the examination which was failed.

(b) A passing score on the Florida laws and rules examination shall cease to be valid eighteen (18) months after the Board's letter to the applicant advising that the applicant has passed the Florida laws and rules examination.

Specific Authority 456.017(1)(b), (c), 490.004(4) FS. Law Implemented 456.017(1)(b), (c), (d), (6), 490.005 FS. History—New 4-4-82, Amended 7-11-84, Formerly 21U-11.03, Amended 2-19-86, 12-30-86, 3-10-87, 11-21-88, 3-5-90, 1-16-92, Formerly 21U-11.003, Amended 6-14-94, Formerly 61F13-11.003, Amended 1-7-96, 6-26-97, Formerly 59AA-11.001, Amended 2-21-99, 5-1-00, 1-10-01, 8-5-01, 4-26-04, 5-10-05.

64B19-11.0035 Licensure by Examination: Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination.

(1) The following proof is satisfactory to the Board for the purpose of showing that the applicant has received a Ph.D. in Psychology, a Psy.D., or an Ed.D. in Psychology from an institution of higher learning recognized and approved by the U.S. States Department of Education or recognized as a member in good standing with the Association of Universities and Colleges of Canada: a true copy of the applicant's transcript confirming same and sent directly to the Board from an institution of higher learning accredited by a regional accrediting agency recognized and approved by the U.S. Department of Education or the Association of Universities and Colleges of Canada.

(2) The following proof is satisfactory to the Board for the purpose of showing that the applicant's degree obtained in the United States or Canada was obtained from a psychology program accredited by a programmatic accrediting agency recognized and approved by the U.S. Department of Education: a true copy of the applicant's transcript confirming same from a doctoral psychology program accredited by an accrediting agency recognized and approved by the United States Department of Education.

(3) The following proof is satisfactory to the Board for the purpose of showing that the applicant's degree obtained in the United States or Canada was obtained from a program comparable to a program accredited by a programmatic accrediting agency recognized and approved by the U.S. Department of Education: an original, signed letter on official letterhead confirming same and sent directly to the Board from the director of a doctoral psychology program accredited by the accrediting agency recognized and approved by the United States Department of Education, provided that the director has not had a relationship with the previously unaccredited institution from which the applicant received a degree that might appear to create a conflict of interest. The letter shall enumerate the exact documents that were reviewed in determining comparability. This letter also shall verify and describe how the applicant's program met all of the criteria set forth in subsection (5).

(4) The following proof is satisfactory to the Board for the purpose of showing that the applicant's degree obtained outside of the United States or Canada was equivalent to a Ph.D. in psychology, a Psy.D., or an Ed.D. in psychology and was obtained from a program equivalent to a program accredited by a programmatic accrediting agency recognized and approved by the U.S. Department of Education: an original, signed letter on official letterhead confirming same and sent directly to the Board from the director of a doctoral psychology program accredited by the accrediting agency recognized and approved by the United States Department of Education. The letter shall enumerate the exact documents that were reviewed in determining comparability or augmentation. The Board shall also require the validation of degree and internship equivalence performed by a credentials' evaluation service acceptable to the Board.

(5) For a Section 490.005(1)(b)4., F.S., applicant only, the Board will apply the following criteria to determine whether an applicant's doctoral program was a program which maintained a standard of training comparable or substantially equivalent to the standard of training of programs accredited by the accrediting agency recognized and approved by the United States Department of Education:

(a) The doctoral program from which the degree was obtained must be clearly identified and labeled as a psychology program regardless of where it may be administratively housed. The doctoral program must also specify in pertinent institutional catalogs and brochures its intent to educate and train professional psychologists.

(b) The program, itself, must stand as a recognizable, coherent organizational entity within the institution.

(c) The program faculty must exercise clear authority and primary responsibility for the academic core and specialty preparation, regardless of whether the program also involves multiple administrative lines.

(d) The doctoral program must be an organized integrated sequence of study designed by the psychology faculty responsible for the program.

(e) There must be an identifiable psychology faculty. The program director must be a psychologist.

(f) The program must have an identifiable body of students who are matriculated in that program for a doctoral degree. Each student in the program must complete the same core of academic study, the

elements of which are selected from a group of core courses designed and offered by the psychology faculty.

(g) The doctoral program must require a minimum of three academic years of full-time graduate study, defined as at least 18 credit hours per year, at least two academic years of which must be at a single institution, and one year of which must be in full-time residence at the institution from which the doctoral degree is granted. A program does not meet the criterion of a full-time residency on campus unless it:

1. Provides students with continuous access to a core psychology faculty whose primary time and employment responsibilities are to the educational institution;
2. Provides students with continuous access to other students matriculated in the program;
3. Provides students with continual access to an array of educational resources including library, clinical training sites, research facilities, etc.;
4. Provides for continuous collegial and administrative evaluation of the educational process;
5. Requires a period of continuous enrollment of not less than two out of three successive semesters attending classes on the campus of the institution from which the doctoral degree is granted. An internship year may not be used toward meeting the academic year requirements of this criterion.

(h) The doctoral program must include a supervised practicum of at least 400 hours, and field or laboratory training appropriate to the practice of psychology. The 400 hour required practicum must include at least seventy-five (75) hours of supervision.

(i) The doctoral program must require each student to have successfully completed a graduate level course in each of the following areas of psychology:

1. Biological bases of behavior (e.g., physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology);
2. Cognitive-affective bases of behavior (e.g., learning, memory, cognition, thinking, motivation, emotion);
3. Social bases of behavior (e.g., social psychology, cultural-ethnic and group processes, sex roles, organization and systems theory);
4. Individual behavior (e.g., personality theory, human development, individual differences, abnormal psychology, psychology of women, psychology of persons with disabilities);
5. Scientific and professional ethics and standards;
6. Research design and methodology;
7. Statistics;
8. Psychological measurements; and
9. History and systems of psychology.

(j) The program must require participation in a formal one-year internship. A formal one-year internship is defined as:

1. An internship accredited by the American Psychological Association, or
2. An internship which meets all of the following criteria:
 - a. The internship was an organized training program. It was not merely supervised experience or on-the-job training. Rather, it was designed to provide the intern with a planned, programmed sequence of training experiences, the primary focus and purpose of which was to assure breadth and quality of training.
 - b. The internship agency had a clearly designated staff-psychologist who was responsible for the integrity and quality of the training program and who was actively licensed or certified by the Board of Psychology.
 - c. The internship agency had two or more psychologists on the staff as supervisors, at least one of whom was actively licensed as a psychologist by the Board of Psychology.
 - d. Internship supervision was provided by a staff member of the internship agency or by an affiliate of that agency who carried clinical responsibility for the cases being supervised. At least half of the internship supervision was provided by one or more psychologists.
 - e. The internship provided training in a range of assessment and treatment activities conducted directly with clients seeking psychological services.
 - f. At least 375 hours of the intern's time was in direct client contact.
 - g. The internship included at least two hours per week (regardless of whether the internship was completed in one year or two) of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with psychological services rendered directly by the intern. There must also have been at least two additional hours per week in learning activities such as: case conferences involving a case in which the intern was actively involved; seminars dealing with clinical issues; co-therapy, including follow-up discussion, with a staff person; group supervision; and additional individual supervision.

- h. The training was post-clerkship, post-practicum, and post-externship level.
- i. The internship agency had a minimum of two interns at the internship level of training during the applicant's internship period.
- j. The intern had a title which described the intern's status as a trainee. Titles such as "intern," "resident," or "fellow," are examples of the types of titles which would be indicative of the intern's status as a trainee.
- k. The internship agency had a written statement or brochure, made available to prospective interns, which described the goals and content of the internship and stated clear expectations for the quantity and quality of work to be performed by the intern.
- l. The internship experience of at least 2,000 hours was completed within twenty-four months.

Specific Authority 456.013(2), 490.004(4), 490.005(1)(b) FS. Law Implemented 490.003(3), 490.005(1)(b) FS. History—New 1-7-96, Formerly 59AA-11.0035, Amended 12-4-97, 9-20-98, 11-24-98, 1-25-00.

64B19-11.004 Licensure by Examination: Additional Educational Requirements for Initial Licensure.

Before licensure, each applicant shall comply with the requirements of Section 456.013(7), F.S., regarding instruction on prevention of medical errors.

Specific Authority 456.013(7), 456.031, 490.004(4) FS. Law Implemented 456.013(7), 456.031 FS. History—New 8-12-90, Amended 11-18-92, 7-14-93, Formerly 21U-11.0063, Amended 6-14-94, Formerly 61F13-11.0063, Amended 1-7-96, Formerly 59AA-11.004, Amended 8-3-97, 3-24-02, 6-26-02, 12-31-06.

64B19-11.005 Supervised Experience Requirements.

The law requires 4,000 hours of supervised experience for licensure. The Board recognizes that the applicant's internship satisfies 2,000 of those hours. This rule concerns the remaining 2,000 hours.

(1) Definitions. Within the context of this rule, the following definitions apply:

(a) "Association" or "in association with": the supervisory relationship between the supervisor and the psychological resident.

(b) "Psychological Resident or Applicant." A psychological resident is a person who has met Florida's educational requirements for licensure and intends from the outset of the supervised experience to meet that part of the supervised experience requirement for licensure which is not part of the person's internship.

(c) "Supervisor." A supervisor is either a licensed Florida psychologist in good standing with the Board, or a doctoral-level psychologist licensed in good standing in another state providing supervision for licensure in that state. However, where the applicant is on active duty with the armed services of the United States, the supervisor may be a doctoral-level psychologist licensed in good standing in any state, regardless of where the supervision is conducted.

(2) Requirements and Prohibitions. All applicants for licensure must complete at least 2,000 hours of post doctoral experience under a supervisor whose supervision comports with subsection (3) of this rule.

(a) There may be no conflict of interest created by the supervisory association and no relationship may exist between the supervisor and the psychological resident except the supervisory association.

(b) An applicant may be supervised by more than one supervisor. If there is more than one supervisor, however, then one of the supervisors must be identified as the primary supervisor. The primary supervisor shall be the supervisor who enters into the agreement with the applicant for supervision and who integrates all of the applicant's supervisory experiences.

(c) The post-doctoral training must be a cohesive and integrated training experience which meets the following criteria:

1. It averages at least twenty (20) hours a week over no more than one hundred and four (104) weeks. Alternatively, it averages no more than forty (40) hours a week over no more than fifty-two (52) weeks;

2. It requires at least 900 hours in activities related to direct client contact;

3. It includes an average of at least two (2) hours of clinical supervision each week, at least one (1) hour of which is individual face-to-face supervision.

(3) Supervisors' Responsibilities. The Board requires each primary supervisor to perform and to certify that the primary supervisor has:

(a) Entered into an agreement with the applicant which details the applicant's obligations and remuneration as well as the supervisor's responsibilities to the applicant;

(b) Determined that the applicant was capable of providing competent and safe psychological service to that client;

(c) Maintained professional responsibility for the applicant's work;

(d) Provided two (2) hours of clinical supervision each week, one (1) hour of which was individual, face-to-face supervision;

(e) Prevailed in all professional disagreements with the applicant;

(f) Kept informed of all the services performed by the applicant;

(g) Advised the Board if the supervisor has received any complaints about the psychological applicant or has any reason to suspect that the resident is less than fully ethical, professional, or qualified for licensure.

(4) Until licensure, an individual who completes post doctoral training residency may continue to practice under supervision so long as the individual does so in the manner prescribed by this rule and so long as the individual has applied for licensure and no final order of denial has been entered in the application case before the Board.

Specific Authority 490.004(4) FS. Law Implemented 490.005(1) FS. History—New 11-18-92, Amended 7-14-93, Formerly 21U-11.007, Amended 6-14-94, Formerly 61F13-11.007, Amended 1-7-96, Formerly 59AA-11.005, Amended 12-4-97, 8-5-01, 7-27-04.

64B19-11.006 Incomplete Applications.

(1) The Board will not review incomplete applications, and applications that remain incomplete for one year following a timely filed notice of deficiency shall be automatically closed.

(2) Applicants whose files are closed must submit new applications. Likewise, applicants who delay timely responses to notices of deficiencies may be required to update their applications prior to the Board's consideration.

Specific Authority 120.60, 490.004(4) FS. Law Implemented 456.013(1), 490.005 FS. History—New 6-23-91, Formerly 21U-11.008, 61F13-11.008, 59AA-11.006.

64B19-11.008 Reapplication by Persons Whose Licenses Have Been Revoked by the Board.

(1) Applicants whose licenses have been revoked by the Board may not reapply for licensure until at least seven (7) years have elapsed since the latter of the Board's final order of revocation or the issuance of the final mandate from an appellate court affirming the revocation of licensure by the Board.

(2) The Board will not entertain any application for relicensure until and unless the applicant whose license has been revoked by the Board has complied with any order of the Board which imposed a fine or set conditions to be met by the applicant.

(3) Applicants whose licenses have been revoked by the Board must meet all the requirements for licensure that exist at the time of reapplication, including examination. In addition, applicants whose licenses have been revoked by the Board must appear before the Board. At that appearance and after discussion with the applicant, the Board may impose additional conditions on the applicant to satisfy the Board that the applicant has been rehabilitated and is capable of safely providing services to the public as a psychologist licensed under Chapter 490, F.S.

Specific Authority 456.072(5), 490.004(4) FS. Law Implemented 456.072(5), 490.009 FS. History—New 11-18-92, Formerly 21U-11.010, 61F13-11.010, Amended 6-26-97, Formerly 59AA-11.008.

64B19-11.009 Denial of Licensure.

(1) When the Board finds that an applicant has committed any of the offenses listed in paragraphs (a)-(b) of this subsection, the Board shall deny the application permanently.

(a) Attempting to obtain a license by bribery or fraudulent misrepresentation; fraudulent misrepresentation being an interpretation of fact.

(b) Having been disciplined by any regulatory body in any jurisdiction for sexual misconduct or for any action involving the trespass of sexual boundaries;

(2) When the Board finds that an applicant has committed any of the offenses listed in paragraphs (a) or (b) of this subsection, the Board shall either deny the application permanently or deny the licensure for two years to allow the applicant an opportunity for rehabilitation or, if rehabilitation is demonstrated to the satisfaction of the Board, grant licensure and place the applicant on probation under reasonable terms and conditions:

(a) Having been disciplined by any regulatory body in any jurisdiction for any violation of the laws or rules governing licensure in that jurisdiction except for those violations which constitute cause for permanent denial of licensure in Florida.

(b) Having been found guilty, regardless of adjudication, of any crime in any jurisdiction.

(3) The determination of which action the Board will take in the case of an applicant under subsection (2) is controlled by the Board's consideration of the mitigating and aggravating circumstances set forth in subsection 64B19-17.002(2), F.A.C.

(4) A plea of nolo contendere creates a rebuttable presumption of guilt of the underlying criminal charges. The presumption cannot be overcome absent clear and convincing evidence of applicant's innocence of the underlying criminal charges.

Specific Authority 490.004(4) FS. Law Implemented 490.009, 490.0111 FS. History—New 4-26-93, Formerly 21U-11.011, Amended 6-14-94, Formerly 61F13-11.011, 59AA-11.009.

64B19-11.010 Limited Licensure.

(1) Pursuant to Section 456.015, F.S., the Board shall grant a limited license to any applicants who meet the requirements of Section 456.015, F.S., and:

(a) Are retired or will retire from the active practice of psychology within six (6) months of the date of the application,

(b) Pay an application and licensure fee of \$25, unless the applicant submits a notarized statement from the applicant's employer stating that the applicant will not receive monetary compensation for any service involving the practice of psychology, in which case there will be no fee, and

(c) Complete and submit to the Board form DOH/MQA/PY LL APP/rev. 08/01, "Application for Psychologist Limited Licensure," effective 3-24-02, which is hereby incorporated by reference, copies of which may be obtained from the Board office.

(2) Underserved or critical need populations as set forth in Section 456.015, F.S., are defined as people living within a twenty (20) mile radius of any site in the state which has no other psychologist practicing in that twenty (20) mile radius. Underserved populations shall also include indigent people with developmental disabilities, indigent immigrants from other countries, indigent American Indians living on Indian reservations, and indigent adults over the age of fifty-nine (59) years.

Specific Authority 456.015(1), (4), 490.004(4) FS. Law Implemented 456.015, 490.009(1)(p) FS. History—New 6-14-94, Formerly 61F13-11.012, Amended 6-26-97, Formerly 59AA-11.010, Amended 3-24-02.

64B19-11.011 Provisional License; Supervision of Provisional Licensees.

All applicants applying for provisional licensure shall:

(1) Complete and submit to the Board form DOH/MQA/PY/PROVISIONAL-APP/rev-10/01, "Application for Provisional Psychology Licensure," which is hereby incorporated by reference, effective 3-24-02, copies of which may be obtained from the Board office;

(2) Submit a letter signed by a licensed psychologist who is in good standing and not under disciplinary investigation, who agrees to supervise the provisional licensee according to law;

(3) State on the application that the applicant is not under investigation in this or any other state for an offense which would constitute a violation in Florida.

(4) The provisional licensee shall insure that the supervisor notifies the Board immediately and in writing of the termination of the supervision.

(5) In the event that supervision is terminated, the provisional psychologist shall cease practice until a new supervisor is approved by the Board.

(6) Supervisors' Responsibilities. The Board requires the supervisor to perform and to certify that the supervisor has:

(a) Entered into an agreement with the provisional licensee which details the provisional licensee's obligations and remuneration as well as the supervisor's responsibilities to the provisional licensee;

(b) Determined that the provisional licensee was capable of providing competent and safe psychological service to the clients;

(c) Maintained professional responsibility for the provisional licensee's work;

(d) Provided two (2) hours of clinical supervision each week, one (1) hour of which was individual, face-to-face supervision;

(e) Prevailed in all professional disagreements with the provisional licensee;

(f) Kept informed of all professional services performed by the provisional licensee;

(g) Advised the Board if the supervisor has received any complaints about the provisional licensee or has any reason to suspect that the provisional licensee is less than fully ethical, professional, or qualified for licensure.

Specific Authority 456.013, 490.003(6), 490.004(4), 490.0051 FS. Law Implemented 456.013, 490.003(6), 490.004(4), 490.0051, 490.009 FS. History—New 1-27-98, Amended 3-24-02, 9-8-03.

64B19-11.012 Application Forms.

(1) All applicants for licensure pursuant to Chapter 490, F.S., shall complete and submit form DOH/MQA/PY APP/REV. 4/02, "Application for Psychologist Licensure," effective 6-25-02, which is incorporated herein by reference and which may be obtained from the Board office.

(2) All applicants for licensure pursuant to Chapter 490, F.S., who have ever held a license to practice psychology or a related profession shall complete and submit PY FORM 1.VERIF (rev. 10/01), "Licensure/Certification Verification Form," effective 6-25-02, which is incorporated herein by reference and which may be obtained from the Board office.

(3) An applicant who is a diplomate in good standing with the American Board of Professional Psychology, Inc., and who wishes to apply for licensure by endorsement pursuant to Section 490.006(1)(b), F.S., shall submit as part of his or her application PY FORM 4.abpp (rev. 10/01), "ABPP Diplomate Verification Form," effective 6-25-02, which is incorporated herein by reference and which may be obtained from the Board office.

(4) All applicants for licensure other than those applying for licensure pursuant to Section 490.006, F.S., shall complete and submit DOH/MQA/PY SUP/REV. 4/02, "Supervising Psychologist Verification Form," effective 6-25-02, which is incorporated herein by reference and which may be obtained from the Board office.

Specific Authority 490.004(4) FS. Law Implemented 490.005, 490.006(1)(b) FS. History—New 6-25-02.

CHAPTER 64B19-12 FEES

64B19-12.001 Collection and Payment of Fees. (Repealed)

64B19-12.002 Application and Examination Fee for Licensure by Examination; Review Fee.

64B19-12.003 Reexamination Fee.

64B19-12.004 Application Fee for Licensure by Endorsement.

64B19-12.0041 Initial Fee for Licensure and Wall Certificate.

64B19-12.005 Biennial Active Renewal Fee.

64B19-12.006 Reactivation Fee and Change of Status Fee.

64B19-12.007 Biennial Inactive Renewal Fee.

64B19-12.008 Application Fee for Inactive Status. (Repealed)

64B19-12.0085 Delinquency Fee.

64B19-12.009 Continuing Education Provider Fees.

64B19-12.010 Fee for Duplicate License.

64B19-12.011 Fee to Enforce Prohibition Against Unlicensed Activity.

64B19-12.012 Fee for Provisional Licensure.

64B19-12.013 Retired Status Fee.

64B19-12.002 Application and Examination Fee for Licensure by Examination; Review Fee.

(1) The application fee for licensure by examination is \$500.00.

(2) When the board certifies the applicant to sit for the examination, it is the applicant's responsibility to complete the examination process with the national vendor.

(3) In addition to the application fee specified above, each applicant for certification for examination shall submit a laws and rules examination fee of \$75.00.

(4) An applicant who fails to take the laws and rules examination for which the applicant is initially scheduled shall remit the examination fee required by Rule 64B19-12.003, F.A.C., again before being allowed to sit for the next subsequent examination.

(5) An applicant who wishes to review the applicant's own Florida laws and rules examination shall remit a fee of \$75.00.

Specific Authority 456.013(2), 490.004(4), 490.005(1)(a) FS. Law Implemented 456.013(2), 456.017, 490.005(1)(a) FS. History—New 2-22-82, Amended 7-2-84, Formerly 21U-12.02, Amended 11-21-88, 8-12-

90, 1-16-92, Formerly 21U-12.002, Amended 10-12-93, 6-14-94, Formerly 61F13-12.002, Amended 1-7-96, 6-26-97, Formerly 59AA-12.002, Amended 12-3-98, 6-28-00, 8-8-01, 2-12-04, 10-31-05, 1-28-07.

64B19-12.003 Reexamination Fee.

The reexamination fee for only the Florida laws and rules examination is \$75.00. Additional fees will be required by the examination vendor.

Specific Authority 456.017(2), 490.004(4) FS. Law Implemented 456.017(1)(c), (2) FS. History–New 2-22-82, Amended 7-11-84, Formerly 21U-12.03, Amended 7-18-88, 8-12-90, 1-16-92, Formerly 21U-12.003, Amended 10-12-93, Formerly 61F13-12.003, Amended 1-7-96, Formerly 59AA-12.003, Amended 12-3-98, 1-10-01, 8-8-01, 2-12-04, 10-31-05, 4-8-07.

64B19-12.004 Application Fee for Licensure by Endorsement.

The application fee for a psychology license by endorsement is \$500.00.

Specific Authority 490.004(4), FS. Law Implemented 490.006(1) FS. History–New 2-22-82, Amended 5-12-82, Formerly 21U-12.04, Amended 8-12-90, Formerly 21U-12.004, Amended 6-14-94, Formerly 61F13-12.004, Amended 1-7-96, Formerly 59AA-12.004, Amended 6-28-00.

64B19-12.0041 Initial Fee for Licensure.

The initial fee for licensure is \$400.00.

Specific Authority 490.004(4) FS. Law Implemented 456.013(2), 490.005(1)(a), 490.006(1) FS. History–New 7-7-86, Amended 6-1-89, 1-16-92, Formerly 21U-12.0041, Amended 6-14-94, Formerly 61F13-12.0041, Amended 1-7-96, Formerly 59AA-12.0041, Amended 1-25-00, 8-8-01, 4-16-02, 1-2-06.

64B19-12.005 Biennial Active Renewal Fee.

The fee for renewal of an active license is \$400.00. The fee for renewal of a limited license is \$25.00, unless the applicant submits a notarized statement from the applicant's employer stating that the applicant will not receive monetary compensation for any service involving the practice of psychology, in which case there will be no fee.

Specific Authority 456.015(1), (4), 456.025(1), 490.004(4), 490.007(1) FS. Law Implemented 456.015, 456.025(1), (4), 490.007(1) FS. History–New 2-22-82, Formerly 21U-12.05, Amended 6-1-89, Formerly 21U-12.005, Amended 6-14-94, Formerly 61F13-12.005, Amended 1-7-96, Formerly 59AA-12.005, Amended 12-3-98, 8-8-01.

64B19-12.006 Reactivation Fee and Change of Status Fee.

The fee for reactivation of an inactive or retired status license is \$50.00. Upon any change of status, including the election of retired status, a \$50.00 change of status fee shall be charged. Such fee(s) shall be in addition to the biennial licensure fee, if any, as prescribed in Rule 64B19-12.005, F.A.C.

Specific Authority 456.036(4) FS. Law Implemented 456.025, 456.036(4), (8) FS. History–New 1-29-84, Formerly 21U-12.06, Amended 1-4-88, 6-1-89, 8-12-90, Formerly 21U-12.006, 61F13-12.006, Amended 1-7-96, 6-26-97, Formerly 59AA-12.006, Amended 1-10-01, 1-2-06.

64B19-12.007 Biennial Inactive Renewal Fee.

The fee for renewal of an inactive license is \$400.00.

Specific Authority 456.036(3) FS. Law Implemented 456.036(3) FS. History–New 1-19-84, Formerly 21U-12.07, Amended 1-4-88, 6-1-89, 8-12-90, Formerly 21U-12.007, 61F13-12.007, Amended 1-7-96, Formerly 59AA-12.007, Amended 8-8-01.

64B19-12.0085 Delinquency Fee.

If licensure is not renewed on time, the licensee shall pay a delinquency fee of \$400.00.

Specific Authority 456.036(7) FS. Law Implemented 456.036(7) FS. History–New 1-7-96, Formerly 59AA-12.0085, Amended 8-8-01.

64B19-12.009 Continuing Education Provider Fees.

(1) The application fee and the renewal fee for Board approval of a continuing education provider is \$500.00.

(2) The application or renewal fee shall be paid to the Department of Health by May 31 of every even numbered year.

Specific Authority 456.025(3), (4), 490.0085(4) FS. Law Implemented 456.025(3), (4), 490.0085 FS. History—New 10-14-87, Amended 6-23-91, 10-28-92, Formerly 21U-12.011, 61F13-12.011, Amended 1-7-96, Formerly 59AA-12.009, Amended 9-20-98, 8-8-01, 6-16-03.

64B19-12.010 Fee for Duplicate License.

The fee for a duplicate license is \$25.00.

Specific Authority 456.025(6), 490.004(4), (5) FS. Law Implemented 456.025(6) FS. History—New 5-10-92, Formerly 21U-12.012, 61F13-12.012, Amended 1-7-96, Formerly 59AA-12.010.

64B19-12.011 Fee to Enforce Prohibition Against Unlicensed Activity.

As of July 1, 1993 each initial licensee and each renewing licensee shall pay \$5.00 in addition to the fee for initial licensure and licensure renewal to fund the efforts of the Department of Health to combat unlicensed activity.

Specific Authority 456.064 FS. Law Implemented 456.064 FS. History—New 1-28-93, Formerly 21U-12.013, 61F13-12.013, Amended 6-26-97, Formerly 59AA-12.011.

64B19-12.012 Fee for Provisional Licensure.

The non-refundable application fee for a provisional license shall be two hundred fifty dollars (\$250.00). The initial licensure fee for a provisional license shall be five hundred dollars (\$500.00).

Specific Authority 456.013, 490.003(6), 490.004(4), 490.0051 FS. Law Implemented 456.013, 456.013(2), 490.003(6), 490.004(4), 490.0051 FS. History—New 12-4-97, Amended 9-26-01.

64B19-12.013 Retired Status Fee.

The fee for retired status is \$50.00. An active status licensee or inactive status licensee who chooses retired status at any time other than at the time of license renewal must pay the retired status fee plus a change-of-status fee set out in Rule 64B19-12.006, F.A.C.

Specific Authority 456.036(4)(b), 490.004(4) FS. Law Implemented 456.036(4)(b) FS. History—New 7-17-06.

CHAPTER 64B19-13 LICENSE RENEWAL, CONTINUING EDUCATION

64B19-13.001 Renewal of Active Licenses.

64B19-13.0015 Exemption of Spouses of Members of Armed Forces from License Renewal Requirements.

64B19-13.002 Renewal of Inactive Licenses.

64B19-13.0025 Notice to the Department of Mailing Address and Place of Practice of Licensee.

64B19-13.003 Continuing Psychological Education Credit.

64B19-13.004 Board Approval of Continuing Psychological Education Providers.

64B19-13.005 Obligations of Continuing Psychological Education Providers.

64B19-13.006 Definitions.

64B19-13.007 Evaluations of Providers.

64B19-13.008 Duration of Provider Status.

64B19-13.001 Renewal of Active Licenses.

To renew an active license, the licensee must remit to the Department the biennial renewal licensure fee for active licenses, and a statement certifying that the licensee has completed the forty (40) hours of approved continuing education which were required during the last biennium.

Specific Authority 456.013(7), 490.004(4), 490.007(2) FS. Law Implemented 490.007(2) FS. History—New 2-22-82, Amended 5-2-84, Formerly 21U-13.01, Amended 7-18-88, 1-28-93, Formerly 21U-13.001, 61F13-13.001, Amended 1-7-96, 6-26-97, Formerly 59AA-13.001, Amended 8-5-01.

64B19-13.0015 Exemption of Spouses of Members of Armed Forces from License Renewal Requirements.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the armed forces exempt from all licensure renewal provisions under these rules during such absence. The licensee must show satisfactory proof to the Board of the absence and the spouse's military status.

Specific Authority 456.024, 490.004(4) FS. Law Implemented 456.024 FS. History—New 4-30-00.

64B19-13.002 Renewal of Inactive Licenses.

To maintain an inactive license on inactive status, the licensee must remit the biennial renewal fee for inactive status and a statement certifying that the licensee has neither practiced psychology nor violated any of the provisions of Section 490.012, F.S., since the date on which the license was first placed on inactive status.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History—New 1-19-84, Formerly 21U-13.016, Amended 1-4-88, 4-26-93, Formerly 21U-13.0016, 61F13-13.0016, Amended 1-7-96, Formerly 59AA-13.002, Amended 8-5-01.

64B19-13.0025 Notice to the Department of Mailing Address and Place of Practice of Licensee.

(1) Each licensee shall provide either written or electronic notification to the Department of the licensee's current mailing address and place of practice. The term "place of practice" means the primary physical location where the psychologist practices the profession of psychology.

(2) Each licensee shall provide either written or electronic notification to the Department of a change of address within 45 days.

(3) If electronic notification is used, it shall be the responsibility of the licensee to ensure that the electronic notification was received by the Department.

Specific Authority 456.035 FS. Law Implemented 456.035 FS. History—New 3-25-02.

64B19-13.003 Continuing Psychological Education Credit.

(1) Continuing psychological education credit will be granted for:

(a) Completion of graduate level courses approved for credit by sponsors approved by the American Psychological Association;

(b) Completion of graduate level courses in psychology provided by a university or professional school which is regionally accredited, except that no more than ten (10) hours of continuing psychological education credit may be obtained for each semester hour;

(c) Completion of a colloquium, a presentation, a workshop or a symposium offered for continuing education credit by a doctoral psychology program or an internship which is part of a psychology program that is accredited by the American Psychological Association;

(d) Full attendance at workshops/seminars offered by providers approved by the American Psychological Association or any of its affiliates, or providers approved by the Board. A list of Board approved providers is available from the Board office upon request;

(e) Simple attendance at a state, regional or national psychology convention or conference. Only four (4) credits will be allowed each biennium regardless of how many state, regional or national conventions or conferences are attended during that biennium;

(f) Attainment of diplomate status in a specialty area from the American Board of Professional Psychology, for which thirty-seven (37) continuing psychological education credits, not including the two-hour continuing education course on domestic violence required by Section 456.031(1), F.S., and the two-hour continuing education course on the prevention of medical errors required by Section 456.014(7), Florida Statutes, will be allowed only during the biennium during which the diplomate is first awarded;

(g) Presenting or moderating for the first time only a continuing psychological education program sponsored by a provider approved by the Board, except that credit will be limited to the number of credits allowed by the program;

(h) Each hour of attendance at a Board meeting or Board committee meeting. Only one credit will be granted for each hour of full attendance and only ten (10) credits will be allowed each biennium regardless of how many hours are attended during the biennium. Attendance at a Board or committee meeting shall also satisfy, hour by hour, the requirement of professional ethics and legal issues credit set out in subsection (3) of this rule.

(i) Continuing education courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health, provided that such courses enhance the psychological skills and/or psychological knowledge of the licensee.

(j) The provision of volunteer expert witness opinions for cases being reviewed pursuant to laws and standards relevant to the practice of psychology. Two hours of credit shall be awarded for each case reviewed up to a maximum of ten hours per biennium. In this regard, volunteer expert witnesses are expected to perform a review of the psychological, medical, legal, and/or ethical literature, as appropriate to the case being reviewed.

(2) No continuing psychological education credit may be earned for:

(a) Regular work activities as a psychologist;

(b) Membership, office in, or participation on boards or committees of professional organizations;

(c) Independent, unstructured or self-structured learning;

(d) Personal psychotherapy or personal growth experience;

(e) Authoring or editing books or articles;

(f) Obtaining or providing supervision or consultation from or under a psychologist or other professional who is not a Board approved continuing psychological education provider;

(g) Home study except from providers approved by the American Psychological Association or any of its affiliates.

(3) As a condition of biennial licensure renewal, each licensee must complete forty (40) hours of continuing psychological education.

(a) Three (3) of the forty (40) hours must be on professional ethics and Florida Statutes and rules affecting the practice of psychology.

(b) Two (2) of the forty (40) hours must relate to prevention of medical errors. In addition to the study of root-cause analysis, error reduction and prevention, and patient safety, the course content shall also be designed to discuss potential errors within a psychological setting, such as inadequate assessment of suicide risk, failure to comply with mandatory abuse reporting laws, and failure to detect medical conditions presenting as a psychological disorder. If the course is offered by a facility licensed pursuant to Chapter 395, F.S., for its employees, the Board will approve up to one (1) hour of the two (2) hour course to be specifically related to error reduction and prevention methods used in that facility.

(c) Passage of the laws and rules examination of the Board constitutes forty (40) hours of continuing education credit, including credit for professional ethics and Florida Statutes and rules affecting the practice of psychology. Passage of the laws and rules examination, however, does not satisfy the requirement for the two (2) credit hours of continuing education on domestic violence required every third biennial licensure renewal period, nor the requirement for two (2) hours relating to prevention of medical errors.

(4) The licensee shall maintain, and make available upon request, documentation to substantiate continuing psychological education credit required by the Board. The licensee shall retain such documentation for two (2) years following the renewal period during which the continuing psychological education credit was required.

(5) Every third biennial licensure renewal, two (2) of the forty (40) hours of continuing psychological education must be on domestic violence as defined in Section 741.28, F.S.

Specific Authority 456.013(7), 490.004(4), 490.0085(4) FS. Law Implemented 456.013(7), 490.007(2), 490.0085(1), (3) FS. History—New 1-28-93, 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended 1-10-01, 8-5-01, 5-21-02, 6-3-04, 1-2-06, 12-31-06, 2-24-2008.

64B19-13.004 Board Approval of Continuing Psychological Education Providers.

(1) To obtain or renew provider status, the applicant must demonstrate to the Board's satisfaction that the programs to be offered by the applicant will:

(a) Enhance psychological skills or psychological knowledge;

(b) Be of sufficient duration to adequately address the subject matter of the program;
(c) Be taught by an individual who has at least two (2) years of education or research in, or practical application of, the subject matter of the program.

(2) To allow the Board to evaluate the prospective provider's initial application, the applicant must submit the following:

(a) A narrative description of one (1) program to be offered by the provider to psychologists for credit. The narrative must include sufficient information to show that the program meets the criteria of subsection (1) of this rule. The narrative must also include research to be relied upon in the presentation of the program;

(b) All promotional material concerning that program;

(c) The learning objectives of the program;

(d) The name of the instructor for the program;

(e) The qualifications of the instructor to conduct that program;

(f) A sample of the program evaluation form to be completed by each program attendee;

(g) A sample certificate of completion;

(h) A nonrefundable application fee of \$500.

(3) The "enhancement of psychological skills or knowledge" occurs only when the program increases the ability of licensed psychologists to deliver psychological services to the public. Such programs presume a basic level of psychological education and training that is beyond the undergraduate level. The program may focus on the further development of already existing psychological skills or knowledge. The program may encourage interdisciplinary approaches to the delivery of psychological services. The program may introduce recent scientific findings in an area that impacts on the practice of psychology, or the program may focus on a specific area of expertise not covered by general psychological education and training. As a general rule, a program that is designed to appeal to the general public will probably not be a program that will enhance psychological skills or knowledge.

Specific Authority 490.004(4), 490.0085(4) FS. Law Implemented 490.007(2), 490.0085(1), (3) FS. History—New 1-28-93, Formerly 21U-13.005, Amended 6-14-94, Formerly 61F13-13.005, Amended 1-7-96, Formerly 59AA-13.004.

64B19-13.005 Obligations of Continuing Psychological Education Providers.

(1) To maintain status as a continuing psychological education provider, the provider must:

(a) Require each program attendee to remain for the entire program in order to receive any continuing psychological education credit for the program;

(b) Provide each program attendee with an evaluation form which contains the following words: The Board of Psychology will not revoke the continuing psychological education credit given to any psychologist for the completion of any continuing psychological education program sponsored by a provider whose status is later revoked by the Board as a result of any complaint registered against the program by a psychologist;

(c) Retain originals of program evaluation forms for three (3) years from the date on which the program is conducted and provide those forms to the Board upon request;

(d) Ensure that all promotional material offered to psychologists for credit by the provider contains the name of the provider to which the provider number was issued, and the provider number assigned to that provider;

(e) Send to the Board office, so that it is received at least one (1) week before the first date on which the program is to be offered to psychologists for credit, all promotional material concerning any program that has not previously been reviewed by the Board;

(f) Allow only one hour of continuing psychological education credit for each hour of instruction that is no less or no more than fifty (50) minutes of instruction;

(g) Notify the Board within two (2) weeks of any change in the address of the provider;

(h) Give the Board thirty (30) days advance notice of any significant change in the programs on file with the Board;

(i) Maintain active status as a continuing psychological education provider by conducting at least one (1) program a year for psychologists, renewing provider status each biennium, and paying the biennial renewal fee of \$500 so that it is postmarked no later than the last date of the biennial renewal period;

(j) Allow the Department of Health and the Board's designee to have access to information concerning programs conducted by the provider for continuing psychological education credit to psychologists for credit; and

(k) Provide to psychologists those programs that meet the criteria of subsection 64B19-13.004(1), F.A.C.

(2) Nothing in this rule shall be construed to mean that co-sponsorship are not allowed. Co-sponsorships are allowed but the Board will hold the provider responsible.

Specific Authority 490.004(4), 490.0085(4) FS. Law Implemented 490.007(2), 490.0085(1), (3) FS. History–New 1-28-93, Formerly 21U-13.006, Amended 6-14-94, Formerly 61F13-13.006, Amended 1-7-96, Formerly 59AA-13.005, Amended 8-5-01.

64B19-13.006 Definitions.

(1) “One hour” of continuing psychological education credit consists of no less than fifty (50) uninterrupted minutes of education.

(2) A “significant change” would be the title of the program, the content of the program, the name or the qualifications of the program instructor, the number of continuing psychological education credits allowed for the program, and the length of time in which the program is conducted.

(3) “Substantiation” for the purpose of providing evidence of completion of continuing psychological education programs includes a certificate from the American Psychological Association verifying the psychologist’s attendance at a program sponsored by the American Psychological Association, a letter from the instructor verifying the psychologist’s completion of a graduate level course in psychology taught by that instructor at a regionally accredited university or professional school, or the provider number and a certificate of completion verifying attendance at a program sponsored by a provider approved by the Board, receipt for paid registration at a state, regional or national psychology convention or conference, certificate of diplomate status, program bulletin listing the licensee as a presenter or moderator, a letter from the Executive Director of the Board confirming full attendance at a Business Meeting of the Board, or a letter or certificate of completion from the internship director.

(4) “Programs” include workshops, presentations, seminars, colloquia, and symposia.

(5) “Promotional materials” are written documents designed to attract an audience.

Specific Authority 456.013(7), 490.004(4), 490.0085(4) FS. Law Implemented 490.007(2), 490.0085(1), (3) FS. History–New 1-28-93, Formerly 21U-13.007, Amended 6-14-94, Formerly 61F13-13.007, Amended 1-7-96, Formerly 59AA-13.006.

64B19-13.007 Evaluations of Providers.

(1) The Board shall evaluate continuing psychological education programs offered to psychologists for credit by:

(a) Attending such programs; or

(b) Reviewing the files of the provider to gain information about any program offered to psychologists for credit; or

(c) Asking program attendees to provide the Board with their evaluations of the program.

(2) The Board will not revoke the continuing psychological education credit given to any psychologist for completion of any continuing psychological education program about which any psychologist registers a complaint with the Board.

Specific Authority 456.013(7), 490.004(4), 490.0085(4) FS. Law Implemented 490.007(2), 490.0085(1), (3) FS. History–New 1-28-93, Formerly 21U-13.008, Amended 6-14-94, Formerly 61F13-13.008, 59AA-13.007.

64B19-13.008 Duration of Provider Status.

(1) Continuing psychological education providers are approved only for the biennium during which they apply or for which they have been renewed by the Board.

(2) The Board is under no obligation to allow a provider to continue offering programs to psychologists for credit if the provider fails to follow the Board’s rules regarding the provision of continuing education credit.

(3) The Board will not renew the continuing psychological education provider status of any provider who has failed to follow the Board’s rules regarding the provision of programs to psychologists for credit.

(4) If the Board denies the initial application or renewal application of any prospective provider, the Board will issue a notice of intention to deny, and the prospective provider will be given an opportunity to be heard.

(5) Renewing providers may continue to offer programs to psychologists for credit until such time as a final order is entered against them as a result of any notice of intention to deny renewal status that is issued by the Board.

(6) The Board will not grant continuing psychological education provider status until at least two (2) years have elapsed since the entry of any final order of revocation of the provider status of the applicant.

Specific Authority 456.025(3), 490.004(4), 490.0085(4) FS. Law Implemented 490.007(2), 490.0085(1), (3) FS. History—New 1-28-93, Formerly 21U-13.009, 61F13-13.009, Amended 1-7-96, Formerly 59AA-13.008.

CHAPTER 64B19-14 REQUEST FOR RETIRED STATUS

64B19-14.001 Request for Retired Status.

64B19-14.003 Reactivation of Retired Status Licenses.

64B19-14.001 Request for Retired Status.

A licensee with an active or inactive license may choose retired status by submitting a written request to the Board and remitting the retired status fee set out in Rule 64B19-12.013, F.A.C., and, if applicable, the change of status fee set out in Rule 64B19-12.006, F.A.C.

Specific Authority 456.036, 490.004(5) FS. Law Implemented 456.036, 490.004(4), (5) FS. History—New 7-16-06.

64B19-14.003 Reactivation of Retired Status Licenses.

(1) A licensee, who has maintained a retired status license for fewer than five years, may reactivate his or her own retired status license and thereby place the license on active status by:

- (a) Submitting a written request;
- (b) Paying the reactivation fee set out in Rule 64B19-12.006, F.A.C.;
- (c) Paying the fee for biennial renewal of an active license, set out in Rule 64B19-12.005, F.A.C., for all biennial licensure periods during which the license was in retired status;
- (d) Paying any owed delinquency fee set out in Rule 64B19-12.0085, F.A.C.; and
- (e) Paying any owed change of status fee set out in Rule 64B19-12.006, F.A.C.

(2) A licensee, who has maintained a retired status license for five or more years, may reactivate his or her own retired status license and thereby place the license on active status by:

- (a) Submitting a written request;
- (b) Paying the reactivation fee set out in Rule 64B19-12.006, F.A.C.;
- (c) Paying the fee for biennial renewal of an active license, set out in Rule 64B19-12.005, F.A.C., for all biennial licensure periods during which the license was in retired status;
- (d) Paying any owed delinquency fee set out in Rule 64B19-12.0085, F.A.C.;
- (e) Paying any owed change of status fee set out in Rule 64B19-12.006, F.A.C.; and
- (f) Retake and pass the Florida laws and rules examination in the 12 months prior to submitting the request for reactivation.

(3) In addition, the licensee must submit proof that the licensee has obtained forty (40) hours of continuing education for each biennial licensure period in which the license was in retired status and for the last full biennial period in which the license was in active status. Finally, the licensee must either report any disciplinary action that has been taken against the licensee by any regulatory agency or must state that no such disciplinary action has been taken against the licensee. If the licensee has any outstanding administrative fines, the license may not be restored to active status until the administrative fines are paid.

Specific Authority 456.036, 490.004(4), (5), 490.007(2) FS. Law Implemented 456.036, 490.007(2) FS. History—New 8-17-06.

CHAPTER 64B19-15 INACTIVE LICENSES

64B19-15.001 Request for Inactive Status.

64B19-15.003 Reactivation of Inactive Licenses.

64B19-15.001 Request for Inactive Status.

A licensee with an active license may request to the Department for inactive licensure status by submitting a written request and remitting any applicable required fees.

Specific Authority 490.004(5), 456.036 FS. Law Implemented 456.036, 490.004(4), (5) FS. History—New 2-10-87, Amended 1-4-88, Formerly 21U-19.001, 61F13-19.001, Amended 1-7-96, Formerly 59AA-15.001, Amended 8-5-01.

64B19-15.003 Reactivation of Inactive Licenses.

(1) A licensee may reactivate his or her own inactive license and thereby place the license on active status by:

(a) Making application on form DOH/MQA/PY-REACT APP/REV. 12/01, "Application for Reactivation of Inactive Psychologist Licensure," effective 3-25-02, which is hereby incorporated by reference, copies of which may be obtained from the Board office;

(b) Paying the application fee, set out in Rule 64B19-12.006, F.A.C.

(c) Paying the fee for biennial renewal of an active license, set out in Rule 64B19-12.005, F.A.C.

(d) Paying any owed delinquency fees, and

(e) Paying any owed fees for changing status.

(2) In addition, the licensee must submit proof that the licensee has obtained forty (40) hours of continuing education that meets the requirements of subsection 64B19-13.003(3), F.A.C. for each full biennium in which the license was in an inactive status and for the last full biennium in which the licensee held an active status license. Finally, the licensee must either report any disciplinary action that has been taken against the licensee by any regulatory agency or must state that no such disciplinary action has been taken against the licensee. If the licensee has any outstanding administrative fines, the license may not be restored to active status until the administrative fines are paid.

Specific Authority 456.036, 490.004(5) FS. Law Implemented 456.036 FS. History—New 1-19-84, Formerly 21U-13.015, 21U-13.0015, 21U-19.003, 61F13-19.003, Amended 1-7-96, Formerly 59AA-15.003, Amended 8-5-01, 3-25-02, 12-27-05.

CHAPTER 64B19-16 INVESTIGATORS, PROBABLE CAUSE PANEL, RECONSIDERATION OF PROBABLE CAUSE, SEXUAL MISCONDUCT

64B19-16.001 Probable Cause Panel.

64B19-16.003 Sexual Misconduct in the Practice of Psychology.

64B19-16.001 Probable Cause Panel.

(1) The Chairperson of the Board shall appoint at least two people to the probable cause panel and shall designate its chairperson. The appointed people shall be either current Board members or at least one current Board member and one or more former members of the Board. Not more than one member of the panel may be a lay member. The determination as to whether probable cause exists that a violation of the provisions of Chapters 490 and 456, Florida Statutes, and/or the rules promulgated pursuant thereto, has occurred shall be made by a majority vote of the probable cause panel of the Board.

(2) The Chairperson of the Board may make temporary appointments to the panel as necessary to conduct the business of the panel in the absence or unavailability of a regularly appointed panel member.

(3) If a Board member has reviewed a case as a member of the probable cause panel, that member shall be on the panel for reconsideration of that case if reconsideration is requested by the prosecutor.

Specific Authority 456.073(2), (4), 490.004(4) FS. Law Implemented 456.073(2), (4) FS. History—New 5-12-82, Formerly 21U-15.03, Amended 7-18-88, 11-18-92, Formerly 21U-15.003, Amended 6-14-94, Formerly 61F13-15.003, Amended 1-7-96, Formerly 59AA-16.001, Amended 11-23-97.

64B19-16.003 Sexual Misconduct in the Practice of Psychology.

(1) In accordance with the intent of Chapter 490, Florida Statutes, to preserve the health, safety and welfare of the public, sexual misconduct as defined herein is prohibited. The Board finds that the effects of the psychologist-client relationship are powerful and subtle and that clients are influenced consciously and subconsciously by the unequal distribution of power inherent in such relationships. The Board also

finds that sexual intimacies with a former client are frequently harmful to the client, and that such intimacies undermine public confidence in the psychology profession and thereby deter the public's use of needed services. Furthermore, the Board finds that the effects of the psychologist-client relationship endure after psychological services cease to be rendered. Therefore, the client shall be presumed incapable of giving valid, informed, free consent to sexual activity involving the psychologist and the assertion of consent by the client shall not constitute a defense against charges of sexual misconduct.

(2) It shall constitute sexual misconduct for a psychologist, who is involved in a psychologist-client relationship, to engage, attempt to engage, or offer to engage the client in sexual intercourse or other sexual behavior. Sexual behavior includes, but is not limited to, kissing, or the touching by either the psychologist or the client of the other's breasts or genitals.

(3) It shall constitute sexual misconduct for a psychologist, who is involved in a psychologist-client relationship, to engage the client in verbal or physical behavior which is sexually arousing or demeaning to the client unless:

(a) Such behavior is for the purpose of treatment of psycho-sexual disorders or dysfunctions; and

(b) Such behavior complies with generally accepted professional standards for psychological treatment of the client's specific psycho-sexual disorders or dysfunctions.

(4) It shall constitute sexual misconduct for a psychologist who is involved in a psychologist-client relationship to use the influence inherent in that relationship to induce the client to engage in sexual conduct with a third party unless:

(a) Such inducement is consistent with the planned psychological treatment of the client's specific psychological, social, or sexual dysfunctions or disorders; and

(b) Treatment is provided in accordance with generally accepted professional standards for psychological treatment.

(5) A psychologist-client relationship exists whenever a psychologist has rendered, or purports to have rendered, psychological services including, but not limited to, psychotherapy, counseling, assessment or treatment to a person. A formal contractual relationship, the scheduling of professional appointments, or payment of a fee for services are not necessary conditions for the existence of a psychologist-client relationship, though each of these may be evidence that such a relationship exists.

(a) The determination of when a person is a client for purposes of this rule is made on a case by case basis with consideration given to the nature, extent, and context of the professional relationship between the psychologist and the person. The fact that a person is not actively receiving treatment or professional services from a psychologist is not determinative of this issue. A person is presumed to remain a client until the psychologist-client relationship is terminated.

(b) The mere passage of time since the client's last visit to the psychologist is not solely determinative of whether or not the psychologist-client relationship has been terminated. Some of the factors considered by the Board in determining whether the psychologist-client relationship has terminated include, but are not limited to, the following:

1. Formal termination procedures;
2. Transfer of the client's case to another psychologist;
3. The length of time that has passed since the client's last visit to the psychologist;
4. The nature and duration of the professional relationship;
5. The extent to which the client has confided personal or private information to the psychologist;
6. The nature of the client's personal history;
7. The degree of emotional dependence that the client has on the psychologist;
8. The circumstances of termination of the professional relationship;
9. The client's current mental status;
10. The likelihood of adverse impact on the client and others; and
11. Any statements or actions by the psychologist during the provision of psychological services suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client.

(c) Sexual conduct between a psychologist and a former client after termination of the psychologist-client relationship will constitute a violation of the Psychological Services Act if the sexual contact is a result of the exploitation of trust, knowledge, influence or emotions, derived from the professional relationship.

(d) A client's consent to, initiation of, or participation in sexual behavior or involvement with a psychologist does not change the nature of the conduct nor lift the statutory prohibition.

(e) Upon a finding that a psychologist has committed unprofessional conduct by engaging in sexual misconduct, the Board will impose such discipline as the Board deems necessary to protect the public. The sanctions available to the Board are set forth in Rule 64B19-17.002, F.A.C., and include restriction or limitation of the psychologist's practice, revocation or suspension of the psychologist's license.

Specific Authority 490.0111 FS. Law Implemented 490.009(2)(k), 490.0111, FS. History--New 6-23-82, Formerly 21U-15.04, Amended 12-21-86, Formerly 21U-15.004, 61F13-15.004, 59AA-16.003, Amended 5-14-01.

CHAPTER 64B19-17 DISCIPLINE

64B19-17.002 Disciplinary Guidelines.
 64B19-17.0025 Payment of Fine.
 64B19-17.003 Advertising.
 64B19-17.0035 Minor Misconduct; Notices of Noncompliance.
 64B19-17.004 Citations.
 64B19-17.007 Mediation.

64B19-17.002 Disciplinary Guidelines.

- (1) (1) When the Board finds that an applicant or a licensee has committed any of the acts set forth in Section 456.072(1) or 490.009(2), F.S., it shall issue a final order imposing one or more of the penalties listed in Section 456.072(2), F.S., as recommended in the following disciplinary guidelines. The descriptions of violations are only a summary; the full language of each statutory provision cited must be consulted in order to determine the conduct involved. The guidelines are presented as a range of penalties that may be imposed from minimum to maximum.

PENALTY RANGE

VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
(a) Attempting to obtain, or renewing a license by bribery or fraudulent misrepresentation (490.009(1)(a), and 456.072(1)(h), F.S.)	Revocation or permanent denial of licensure and \$10,000 fine. If unintentional, then from granting licensure with Probation to Suspension or denial of licensure for a minimum of 2 years to Revocation or permanent denial of licensure, and fine up to \$10,000.	Revocation or permanent denial of licensure, and \$10,000 fine. If unintentional, then from granting licensure with Probation to Suspension or denial of licensure for a minimum of 2 years to Revocation or permanent denial of licensure, and fine up to \$10,000.	Revocation or permanent denial of licensure, and \$10,000 fine. If unintentional, then from granting licensure with Probation to Suspension or denial of licensure for a minimum of 2 years to Revocation or permanent denial of licensure, and fine up to \$10,000.
(b) License disciplined by another jurisdiction (490.009(1)(b), and 456.072(1)(f), F.S.)	Imposition of discipline that would have been imposed had the violation occurred in Florida and fine of up to \$10,000.	Imposition of discipline that would have been imposed had the violation occurred in Florida and fine of up to \$10,000.	Revocation and a \$10,000 fine.
Case of Applicant	From granting licensure with Probation or denial of licensure for up to 2 years to permanent denial of licensure, and fine up to \$10,000.	From granting licensure with Probation or denial of licensure for up to 2 years to permanent denial of licensure, and fine up to \$10,000.	Permanent denial of license
(c) Criminal conviction	From Suspension and a	From Suspension and	Revocation.

VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
relating to psychology (490.009(1)(c), and 456.072(1)(c), F.S.)	fine up to \$10,000 to Revocation.	a \$10,000 fine to Revocation.	
Case of Applicant	From granting licensure with Probation or denial of licensure for up to 2 years to permanent denial of licensure, and fine up to \$10,000.	From granting licensure with Probation or denial of licensure for up to 2 years to permanent denial of licensure, and fine up to \$10,000.	Permanent denial of license.
(d) False, deceptive or misleading advertising (490.009(1)(d), and 456.072(1)(m), F.S.)	From Reprimand and Probation to Suspension, and a \$10,000 fine. If unintentional, from Reprimand and a \$1,000 fine to Probation and a fine up to \$5,000.	From Reprimand and Suspension to Revocation, and a \$10,000 fine. If unintentional, from Reprimand, Probation and a \$5,000 fine to Suspension and a fine up to \$10,000.	Revocation and a \$10,000 fine. If unintentional, from Suspension to Revocation, and a \$10,000 fine.
(e) Advertising, practicing, or attempting to practice under another name (490.009(1)(e), F.S.)	From Reprimand and Probation to Suspension, and a \$10,000 fine. If unintentional, from Reprimand and a \$1,000 fine to Probation and a fine up to \$10,000.	From Reprimand and Suspension to Revocation, and a \$10,000 fine. If unintentional, from Reprimand, Probation, and a \$1,000 fine to Suspension and a fine up to \$10,000.	Revocation and a \$10,000 fine. If unintentional, from Reprimand, Suspension, and a \$10,000 fine to Revocation.
(f) Maintaining a wrongful professional association (490.009(1)(f), F.S.)	From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Probation, and a \$5,000 fine to Revocation and a fine up to \$10,000.	From Reprimand and Suspension to Revocation, and a \$10,000 fine.
(g) Knowingly aiding, assisting, procuring, or advising a non-licensed person (490.009(1)(g), and 456.072(1)(j), F.S.)	From Reprimand, Probation, and a \$1,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Revocation and a \$10,000 fine.
(h) Failing to perform any statutory or legal obligation (490.009(1)(h), and 456.072(1)(k), F.S.)	From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Revocation and a \$10,000 fine.

VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
(i) Willingly making or filing a false report, etc. (409.009(1)(i), and 456.072(1)(l), F.S.)	From Reprimand to Revocation, and a \$10,000 fine.	From Reprimand and Suspension to Revocation, and a \$10,000 fine.	Revocation and a \$10,000 fine.
(j) Paying or receiving a kickback, etc. (490.009(1)(j), F.S.)	From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Revocation and a \$10,000 fine.
(k) Sexual misconduct or battery on a patient (490.009(1)(k), F.S.)	From Suspension followed by Probation to Revocation, and a fine from \$5,000 up to \$10,000.	Revocation and a fine from \$5,000 up to \$10,000.	Revocation and a \$10,000 fine.
Case of Applicant	Permanent denial of licensure.	Permanent denial of licensure.	Permanent denial of licensure.
(l) Making misleading, deceptive, untrue, or fraudulent representations, etc. (409.009(1)(l), and 456.072(1)(m), F.S.)	Reprimand, Probation and a \$10,000 fine. If unintentional, Reprimand and a fine from \$1,000 up to \$10,000.	From Reprimand and Suspension to Revocation, and a \$10,000 fine. If unintentional, Reprimand and Probation, and a fine from \$1,000 up to \$10,000.	Revocation and a \$10,000 fine. If unintentional, Reprimand and Suspension, and a fine from \$5,000 up to \$10,000.
(m) Soliciting through fraud, intimidation, undue influence, etc. (490.009(1)(m), F.S.)	From Reprimand to Revocation, and a \$10,000 fine.	From Reprimand and Suspension to Revocation, and a \$10,000 fine.	Revocation and a \$10,000 fine.
(n) Failing to provide records, etc. (490.009(1)(n), F.S.)	From Reprimand to Suspension, and a fine from \$1,000 up to \$10,000.	From Reprimand to Suspension, and a fine from \$5,000 up to \$10,000.	From Reprimand and Suspension to Revocation, and a \$10,000 fine.
(o) Failing to respond to the Department within 30 days, etc. (490.009(1)(o), F.S.)	Suspension until compliance and a fine from \$1,000 up to \$10,000.	Suspension until compliance and a fine from \$5,000 up to \$10,000.	From Suspension until compliance to Revocation, and a \$10,000 fine.

VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
(p) Incompetence (mental or physical impairment), etc. (490.009(1)(p), F.S.)	From Suspension, followed by Probation, mental and physical evaluations to Revocation and a fine from \$1,000 up to \$10,000.	From Suspension, followed by Probation, mental and physical evaluations to Revocation and a fine from \$1,000 up to \$10,000.	Revocation.
(q) Violating provisions of Chapter 490 or 456, F.S. (490.009(1)(w), and 456.072(1)(b), F.S.)	From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Revocation and a \$10,000 fine.
(r) Experimentation without informed consent (490.009(1)(q), F.S.)	From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Revocation and a \$10,000 fine.
(s) Negligence (490.009(1)(r), F.S.)	From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Revocation and a \$10,000 fine.
(t) Delegating professional responsibilities (490.009(1)(s), and 456.072(1)(p), F.S.)	From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Revocation and a \$10,000 fine.
(u) Violating any lawful order (490.009(1)(t), and 456.072(1)(q), F.S.)	Suspension until compliance and a fine from \$1,000 up to \$10,000.	Suspension until compliance and a fine from \$1,000 up to \$10,000.	Revocation.
(v) Failing to maintain confidence (490.009(1)(u), F.S.)	Reprimand and a fine from \$1,000 up to \$5,000.	From Reprimand to Revocation, and a fine from \$5,000 up to \$10,000.	Revocation and \$10,000 fine.
(w) Identifying or damaging research clients (490.009(1)(v), F.S.)	From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Revocation and a \$10,000 fine.

VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
(x) Failure to comply with continuing education for domestic violence (456.072(1)(s), F.S.)	\$250 fine and Suspension until compliance.	Reprimand, \$500 fine and Suspension until compliance.	Reprimand, \$1,000 fine and Suspension until compliance.
(y) Exercising influence on the patient or client for financial gain (456.072(1)(n), F.S.)	From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Revocation and a \$10,000 fine.
(z) Improperly interfering with an investigation (456.072(1)(r), F.S.)	From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Revocation and a \$10,000 fine.
Case of Applicant	From granting licensure with Probation or denial of licensure for up to 2 years to permanent denial of licensure, and fine up to \$10,000.	From granting licensure with Probation or denial of licensure for up to 2 years to permanent denial of licensure, and fine up to \$10,000.	Permanent denial of license.
(aa) Performing or attempting to perform wrong health care services (456.072(1)(bb), F.S.)	From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Revocation and a \$10,000 fine.
(bb) Termination from impaired practitioner treatment program (Section 456.072(1)(hh), F.S.)	From Suspension and a fine up to \$10,000 to Revocation.	From Suspension and a fine up to \$10,000 to Revocation.	Revocation.

(2) Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended above. The Board shall consider as aggravating or mitigating circumstances the following:

- (a) The danger to the public;
- (b) The length of time since the date of violation;
- (c) The number of complaints filed against the licensee;
- (d) The length of time the licensee has practiced without complaint or violations;
- (e) The actual damage, physical or otherwise, to the patient;
- (f) The deterrent effect of the penalty imposed;
- (g) The effect of the penalty upon the licensee's livelihood;
- (h) Any efforts the licensee has made toward rehabilitation;
- (i) The actual knowledge of the licensee pertaining to the violation;

(j) Attempts by the licensee to correct or stop violations or refusal by the licensee to correct or stop violations;

(k) Related violations found against the licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;

(l) Any other mitigating or aggravating circumstances that are particular to that licensee or to the situation so long as the aggravating or mitigating circumstances are articulated in the Board's final order.

(3) The provisions of this rule shall not be construed to prohibit civil action or criminal prosecution as provided by law. Nor may the provisions of this rule be construed to limit the ability of the Board to enter into binding stipulations as per Section 120.57(4), F.S.

Specific Authority 456.079, 490.004(4) FS. Law Implemented 456.072, 456.079, 490.009 FS. History—New 11-24-86, Amended 7-18-88, 4-26-93, Formerly 21U-18.003, Amended 6-14-94, Formerly 61F13-18.003, Amended 1-9-96, Formerly 59AA-17.002, Amended 9-18-97, 9-26-01, 3-25-02, 4-3-05, 1-2-06, 12-31-06.

64B19-17.0025 Payment of Fine.

All fines imposed by the Board shall be paid within thirty (30) days from the date of the final order entered by the Board unless the final order extends the deadline in any given case.

Specific Authority 456.072(3), 490.004(4), 490.009(1)(e) FS. Law Implemented 456.072(3), 490.009(1)(e) FS. History—New 8-27-98.

64B19-17.003 Advertising.

The following rules pertain to the requirement in Section 490.012(2), F.S., that licensees must include the words "licensed psychologist" on all professional advertisements:

(1) A professional advertisement is any medium used to solicit clients, such as a listing in the yellow pages of a telephone book or an announcement of the availability of services in the newspaper or on the radio or television.

(2) Business cards and stationery are not professional advertisements.

(3) A listing in the white pages of a telephone book is not a professional advertisement unless the listing is distinguishable from the listings of non-licensees.

(4) A professional advertisement must include the words "licensed psychologist" regardless of whether the licensee paid for the advertisement or not.

(5) A psychologist must include the words "licensed psychologist" on all advertisements in which the psychologist's name appears, even if the name appears as part of a professional association or any other entity providing psychological services.

(6) The Board recognizes that in some instances, a psychologist may not be aware of the fact that a yellow page listing exists for the psychologist. For that reason, the Board will not prosecute the psychologist unless the listing was paid for by the psychologist or by anyone other than the yellow page company. Upon receipt of information that a yellow page listing exists, however, the psychologist must either prevent a future listing from occurring or pay for the insertion of the words "licensed psychologist" in the listing.

Specific Authority 490.004(4) FS. Law Implemented 490.009(2)(d), 490.012(2) FS. History—New 1-16-92, Formerly 21U-18.005, Amended 6-14-94, Formerly 61F13-18.005, 59AA-17.003, Amended 9-18-97.

64B19-17.0035 Minor Misconduct; Notices of Noncompliance.

The Board designates the following offenses as minor misconduct for which the Department shall issue notices of noncompliance before disciplinary action is taken:

(1) Sections 490.009(1)(d) and 490.012(2)(b), F.S., (for failing to include "licensed psychologist" in any advertisement).

(2) Section 490.009(1)(o), F.S., (for failing to respond within 30 days to a written communication from the department concerning any investigation by the department or to make available any relevant records with respect to any investigation about the licensee's conduct or background).

(3) Section 456.035(1), F.S., (for failing to notify the Board of the licensee's current mailing address and place of practice after 45 days but within 60 days).

Specific Authority 456.073(3) FS. Law Implemented 456.073(3) FS. History—New 1-9-96, Formerly 59AA-17.0035, Amended 9-18-97, 10-5-04.

64B19-17.004 Citations.

In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall include a requirement that the licensee correct the offense, within thirty (30) days, impose whatever obligations will correct the offense, and impose the prescribed penalty. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. In addition to the fine indicated, the licensee shall pay the Department's cost of investigation.

(1) Violation of Section 456.036(1), F.S. (for practicing on an inactive or delinquent license for less than three months): \$500 fine.

(2) Violation of Section 456.036(1), F.S. (for practicing on an inactive license for three to six months): \$1,000 fine.

(3) Violation of Section 490.009(1)(f), F.S. (for maintaining a professional association with a person who may be in violation of the chapter or rule): \$500 fine.

(4) Violation of Section 490.009(1)(t), F.S., through a violation of subsection 64B19-13.003(4), F.A.C. (for failing to provide documentation of Continuing Education courses upon request): \$50 per credit hour missing, if documentation of some credits is provided: \$3,000 and a reprimand if no documentation is provided.

(5) Violation of Section 456.035(1), F.S. (for failing to notify the Board of the licensee's current mailing address and place of practice after 60 days but within 90 days): \$250 fine.

(6) Violation of Section 490.009(1)(t), F.S. (for failing to pay an administrative fine within thirty (30) days after notification of delinquency): 10% of the fine and/or cost of imposed fine and cost (failure to pay citation will result in an administrative complaint).

(7) Violation of Section 490.009(1)(o), F.S. (for failing to respond within 30 days to a written communication from the Department concerning any investigation by the Department or to make available any relevant records with respect to any investigation about the licensee's conduct or background): \$500 fine.

(8) Violation of Section 490.012(2), F.S. (for failing to display license): \$100 fine.

(9) Issuance of a worthless bank check to the Department or to the Board in violation of Section 490.009(1)(a), F.S.: \$100 fine.

(10) Violation of Section 456.072(1)(w), F.S., (for failing to report to the Board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction) where the licensee ultimately reported more than 30 days but fewer than 91 days: \$100 fine.

(11) Violation of Section 456.072(1)(t), F.S., (for failing to identify type of license): \$100 fine.

Specific Authority 456.077 FS. Law Implemented 456.072(4), 456.077 FS. History—New 1-16-92, Amended 4-26-93, Formerly 21U-18.006, 61F13-18.006, Amended 1-9-96, Formerly 59AA-17.004, Amended 11-23-97, 3-25-02, 9-21-04, 4-8-07.

64B19-17.007 Mediation.

The following offenses may be mediated if the offense meets the criteria of Section 456.078, F.S.:

(1) Violation of Sections 490.009(1)(d) and 456.072(1)(a), F.S. (for misleading advertisement).

(2) Violation of Sections 490.009(1)(h) and 456.072(1)(k), F.S. (for failing to explain to patient, or patient's legal representative, the nature of evaluation and the confidentiality provisions in the practice setting; e.g., compulsory psychological examinations in forensic settings).

(3) Violation of Sections 490.009(1)(l) and 456.072(1)(m), F.S. (for misrepresenting credentials).

(4) Violation of Section 490.009(1)(n), F.S. (for failing to provide copies, which have been paid for, of a report of examination or treatment upon written request from the service user).

(5) Violation of Section 490.009(1)(r), F.S. (for the following allegations arising from a psychological evaluation):

(a) Failing to write a report consistent with referral questions.

- (b) Failing to use appropriate diagnosis and procedure codes.
- (c) Failing to perform a clinical examination, if indicated, independent of the testing process.
- (d) Failing to terminate inpatient treatment upon request of patient or patient's legal representative.
- (6) Violation of Section 490.009(1)(u), F.S. (for failing to maintain in confidence a communication made by patient or client).
- (7) Violation of Section 490.009(1)(v), F.S. (for making public statements that identify or damage research subjects or clients).

Specific Authority 456.078, 490.004(4), (5) FS. Law Implemented 456.078, 490.009(2)(h), (v), (w) FS. History—New 3-20-95, Formerly 59AA-18.009, 59AA-17.007, Amended 10-15-02, 12-27-04.

CHAPTER 64B19-18 SCOPE OF PRACTICE, CONSENT, FORENSIC EVALUATIONS TO ADDRESS MATTERS RELATING TO CHILD CUSTODY

- 64B19-18.001 Qualifications to Evaluate and Treat Sex Offenders as a “Qualified Practitioner” (Repealed 1/29/08)
- 64B19-18.002 Use of the Title Sex Therapist.
- 64B19-18.0025 Qualifications to Practice Juvenile Sexual Offender Therapy.
- 64B19-18.003 Qualifications to Practice Hypnosis.
- 64B19-18.004 Use of Test Instruments.
- 64B19-18.005 Consent for Treatment of Minors.
- 64B19-18.006 Prohibition Against Treating Psychologists Performing Forensic Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation. (Repealed)
- 64B19-18.007 Requirements for Forensic Psychological Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation Disputes.

64B19-18.002 Use of the Title Sex Therapist.

Prior to holding oneself out as a sex therapist, a psychologist must have received training in the provision of psychological health services and shall have completed a minimum of 150 clock hours of education which meets the requirements of Rule 64B19-13.003, F.A.C., in the specific area of sex therapy and in the interaction between sex therapy and the general provision of psychological health services.

Specific Authority 490.004(4), 490.0143 FS. Law Implemented 490.003(4), 490.0143 FS. History—New 7-11-89, Formerly 21U-20.002, 61F13-20.002, 59AA-18.002, Amended 9-18-97.

64B19-18.0025 Qualifications to Practice Juvenile Sexual Offender Therapy.

Effective December 31, 2005, a psychologist, prior to practicing juvenile sexual offender therapy, must be a Florida licensed psychologist, except as otherwise provided within Section 490.012, F.S. The psychologist shall have education, training, and experience that demonstrates competency and interest in this area of practice. The training of a psychologist practicing juvenile sexual offender therapy must include:

- (1) Coursework and/or training in child behavior and development, child psychopathology, and child assessment and treatment; and
- (2) Thirty (30) hours of training in juvenile sex offender assessment and treatment.

Specific Authority 490.004(4), 490.012(8), 490.0145 FS. Law Implemented 490.012(8), 490.0145 FS. History—New 2-21-99, Amended 7-27-04.

64B19-18.003 Qualifications to Practice Hypnosis.

The practice of hypnosis as defined in Chapter 485, F.S., is permitted by a licensed psychologist who qualifies as designated by this rule. Basic hypnosis is defined as the use of hypnotic approaches for the purpose of stress management, self-hypnosis, guided imagery, or relaxation and shall be practiced only by those licensees who have successfully completed a total of at least 10 clock hours of education which meets the requirements for approval set forth in Rule 64B19-13.003, F.A.C., in basic hypnosis.

Specific Authority 490.004(4), 490.0141 FS. Law Implemented 490.003(4), 490.0141 FS. History—New 6-1-89, Formerly 21U-20.003, 61F13-20.003, 59AA-18.003, Amended 11-23-97.

64B19-18.004 Use of Test Instruments.

(1) The Board finds that the inappropriate use of test instruments is harmful to consumers. The Board finds further that a need exists to set out the minimum standard of professional practice maintained and required of psychologists who use test instruments in the psychologist's practice of psychology.

(2) A psychologist who uses test instruments in the psychologist's practice of psychology:

(a) Must consider whether research supports the underlying presumptions which govern the interpretive statements which would be made by the test instrument as a result of its completion by any service user;

(b) Must be able to justify the selection of any particular test instrument for the particular service user who takes the test at the instruction of the psychologist;

(c) Must integrate and reconcile the interpretive statements made by the test instrument based on group norms, with the psychologist's independent professional knowledge, evaluation and assessment of the individual who takes the test;

(d) Must specify in the test report the name of each person who assisted the psychologist in the administration of the test, and the role which that person played in the administration of the test.

(3) A psychologist who uses test instruments may not release test data, such as test protocols, test questions, assessment-related notes, or written answer sheets, except (1) to a licensed psychologist or school psychologist licensed pursuant to Chapter 490, F.S., or Florida certified, or (2) after complying with the procedures set forth in subsection 64B19-19.005, F.A.C., and obtaining an order from a court or other tribunal of competent jurisdiction, or (3) when the release of the material is otherwise required by law. When raw test data is released pursuant to this paragraph, the psychologist shall certify to the service user or the service user's designee that all raw test data from those test instruments have been provided. Psychologists are expected to make all reasonable efforts to maintain the integrity of the test protocols, modalities and instruments when releasing information as provided herein.

(4) In performing the functions listed at subsection (2) of this rule, the psychologist must meet with the test subject face-to-face in a clinical setting unless the psychologist has delegated the work to a psychological intern, psychological trainee or psychological resident in a doctoral psychology program approved by the American Psychological Association.

(5) It shall be a violation of this rule for a psychologist to sign any evaluation or assessment unless the psychologist has had an active role in the evaluation or assessment of the subject as required by subsection (4) of this rule. A psychologist may not sign any evaluation or assessment that is signed by any other person unless the psychologist is signing as a supervisor in conjunction with an evaluation or assessment performed by a psychological intern, psychological trainee or psychological resident, or as a member of a multidisciplinary diagnostic team.

(6) "Test instruments" are standardized procedures which purport to objectively measure personal characteristics such as intelligence, personality, abilities, interests aptitudes, and neuropsychological functioning including evaluation of mental capacity to manage one's affairs and to participate in legal proceedings. Examples of such tests include intelligence tests, multiple aptitude batteries, tests of special aptitudes, achievement tests, and personality tests concerned with measures of emotional and motivational functioning, interpersonal behavior, interests, attitudes and other affective variables.

Specific Authority 490.004(4) FS. Law Implemented 490.003(4), 490.009(1)(r), (s), (v), (w) FS. History—New 6-14-94, Formerly 61F13-20.004, Amended 5-19-97, Formerly 54AA-18.004, Amended 3-25-02, 11-18-07.

64B19-18.005 Consent for Treatment of Minors.

For the purpose of discipline, the Board will not consider it a violation for a psychologist to treat a minor in an emergency situation, such as crisis intervention, without the consent of an adult so long as the psychologist abides by state law governing the emergency treatment of minors. Nor will the Board consider it a violation for a psychologist to treat a minor upon the psychologist's receipt of written permission from any adult who claims to have authority to consent to treatment. This rule, however, may not be used to circumvent other disciplinary action against the psychologist in the substantive provision of treatment to the minor.

Specific Authority 490.004(4) FS. Law Implemented 490.009(2)(s) FS. History—New 6-14-94, Formerly 61F13-20.005, Amended 1-7-96, Formerly 59AA-18.005.

64B19-18.007 Requirements for Forensic Psychological Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation Disputes.

- (1) For the purposes of this rule the following definitions apply:
- (a) "Parent" means parent or legal guardian identified by the court order.
 - (b) "Child(ren)" means those identified by the court order.
- (2) The minimum standard of performance in court-ordered child custody evaluation and family law proceedings includes, but is not limited to, the following:
- (a) The psychologist shall adhere to the "APA Guidelines for Child Custody Evaluations in Divorce Proceedings," effective July, 1994, and the "Specialty Guidelines for Forensic Psychologists," effective March 9, 1991. These guidelines are incorporated by reference and copies may be obtained from the Board office. The APA Guidelines for Child Custody Evaluations in Divorce Proceedings are also available at: www.apa.org/practice/childcustody.html.
 - (b) The psychologist who has accepted an appointment as an evaluator shall not serve as guardian ad litem, mediator, therapist or parenting coordinator regarding the children in the instant case. The psychologist who has had a prior role as guardian ad litem, mediator, therapist or parenting coordinator shall not accept an appointment as an evaluator for the children in the instant case.
 - (c) The psychologist shall inform the parents or legal guardian in writing and obtain their signature verifying notification of the limits of confidentiality.
 - (d) The psychologist shall submit the evaluation report pursuant to court order or provide prior notification to the court, if the report will not be provided by the due date.
 - (e) The evaluation report shall include all of the following. The failure to include any of the following shall be documented.
 - 1. Evaluations of both parents, or legal guardian including observations, test results, and impressions.
 - 2. Evaluations of the children identified in the court order including observations and where appropriate, test results and impressions.
 - 3. Description of interactions between each parent or legal guardian and each child identified in the court order.
 - 4. Collateral sources of information as needed.
 - 5. Request medical records as needed.
- (3) It is a conflict of interest for a psychologist who has treated a minor or any of the adults involved in a custody or visitation action to perform a forensic evaluation for the purpose of recommending with which adult the minor should reside, which adult should have custody, or what visitation should be allowed. Consequently, a psychologist who treats a minor or any of the adults involved in a custody or visitation action may not also perform a forensic evaluation for custody, residence or visitation of the minor. So long as confidentiality is not violated, a psychologist may provide a court, or a mental health professional performing a forensic evaluation, with factual information about the minor derived from treatment, but shall not state an opinion about custody, residence or visitation disputes.

Specific Authority 490.004(4) FS. Law Implemented 490.009(2)(s) FS. History—New 6-14-94, Formerly 61F13-20.007, Amended 1-7-96, Formerly 59AA-18.007, Amended 9-30-04.

64B19-18.008 Board Approval of Specialty Certifying Bodies.

To obtain Board approval as a certifying body, eligible to grant formal recognition declaring a licensed psychologist to be a "certified psychology specialist," board-certified psychology specialist," or a "psychology diplomate," pursuant to Section 490.0149, F.S., an applicant shall file a petition demonstrating that it:

- (1) Is an independent body, national in scope, that incorporates standards of the profession, collaborates closely with organizations related to specialization in psychology, and only certifies doctoral-level, licensed psychologists as having advanced qualifications in a particular psychological specialty through demonstrations of competence in the specialty being recognized;
- (2) Has clearly described purposes, bylaws, policies, and procedures, that include an internal review and budgetary practices, to ensure effective utilization of resources with an administrative staff, housed in dedicated office space that is appropriate for the certifying body's program and sufficient for responding to consumer or regulatory inquiries;
- (3) Has established standards for specialized practice of psychology and adopts the American Psychological Association (APA) "Ethical Principles of Psychologists and Code of Conduct," effective

June 1, 2003, to guide the practice of its members. The code is incorporated by reference and available for inspection at the Board office as well as at: www.apa.org/ethics/code2002.html; and

(4) Has implemented and documented a comprehensive assessment procedure, designed to measure the competencies required to provide services characteristic of the specialty area, that describes security and grading standards, and consists of an oral examination and peer-review of practice samples and may include a written examination.

Specific Authority 490.0149, 490.004(4) FS. Law Implemented 490.0149 FS. History–New 11-1-07

CHAPTER 64B19-19 PSYCHOLOGICAL RECORDS AND CONFIDENTIALITY

64B19-19.002 Definitions.

64B19-19.0025 Standards for Records.

64B19-19.003 Maintenance and Retention of Records.

64B19-19.004 Disposition of Records Upon Termination or Relocation of Psychological Practice.

64B19-19.005 Releasing Psychological Records.

64B19-19.006 Confidentiality.

64B19-19.002 Definitions.

A “client”, or “patient” is that individual who, by virtue of private consultation with the psychologist, has reason to expect that the individual’s communication with the psychologist during that private consultation will remain confidential, regardless of who pays for the services of the psychologist.

Specific Authority 490.004(4), 490.0147 FS. Law Implemented 490.009(2)(v), 490.0147 FS. History–New 8-12-90, Amended 4-1-92, Formerly 21U-22.002, 61F13-22.002, 59AA-19.002, Amended 9-18-97.

64B19-19.0025 Standards for Records.

To serve and protect users of psychological services, psychologists’ records must meet minimum requirements for chronicling and documenting the services performed by the psychologist, documenting informed consent and recording financial transactions.

(1) Records for chronicling and documenting psychologists’ services must include the following: basic identification data such as name, address, telephone number, age and sex; presenting symptoms or requests for services; dates of service and types of services provided. Additionally, as applicable, these records must include: test data (previous and current); history including relevant medical data and medication, especially current; what transpired during the service sessions; significant actions by the psychologist, service user, and service payer; psychologist’s indications suggesting possible sensitive matters like threats; progress notes; copies of correspondence related to assessment or services provided; and notes concerning relevant psychologist’s conversation with persons significant to the service user.

(2) Written informed consent must be obtained concerning all aspects of services including assessment and therapy.

(3) A provisionally licensed psychologist must include on the informed consent form the fact that the provisional licensee is working under the supervision of a licensed psychologist as required by Section 490.0051, F.S. The informed consent form must identify the supervising psychologist.

(4) Records shall also contain data relating to financial transactions between the psychologist and service user, including fees assessed and collected.

(5) Entries in the records must be made within ten (10) days following each consultation or rendition of service. Entries that are made after the date of service should indicate the date the entries are made, as well as the date of service.

Specific Authority 490.004(4), 490.0148 FS. Law Implemented 490.002, 490.0051, 490.009(2)(s), (u), 490.0148 FS. History–New 11-23-97, Amended 10-22-98, 5-14-02.

64B19-19.003 Maintenance and Retention of Records.

(1) Licensed psychologists shall maintain psychological records for each service user and shall record information concerning consultations and/or services rendered by the psychologist to the service user within a reasonable time following that consultation or the rendition of that service.

(2) Except as provided in subsection (4) of this rule, the licensed psychologist shall maintain full and total responsibility for and control of all psychological records relating to users of the licensee's psychological services and of the users of the psychological services rendered by any person under the supervision of the licensed psychologist.

(3) Except as provided in subsection (4) of this rule, complete psychological records shall be retained by the licensed psychologist for a minimum of 3 years after (a) the completion of planned services or (b) the date of last contact with the user, whichever event occurs later in time. Thereafter, either the complete psychological records or a summary of those psychological records shall be retained for an additional 4 years.

(4) A licensed psychologist is not required to retain psychological records if the psychologist's patients were assigned to the psychologist by a business entity which agrees to maintain and retain the confidentiality of the psychological records consistent with Rules 64B19-19.005 and 64B19-19.006, F.A.C., and subsections (2) and (3) of this rule.

Specific Authority 490.004(4), 490.0148 FS. Law Implemented 490.009(2)(s), (q), (u), 490.0148 FS. History—New 8-12-90, Formerly 21U-22.003, Amended 6-14-94, Formerly 61F13-22.003, 59AA-19.003.

64B19-19.004 Disposition of Records Upon Termination or Relocation of Psychological Practice.

(1) When a licensed psychologist terminates practice or relocates practice and is no longer available to service users in the practice area, the licensed psychologist shall provide notice of such termination or relocation of practice. The licensed psychologist shall cause such notice to be published in the newspaper of greatest circulation in the county from which the licensed psychologist is relocating or, in the case of termination of practice, in each county where the licensed psychologist has practiced. Such notice shall be published weekly for four (4) consecutive weeks. The notice shall contain the date of termination or relocation of practice and an address at which the psychological records of the service users may be obtained by them, their legal representatives, or licensed mental health professionals designated by service users in writing, to receive the service user's records.

(2) The executor, administrator, personal representative or survivor of a deceased licensed psychologist shall ensure the retention of psychological records in existence upon the death of the psychologist for a period of at least two (2) years and two (2) months from the date of the licensed psychologist's death. Within 1 month of the licensed psychologist's death, the executor, administrator, personal representative or survivor of the deceased licensed psychologist shall cause notice to be published in the newspaper of greatest general circulation in each county where the licensed psychologist practiced. Such notice shall be published weekly for four (4) consecutive weeks and shall advise of the licensed psychologist's death. Such notice shall also state the address from which service users, their legal representative, or licensed mental health professionals designated by the service user in writing, may obtain the service user's psychological records. A copy of such notice shall be mailed to the administrative office of the Board of Psychology. At the conclusion of 24 months from the date of the licensed psychologist's death, the executor, administrator, personal representative or survivor shall cause a notice to be published in the newspaper of greatest circulation in each county where the deceased psychologist practiced. Such notice shall advise that the psychological records still in the possession or under the control of the executor, administrator, personal representative or survivor will be destroyed on a date specified which may not be any sooner than 1 month from the last day of the last week of the publication of the notice. Such notice shall also be published once a week for four (4) consecutive weeks. Thereafter, on the date specified in the notice, the executor, administrator, personal representative or survivor shall destroy unclaimed psychological records.

Specific Authority 456.058, 490.004(4) FS. Law Implemented 456.058 FS. History—New 8-12-90, Formerly 21U-22.004, Amended 6-14-94, Formerly 61F13-22.004, 59AA-19.004, Amended 9-18-97.

64B19-19.005 Releasing Psychological Records.

(1) Any licensed psychologist who agrees to provide copies of psychological records to a service user, a service user's designee, or a service user's legal representative, shall be accorded a reasonable time, not to exceed thirty (30) days, to make final entries and copy the psychological records, and may condition release of the copies upon payment by the requesting party of the reasonable costs of reproducing the records.

(2) Any licensed psychologist who opts to issue a report rather than provide copies of psychological records to a service user, a service user's designee, or a service user's legal representative, shall issue

the report within thirty (30) days of the request, and may charge a reasonable fee for the preparation of the report and may condition the issuance of the report upon payment of the reasonable fee.

(3) The psychologist's notes pertaining to psychological services rendered may be considered raw data as provided by subsection 64B19-18.004(3), F.A.C., at the discretion of the psychologist and therefore can be released only (1) to a licensed psychologist or school psychologist licensed pursuant to Chapter 490, F.S., or Florida certified, or (2) when the release of the material is otherwise required by law.

Specific Authority 456.057, 490.004(4) FS. Law Implemented 456.057, 490.009(2)(n), 490.0147 FS. History—New 8-12-90, Amended 7-14-93, Formerly 21U-22.005, Amended 6-14-94, Formerly 61F13-22.005, Amended 11-19-96, Formerly 59AA-19.005, Amended 9-18-97, 6-4-02.

64B19-19.006 Confidentiality.

(1) One of the primary obligations of psychologists is to respect the confidentiality of information entrusted to them by service users. Psychologists may disclose that information only with the written consent of the service user. The only exceptions to this general rule occur in those situations when nondisclosure on the part of the psychologist would violate the law. If there are limits to the maintenance of confidentiality, however, the licensed psychologist shall inform the service user of those limitations. For instance, licensed psychologists in hospital, subacute or nursing home settings should inform service users when the service user's clinical records will contain psychological information which may be available to others without the service user's written consent. Similar limitations on confidentiality may present themselves in educational, industrial, military or third-party payment situations, and in each of the circumstances mentioned herein or in each similar circumstance, the licensed psychologist must obtain a written statement from the service user which acknowledges the psychologist's advice in those regards. This rule is particularly applicable to supervisory situations wherein the supervised individual will be sharing confidential information with the supervising psychologist. In that situation, it is incumbent upon the licensed psychologist to secure the written acknowledgement of the service user regarding that breach of confidentiality.

(2) In cases where an evaluation is performed upon a person by a psychologist for use by a third party, the psychologist must explain to the person being evaluated the limits of confidentiality in that specific situation, document that such information was explained and understood by the person being evaluated, and obtain written informed consent to all aspects of the testing and evaluative procedures.

(3) This rule recognizes that minors and legally incapacitated individuals cannot give informed consent under the law. Psychologists, nonetheless, owe a duty of confidentiality to minor and legally incapacitated service users consistent with the duty imposed by subsection (1). This does not mean that the psychologist may not impart the psychologist's own evaluation, assessment, analysis, diagnosis, or recommendations regarding the minor or legally incapacitated individual to the service user's guardian or to any court of law.

(4) The licensed psychologist shall maintain the confidentiality of all psychological records in the licensed psychologist's possession or under the licensed psychologist's control except as otherwise provided by law or pursuant to written and signed authorization of a service user specifically requesting or authorizing release or disclosure of the service user's psychological records.

(5) The licensed psychologist shall also ensure that no person working for the psychologist, whether as an employee, an independent contractor, or a volunteer violates the confidentiality of the service user.

Specific Authority 490.004(4) FS. Law Implemented 456.057, 490.009(2)(s), (v), 490.0147 FS. History—New 8-12-90, Formerly 21U-22.006, 61F13-22.006, Amended 2-26-96, Formerly 59AA-19.006, Amended 11-23-97.