

CHAPTER 64B4, FLORIDA ADMINISTRATIVE CODE
BOARD of CLINICAL SOCIAL WORK, MARRIAGE and FAMILY
THERAPY, and MENTAL HEALTH COUNSELING
(Sections 64B4-1 – Sections 64B5)
2017

CHAPTER 64B4-1
ORGANIZATION

- 64B4-1.007 Other Business Involving the Board
- 64B4-1.0075 Attendance at Board Meetings
- 64B4-1.015 Public Comment

64B4-1.007 Other Business Involving the Board.

For purposes of board member compensation under subsection (4), of Section 456.011, F.S., “other business involving the board” is defined to include:

- (1) Board meetings;
- (2) Meetings of committees of the Board;
- (3) Meetings of a Board member with staff at the request of the Board or Department;
- (4) Probable cause panel meetings;
- (5) Attendance at legislative workshops or committee meetings at request of the Board or Department;
- (6) Attendance at meetings of national associations as an authorized representative of the Board;
- (7) Attendance at continuing education programs for the purpose of auditing a Board-approved provider when such attendance has been approved by the Board;
- (8) Attendance at any function authorized by the Board or Department.

Rulemaking Authority 456.011(4), 491.004 FS. Law Implemented 286.0105, 456.011(3), (4) FS. History—New 4-10-88, Amended 4-8-90, Formerly 21CC-1.007, 61F4-1.007, 59P-1.007, Amended 12-11-97.

64B4-1.0075 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, hospitalization of the member’s immediate family; or other extraordinary circumstances.

(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 subsection (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 circumstances surrounding the reason for the absence which the Board itself excuses after the absence has occurred.

(3) “Family” consists of immediate family, aunts, uncles, nieces, nephews, cousins, and in-laws.

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

Rulemaking Authority 456.011, 491.004 FS. Law Implemented 456.011 FS. History—New 2-24-93, Formerly 21CC-1.0075, 61F4-1.0075, 59P-1.0075, Amended 12-11-97.

64B4-1.015 Public Comment.

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling invites and encourages all members of the public to provide comment on matters or propositions before the Board or a committee of the Board. The opportunity to provide comment shall be subject to the following:

- (1) Members of the public will be given an opportunity to provide comment on subject matters before the Board after an agenda

item is introduced at a properly noticed board meeting.

(2) Members of the public shall be limited to five (5) minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Board members, staff or board counsel. The chair of the Board may extend the time to provide comment if time permits.

(3) A member of the public shall notify board staff in writing of his or her interest to be heard on a proposition or matter before the Board. The notification shall identify the person or entity, indicate the person or entity's support, opposition, or neutrality, and identify who will speak on behalf of a group or faction of persons consisting of five (5) or more persons. If the person or entity does not wish to be identified, a pseudonym may be used.

Rulemaking Authority 286.0114 FS. Law Implemented 286.0114 FS. History--New 3-12-14.

CHAPTER 64B4-2 DEFINITIONS APPLICABLE TO CLINICAL SOCIAL WORK, MARRIAGE AND FAMILY THERAPY AND MENTAL HEALTH COUNSELING

64B4-2.001	Definition of "Experience" for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
64B4-2.002	Definition of "Supervision" for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
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64B4-2.001 Definition of "Experience" for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling.

(1) Two year(s) of "clinical experience," for clinical social work, marriage and family therapy or mental health counseling as used in Section 491.005, F.S.;

(a) Consists of at least 1500 hours of providing psychotherapy face-to-face with clients as a registered intern for the profession for which licensure is sought; and,

(b) Shall be accrued in no less than 100 weeks.

(2) Credit for post-master's clinical experience earned in another state shall be granted if it meets the requirements specified in Section 491.005(1)(c), (3)(c), or (4)(c), F.S.

Rulemaking Authority 491.004(5) FS. Law Implemented 491.005(1)(c), (3)(c), (4)(c) FS. History--New 7-6-88, Amended 12-29-91, Formerly 21CC-2.001, 61F4-2.001, 59P-2.001, Amended 11-13-97, 10-28-98.

64B4-2.002 Definition of "Supervision" for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling.

Supervision is the relationship between the qualified supervisor and intern that promotes the development of responsibility, skills, knowledge, attitudes and adherence to ethical, legal and regulatory standards in the practice of clinical social work, marriage and family therapy and mental health counseling. Supervision is contact between an intern and a supervisor during which the intern appraises the supervisor of the diagnosis and treatment of each client, client cases are discussed, the supervisor provides the intern with oversight and guidance in diagnosing, treating and dealing with clients, and the supervisor evaluates the intern's performance.

(1) An intern shall be credited for the time of supervision required by Section 491.005, F.S., if the intern:

(a) Received at least 100 hours of supervision in no less than 100 weeks; and,

(b) Provided at least 1500 hours of face-to-face psychotherapy with clients; and,

(c) Received at least 1 hour of supervision every two weeks.

(2) The supervision shall focus on the raw data from the intern's face-to-face psychotherapy with clients. The intern shall make the raw data directly available to the supervisor through such means as written clinical materials, direct observation and video and audio recordings. Supervision is a process distinguishable from personal psychotherapy or didactic instruction.

(3) The supervisor and intern may utilize face-to-face electronic methods (not telephone only communication) to conduct the supervisory sessions; however, the supervisor and intern must have in-person face-to-face contact for at least 50% of all of the interactions required in subsection (1), above. Prior to utilizing any online or interactive methods for supervision, the supervisor and the intern shall have at least one in-person face-to-face meeting. The supervisor and the intern are responsible for maintaining the confidentiality of the clients during both in-person and online or interactive supervisory sessions.

(4) If an intern obtains group supervision, each hour of group supervision must alternate with an hour of individual supervision. Group supervision must be conducted with all participants present in-person. For the purpose of this section, individual supervision is defined as one qualified supervisor supervising no more than two (2) interns and group supervision is defined as one qualified supervisor supervising more than 2 but a maximum of 6 interns in the group.

Rulemaking Authority 491.004(5), 491.0045, 491.005(1)(c), (3)(c), (4)(c) FS. Law Implemented 491.005(1)(c), (3)(c), (4)(c) FS. History—New 7-6-88, Amended 3-21-90, Formerly 21CC-2.002, 61F4-2.002, Amended 1-7-96, 12-16-96, Formerly 59P-2.002, Amended 11-13-97, 10-28-98, 1-1-07, 3-14-07, 2-9-16.

64B4-2.0025 Definition of “Qualified Supervisor”.

(1) A “qualified supervisor” for clinical social work as specified in Section 491.005(1)(c), F.S., means a licensed clinical social worker or the equivalent who meets the qualifications specified in Rule 64B4-11.007, F.A.C.

(2) A “qualified supervisor” for marriage and family therapy as specified in Section 491.005(3)(c), F.S., means a licensed marriage and family therapist with at least five of experience or the equivalent who meets the qualifications specified in Rule 64B4-21.007, F.A.C.

(3) A “qualified supervisor” for mental health counseling as specified in Section 491.005(4)(c), F.S., means a licensed mental health counselor or the equivalent who meets the qualifications specified in Rule 64B4-31.007, F.A.C.

Rulemaking Authority 491.004(5), 491.005(1)(c), (3)(c), (4)(c) FS. Law Implemented 491.005(1)(c), (3)(c), (4)(c) FS. History—New 12-16-96, Formerly 59P-2.0025.

64B4-2.003 Conflict of Interest in Supervision.

Supervision provided by the applicant’s therapist, parents, spouse, former spouses, siblings, children, employees, or anyone sharing the same household, or any romantic, domestic or familial relationship shall not be acceptable toward fulfillment of licensure requirements. For the purposes of this section, a supervisor shall not be considered an employee of the applicant if the only compensation received by the supervisor consists of payment for actual supervisory hours.

Rulemaking Authority 491.004(5), 491.005(1)(c), (3)(c), (4)(c) FS. Law Implemented 491.005(1)(c), (3)(c), (4)(c) FS. History—New 1-4-90, Amended 2-13-91, 10-7-92, Formerly 21CC-2.003, 61F4-2.003, 59P-2.003.

64B4-2.005 Place of Practice.

For the purpose of notifying the Department of Health of the licensee’s place of practice, the term “place of practice” means the address of the physical location where the licensee practices clinical social work, marriage and family therapy or mental health counselling or where the licensee receives professional correspondence.

Rulemaking Authority 456.035, 491.004(5) FS. Law Implemented 456.035 FS. History—New 11-13-94, Formerly 59P-2.005.

64B4-2.006 Definition of “Mental Health Professional”.

“Mental health professional” as used in Sections 491.005(1)(c), (3)(c), (4)(c), and 491.0046(3), F.S., is defined as a psychotherapist licensed under Chapter 491, F.S., a psychologist licensed under Chapter 490, F.S., a psychiatrist licensed under Chapter 458 or 459, F.S., who is certified by the American Board of Psychiatry and Neurology; or an advanced registered nurse practitioner certified under Section 464.012, F.S., and who is certified by a board approved national certification organization pursuant to Rule 64B9-4.002, F.A.C.

Rulemaking Authority 491.004(5), 491.0046(3) FS. Law Implemented 491.0046(3), 491.005(1)(c), (3)(c), (4)(c) FS. History—New 2-11-98, Amended 4-24-00.

CHAPTER 64B4-3

**LICENSURE – CLINICAL SOCIAL WORK, MARRIAGE AND
FAMILY THERAPY AND MENTAL HEALTH COUNSELING APPLICANTS**

64B4-3.001	Application for Licensure for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants
64B4-3.0015	Verification of Supervised Experience for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants
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64B4-3.005	Course Content Documentation
64B4-3.0051	Documentation of Substantially Equivalent Licensing Examination
64B4-3.006	Security and Monitoring Procedures for Licensure Examination (Repealed)
64B4-3.0075	Provisional Licensure
64B4-3.008	Supervision Required Until Licensure
64B4-3.0085	Intern Registration
64B4-3.009	Limited Licenses
64B4-3.010	Marriage and Family Therapy Dual Licensure

64B4-3.001 Application for Licensure for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants.

Every applicant for licensure as a clinical social worker, marriage and family therapist or mental health counselor shall submit to the Board a completed application on Form DH-MQA 1174, Application for Licensure (revised 07/16), hereby adopted and incorporated by reference, which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-07406>, or the web at <http://www.floridasmentalhealthprofessions.gov/resources>. The application shall be accompanied with the application fee and the initial licensure fee.

(1) An application for licensure by examination shall be accompanied with the application fee and the initial active status license fee specified in Rule 64B4-4.002, F.A.C.

(2) An application for licensure by endorsement shall be accompanied with the application fee specified in Rule 64B4-4.003, F.A.C., and the initial active status license fee specified in Rule 64B4-4.002, F.A.C.

Rulemaking Authority 491.004(5) FS. Law Implemented 456.013, 456.0635, 491.005, 491.006, 491.0065 FS. History—New 7-6-88, Amended 1-28-91, 11-3-92, Formerly 21CC-3.001, 61F4-3.001, Amended 11-13-96, Formerly 59P-3.001, Amended 6-8-09, 2-24-10, 4-4-13, 5-12-16, 9-1-16.

64B4-3.0015 Verification of Supervised Experience for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants.

(1) Every applicant for licensure by examination as a clinical social worker, marriage and family therapist or mental health counselor shall verify the required supervised experience on Form DH-MQA 1181, “Verification of Clinical Experience” (Revised 11/16), which is hereby adopted and incorporated by reference and is available from <http://www.flrules.org/Gateway/reference.asp?No=Ref-07835>, or the web at www.floridasmentalhealthprofessions.gov/forms/clinical-exp-verification.pdf. This form is to be completed and signed by the applicant’s supervisor.

(2) Applicants for licensure in Clinical Social Work, Marriage and Family Therapy or Mental Health Counseling who cannot provide verification by the methods above will be reviewed on an individual basis as to the sufficiency of alternative verification.

Rulemaking Authority 491.004(5) FS. Law Implemented 491.005(1)(c), (3)(c), (4)(c) FS. History—New 6-8-09, Amended 8-27-13, 2-1-17.

64B4-3.002 Documentation of Course Content Completed in Independent Study.

(1) For the purpose of this rule an “independent study” course will be defined as:

(a) Any course for which the institution which granted credit for the course did not publish an official course description of content; and/or

(b) Any course labeled by the institution as independent study, directed study, or directed research; and/or
(c) Any course in which learning was not completed in a classroom setting with a member of the faculty of the institution which granted credit and no other students matriculated in the same course were present during the learning experience.

(2) In order to document that a course or course content area required by Section 491.005, F.S., has been completed by “independent study” an applicant shall submit an official transcript from the institution awarding credit for the independent study course.

Rulemaking Authority 491.004(5) FS. Law Implemented 491.005 FS. History–New 1-4-90, Formerly 21CC-3.002, 61F4-3.002, 59P-3.002, Amended 2-9-16.

64B4-3.003 Examination for Licensure.

(1) An applicant who has completed all requirements for the examination and has been certified eligible by the board will be admitted to the examination for licensure.

(2) Theory and practice.

(a) Clinical social workers. The theory and practice examination for clinical social workers shall be the Clinical Level objective multiple choice examination developed by the Association of Social Work Boards (ASWB). The minimum passing score is the recommended cut-off score provided by the national vendor established according to a standard-setting method.

(b) Mental health counselors. The National Clinical Mental Health Counseling Examination (NCMHCE) shall be a clinical simulation examination developed by the National Board for Certified Counselors (NBCC). All options are given a weight based upon the level of appropriateness for good client care. The minimum pass level shall be the recommended cut-off score provided by the NBCC and established according to a content-based modified Angoff procedure.

(c) Marriage and family therapists. The marital and family therapy examination shall be an objective multiple choice examination developed by the Examination Advisory Committee of the Association of Marital and Family Therapy Regulatory Board (AMFTRB). All items will be weighted equally in scoring the examination. The minimum passing score is the recommended cut-off score provided by the national vendor and established according to the Angoff procedure.

Rulemaking Authority 456.017, 491.004(5) FS. Law Implemented 456.017, 491.005 FS. History–New 3-21-90, Amended 7-31-91, 3-10-92, 6-1-92, 1-27-93, Formerly 21CC-3.003, Amended 3-14-94, 7-20-94, Formerly 61F4-3.003, Amended 12-22-94, 9-18-95, 11-13-96, 6-1-97, Formerly 59P-3.003, Amended 8-8-99, 1-11-00, 7-2-00, 8-24-00, 10-15-02, 7-8-03, 6-7-10, 8-30-15.

64B4-3.0035 Demonstrating Knowledge of Laws and Rules for Licensure.

An applicant for licensure in Clinical Social Work, Marriage and Family Therapy or Mental Health Counseling shall demonstrate knowledge of the laws and rules for licensure in the following manner:

(1) An applicant shall complete an approved course consisting of a minimum of eight (8) hours which shall include the following subject areas:

(a) Chapter 456, Part II, F.S., (Regulation of Professions and Occupations, General Provisions)

(b) Chapter 90.503, F.S., (Psychotherapist-Patient Privilege)

(c) Chapter 394, F.S., (Part I Florida Mental Health Act)

(d) Chapter 397, F.S.

(e) Chapters 415 and 39, F.S., (Protection from Abuse, Neglect and Exploitation)

(f) Chapter 491, F.S., (Clinical, Counseling and Psychotherapy Services)

(g) Chapter 64B4, F.A.C., (Rules of the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling)

(2) The laws and rules course must provide integration of the above subject areas into the competencies required for clinical practice and must include interactive discussion of clinical case examples applying the laws and rules that govern the appropriate clinical practice.

(3) An approved laws and rules course must include a testing mechanism on which a passing score of 80 percent must be obtained by the attendee prior to issuing credit. Upon successful completion of the course, the applicant shall receive a certificate of completion and submit a copy of the certificate of completion to the Board.

(4) A laws and rules course offered by a Board approved laws and rules course provider shall qualify for continuing education credit even if the provider is not an approved continuing education provider pursuant to Rule 64B4-6.004, F.A.C.

(5) For purposes of this rule, an hour is defined as a 60-minute clock hour in which there is no less than 50 minutes of uninterrupted instruction.

(6) Laws and rules courses may be offered and conducted on-line but must comply with all aspects of this rule. Such courses must include real time (contemporaneous) interactive discussions as required by subsection (2), of this rule.

Rulemaking Authority 491.004(5) FS. Law Implemented 491.005(1)(e) FS. History—New 12-28-99, Amended 8-9-00, 10-16-03, 10-7-12, 6-30-15.

64B4-3.005 Course Content Documentation.

In the event the course titles which appear on the applicant's transcript do not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation in the form of:

(1) A course syllabus, or

(2) A catalog description published for the course during the term the course was taken.

(3) If neither subsection (1) or (2), above, is deemed adequate by the Board or its designee, the applicant must furnish an official statement on university letterhead from the college or university dean or the academic department chairperson verifying the course contents.

Rulemaking Authority 491.004(5), 491.005 FS. Law Implemented 491.005 FS. History—New 3-10-92, Formerly 21CC-3.005, 61F4-3.005, 59P-3.005, Amended 8-8-99.

64B4-3.0051 Documentation of Substantially Equivalent Licensing Examination.

In order for the Board to determine whether an applicant by endorsement has passed a substantially equivalent licensing examination in another state, the endorsement applicant shall provide the Board with documentation which demonstrates that the exam taken in another state is substantially equal in essential materials and elements to the licensure examinations required in Rule 64B4-3.003, F.A.C. Essential and material elements shall include but are not limited to:

(1) Name and publisher of the exam;

(2) Time allotted for taking the exam;

(3) Subject content domains covered by the exam;

(4) Conditions under which the exam was taken;

(5) Grading criteria;

(6) Raw score and scaled passing score;

(7) Exam administration date;

(8) Exam format (multiple choice/essay); and,

(9) Exam security procedures.

Rulemaking Authority 491.004, 491.006 FS. Law Implemented 491.006 FS. History—New 4-24-00.

64B4-3.006 Security and Monitoring Procedures for Licensure Examination.

Rulemaking Authority 456.017, 491.004(5) FS. Law Implemented 456.017 FS. History—New 8-18-93, Formerly 61F4-3.006, 59P-3.006, Repealed 4-27-10.

64B4-3.0075 Provisional Licensure.

(1) An applicant for licensure by examination or endorsement who intends to practice in Florida while satisfying coursework or examination requirements for licensure must be provisionally licensed in the profession for which he or she is seeking licensure prior to beginning practice.

(2) An applicant seeking a provisional license must submit a completed application to the Board on Form DH-MQA 1176, Provisional License Application (Revised 11/16), hereby adopted and incorporated by reference, which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-07852>, or the Board office at 4052 Bald Cypress Way, Bin C-08, Tallahassee, Florida 32399-3258. The application shall be accompanied by the application fee specified in Rule 64B4-4.014, F.A.C., which is non-refundable.

(3) A provisional license shall be valid for a twenty-four (24) month period after the license is issued and may not be renewed or reissued.

Rulemaking Authority 456.013, 491.004(5), 491.0046 FS. Law Implemented 456.013, 456.0635, 491.0046 FS. History—New 6-8-09, Amended 2-13-17.

64B4-3.008 Supervision Required Until Licensure.

(1) An applicant who practices clinical social work, marriage and family therapy and/or mental health counseling must continue in “supervision” as defined in Rule 64B4-2.002, F.A.C., and use the term “Registered Clinical Social Work Intern, Registered Marriage and Family Therapy Intern, or Registered Mental Health Counseling Intern” until he or she is in receipt of a license to practice the profession for which he or she has applied or a letter from the Department stating he or she is licensed, even if the two (2) year post-masters supervision requirement has been satisfied.

(2) All provisional licensees who practice clinical social work, marriage and family therapy and/or mental health counseling must continue in supervision, until he or she is in receipt of a license or a letter from the Department stating he or she is licensed as a clinical social worker, marriage and family therapist, or mental health counselor. Supervision is defined as contact between the provisional licensee and the qualified supervisor during which client cases are discussed and the supervisor provides the provisional licensee with oversight and guidance in diagnosing, treating and dealing with clients in conformance with Florida laws and rules. During the period of provisional licensure, the provisional licensee and the qualified supervisor shall meet face-to-face for at least one hour per month. For the purposes of this subparagraph, supervisor is defined as a Florida licensed clinical social worker, marriage and family therapist, or mental health counselor.

Rulemaking Authority 491.004(5), 491.014(4)(c), 491.005(6) FS. Law Implemented 491.012, 491.014(4)(c), 491.0046(3) FS. History—New 3-14-94, Formerly 61F4-3.008, 59P-3.008, Amended 10-28-98, 9-28-06, 10-17-10.

64B4-3.0085 Intern Registration.

(1) An individual who intends to practice in Florida to satisfy the post-master’s experience must register as an intern by submitting a completed application to the Board on Form DH-MQA 1175, Intern Registration Application (Revised 07/16), hereby adopted and incorporated by reference, which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-07407>, or the web at www.floridasmmentalhealthprofessions.gov/resources. The application shall be accompanied by the application fee specified in Rule 64B4-4.015, F.A.C., which is non-refundable.

(2) An intern is required to identify a qualified supervisor by requesting that the supervisor submit a letter to the Board with the applicant’s name, supervisor’s name, supervisor’s license number, and a statement that he or she has agreed to provide supervision while the applicant is a registered intern.

(3) Prior to changing or adding another qualified supervisor, the registered intern must:

(a) Request that the new supervisor submit a letter to the Board with the registered intern’s name, the intern’s license number, the supervisor’s name, the supervisor’s license number, and a statement that he or she has agreed to provide supervision to the registered intern; and,

(b) Receive a communication from the Board indicating its approval of the new supervisor.

(4) Experience obtained under the supervision of the new qualified supervisor will not count toward completion of the experience requirement until the registered intern has received board approval of their new qualified supervisor.

Rulemaking Authority 491.004(5) FS. Law Implemented 456.013, 456.0635, 491.0045 FS. History—New 6-8-09, Amended 2-24-10, 10-17-10, 4-4-13, 2-9-16, 6-7-16, 9-1-16.

64B4-3.009 Limited Licenses.

(1) Pursuant to Section 456.015, F.S., this rule permits the practice by retired professionals in good standing to serve the indigent and critical need populations of this state.

(2) Any person desiring to obtain a limited license shall submit a completed application to the Board on Form DH-MQA 1178, Application for Limited Licensure (Revised 07/16), hereby adopted and incorporated by reference, which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-07408>, or the Board’s website at <http://www.floridasmmentalhealthprofessions.gov/resources>. The application shall be accompanied by the documents required by Section 456.015(2), F.S., and a fee of \$25 unless the applicant provides a notarized statement from the employer stating that the applicant will not receive monetary compensation for service involving the practice of his profession.

(3) In addition to the restrictions on practice set forth in Section 456.015(4), F.S., a recipient of a limited license may practice in

a critical need area which are state mental institutions, state institutions for the mentally retarded, the Department of Corrections, and health manpower shortages areas established by the United States Department of Health and Human Services.

Rulemaking Authority 456.015 FS. Law Implemented 456.013, 456.015, 456.0635 FS. History—New 11-13-96, Formerly 59P-3.009, Amended 6-8-09, 3-11-10, 5-12-16, 9-1-16.

64B4-3.010 Marriage and Family Therapy Dual Licensure.

Any psychologist licensed under Chapter 490, F.S., clinical social worker or mental health counselor licensed under this chapter or any advanced registered nurse practitioner certified under Section 464.012, F.S., and determined by the Board of Nursing to be a specialist in psychiatric mental health, desiring to obtain licensure as a marriage and family therapist shall submit a completed application to the Board on Form DH-MQA 1177, Marriage and Family Therapy Dual Licensure Application (Revised 07/16), hereby adopted and incorporated by reference, which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-07409>, or the Board's website at <http://www.floridasmentalhealthprofessions.gov/resources>. The application shall be accompanied with the application fee and the initial active status license fee specified in Rule 64B4-4.002, F.A.C.

Rulemaking Authority 491.004(5) FS. Law Implemented 456.013, 491.0057, 456.0635 FS. History—New 6-8-09, Amended 2-24-10, 5-12-16, 9-1-16.

CHAPTER 64B4-4 FEE SCHEDULE

64B4-4.002	Application, Examination and Initial Active Status License Fee for Licensure by Examination
64B4-4.003	Application Fee for Licensure by Endorsement
64B4-4.005	Biennial Licensure Fee
64B4-4.0051	Reactivation Fee
64B4-4.0052	Renewal of Inactive Status Fee
64B4-4.0053	Retired Status Fee
64B4-4.006	Change of Status Fee
64B4-4.007	Delinquency Fee
64B4-4.009	Continuing Education Provider Application Fee
64B4-4.013	Initial Licensure Fee
64B4-4.014	Provisional License Application Fee
64B4-4.015	Registered Intern Registration Fee
64B4-4.016	Registered Intern Biennial Renewal Fee (Repealed)
64B4-4.018	Registered Intern Delinquency Fee (Repealed)
64B4-4.019	Duplicate License Fee

64B4-4.002 Application, Examination and Initial Active Status License Fee for Licensure by Examination.

(1) The fees for application, examination and initial active status licensure are:

(a) Clinical Social Work – \$100 application fee and \$105 initial licensure fee for a total of \$205.

(b) Marriage and Family Therapy – \$100 application fee and \$105 initial licensure fee. The above-stated fees shall also be applicable to dual licensure applicants.

(c) Mental Health Counseling – \$100 application fee and \$105 initial licensure fee for a total of \$205.

(2) The initial licensure fee is refundable only if the applicant is ruled ineligible for licensure and the applicant submits a written request to the Department for a refund.

Rulemaking Authority 491.004(5), 491.005 FS. Law Implemented 491.005 FS. History—New 4-3-89, Amended 4-19-92, Formerly 21CC-4.002, 61F4-4.002, Amended 12-22-94, 7-6-95, 1-7-96, 3-5-96, Formerly 59P-4.002, Amended 1-25-98, 10-18-99, 8-9-00, 10-9-00, 10-15-02, 2-5-09, 5-11-10.

64B4-4.003 Application Fee for Licensure by Endorsement.

The application fee for licensure by endorsement, which shall be submitted with each application for endorsement, shall be \$100.

Rulemaking Authority 456.025(3), 491.004(5), 491.006(1) FS. Law Implemented 456.025(3), 491.006 FS. History–New 4-3-89, Formerly 21CC-4.003, 61F4-4.003, 59P-4.003, Amended 10-9-00, 4-4-13.

64B4-4.005 Biennial Licensure Fee.

The biennial licensure fee for a clinical social worker license, marriage and family therapist license and mental health counselor license shall be \$125 each.

Rulemaking Authority 456.025(1), 491.004(5), 491.007(1) FS. Law Implemented 456.025(1), 491.007(1) FS. History–New 4-3-89, Amended 2-25-90, 6-1-92, Formerly 21CC-4.005, Amended 1-9-94, Formerly 61F4-4.005, 59P-4.005, Amended 10-9-00, 9-6-04, 6-7-10.

64B4-4.0051 Reactivation Fee.

The fee for reactivating an inactive status license shall be \$50.

Rulemaking Authority 456.036, 491.004(5) FS. Law Implemented 456.036, 491.008 FS. History–New 12-22-94, Formerly 59P-4.0051.

64B4-4.0052 Renewal of Inactive Status Fee.

The fee for the biennial renewal of an inactive status is \$50.

Rulemaking Authority 456.036, 491.004(5) FS. Law Implemented 456.036, 491.008 FS. History–New 12-22-94, Formerly 59P-4.0052.

64B4-4.0053 Retired Status Fee.

The fee for an active or inactive status licensee who chooses retired status is \$50.

Rulemaking Authority 456.036(4)(b), 491.004(5) FS. Law Implemented 456.036(4)(b) FS. History–New 1-16-06.

64B4-4.006 Change of Status Fee.

The fee for processing a licensee’s request to change licensure status at any time other than at the beginning of a licensure cycle shall be \$105.

Rulemaking Authority 456.036, 491.004(5) FS. Law Implemented 456.036 FS. History–New 11-13-94, Formerly 59P-4.006, Amended 10-9-00.

64B4-4.007 Delinquency Fee.

The fee for a delinquent status licensee applying for active or inactive status shall be \$105.

Rulemaking Authority 456.036, 491.004(5) FS. Law Implemented 456.036 FS. History–New 11-13-94, Formerly 59P-4.007.

64B4-4.009 Continuing Education Provider Application Fee.

The nonrefundable application fee for Board approval of a continuing education provider shall be \$200 for each licensure biennium for which the provider seeks approval.

Rulemaking Authority 491.004, 491.0085 FS. Law Implemented 491.0085(2) FS. History–New 4-3-89, Formerly 21CC-4.009, 61F4-4.009, 59P-4.009, Amended 12-21-97, 2-8-05.

64B4-4.013 Initial Licensure Fee.

After successful completion of the appropriate examination and certification, each clinical social worker, marriage and family therapist and mental health counselor applicant certified for licensure shall submit an initial licensure fee which shall be one hundred five dollars (\$105).

Rulemaking Authority 456.013(2), 456.025(1), 491.004(5) FS. Law Implemented 456.013(2), 456.025(1), 491.005, 491.006(1) FS. History–New 6-1-92, Formerly 21CC-4.013, Amended 1-9-94, Formerly 61F4-4.013, 59P-4.013.

64B4-4.014 Provisional License Application Fee.

The nonrefundable application fee for provisional licensure shall be \$100 which is valid for a 24 month period after the license is issued and which is nonrenewable.

Rulemaking Authority 491.004(5), 491.0046(2)(a) FS. Law Implemented 491.0046(2)(a) FS. History–New 1-25-98, Amended 10-9-00.

64B4-4.015 Registered Intern Registration Fee.

The nonrefundable application fee for registered intern registration is \$150.

Rulemaking Authority 491.004(5), 491.0045(2)(a) FS. Law Implemented 491.0045(2)(a), 491.005 FS. History—New 3-2-98, Amended 10-9-00, 10-15-02.

64B4-4.016 Registered Intern Biennial Renewal Fee.

Rulemaking Authority 491.004(5), 491.007(3) FS. Law Implemented 491.007(3) FS. History—New 12-21-97, Amended 10-9-00, Repealed 5-29-17.

64B4-4.018 Registered Intern Delinquency Fee.

Rulemaking Authority 456.36(7), 491.004 FS. Law Implemented 456.36(7), 491.007(3) FS. History—New 10-18-99, Repealed 5-29-17.

64B4-4.019 Duplicate License Fee.

The fee for a duplicate license shall be \$25.

Rulemaking Authority 456.025(10), 491.004 FS. Law Implemented 456.025(10) FS. History—New 12-17-06.

**CHAPTER 64B4-5
DISCIPLINE**

- 64B4-5.001 Disciplinary Guidelines
- 64B4-5.005 Minor Violations, Notice of Noncompliance
- 64B4-5.006 Probable Cause Panel
- 64B4-5.007 Citations
- 64B4-5.008 Terms of Probation
- 64B4-5.009 Supervision by Disciplined Practitioner
- 64B4-5.010 Mediation Offenses

64B4-5.001 Disciplinary Guidelines.

(1) When the Board finds an applicant, licensee, registered intern, provisional licensee, or certificate holder whom it regulates under Chapter 491, F.S., has committed any of the acts set forth in Section 456.072(1) or 491.009(1), F.S., it shall issue a final order imposing appropriate penalties as recommended in the following disciplinary guidelines.

(a) Attempting to obtain, obtaining, or renewing a license under Chapter 491, F.S., by bribery or fraudulent misrepresentation or through an error of the Board or the Department.

(Sections 456.072(1)(h) and 491.009(1)(a), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500.00 fine and reprimand	Denial or \$1,000.00 fine and permanent revocation
SECOND OFFENSE:	\$1,000.00 fine and probation	Permanent denial and \$1,000.00 fine and permanent revocation
THIRD OFFENSE:	\$2,500.00 fine, 1 year suspension then probation	\$2,500.00 fine and permanent revocation
FRAUD First Offense	\$10,000.00 fine	\$10,000.00 fine and/or reprimand; probation; suspension then probation; permanent revocation
FRAUD Second Offense	\$10,000.00 fine	\$10,000.00 fine and/or probation; suspension then probation; permanent revocation
FRAUD Third Offense	\$10,000.00 fine	\$10,000.00 fine and/or 1 year suspension then probation; permanent revocation

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

(Sections 456.072(1)(f) and 491.009(1)(b), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1,000.00 fine and reprimand	Denial or \$1,000.00 fine and permanent revocation
SECOND OFFENSE:	\$1,000.00 fine and probation	Permanent denial or \$1,000.00 fine and permanent revocation
THIRD OFFENSE:	\$1,000.00 fine, 1 year, suspension then probation	Permanent denial or \$1,000.00 fine and permanent revocation

(c) Being convicted or found guilty, regardless of adjudication, or having entered a plea of nolo contendere to, a crime in any jurisdiction which directly relates to the practice of the licensee's profession or the licensee's ability to practice that profession.
(Sections 456.072(1)(c) and 491.009(1)(c), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1,000.00 fine and probation	Denial or \$1,000.00 fine and permanent revocation
SECOND OFFENSE:	\$1,000.00 fine and 1 year suspension then probation	Permanent denial or \$1,000.00 fine and permanent revocation
THIRD OFFENSE:	\$2,500.00 fine, 2 year suspension then probation	\$2,500.00 fine and permanent revocation

(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.
(Section 491.009(1)(d), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$250.00 fine	\$1,000.00 fine and reprimand
SECOND OFFENSE:	\$500.00 fine	\$1,000.00 fine and probation
THIRD OFFENSE:	\$1,000.00 fine	\$1,000.00 fine and 1 year suspension then probation

(e) Advertising, practicing, or attempting to practice under a name other than one's own.
(Section 491.009(1)(e), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$250.00 fine	\$1,000.00 fine and reprimand
SECOND OFFENSE:	\$500.00 fine	\$1,000.00 fine and probation
THIRD OFFENSE:	\$1,000.00 fine	\$1,000.00 fine and 1 year suspension then probation

(f) Maintaining a professional association with any person whom the applicant or licensee knows, or has reason to believe, is in violation of Chapter 491, F.S., or of a rule of the Department or this Board.
(Section 491.009(1)(f), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$250.00 fine	\$1,000.00 fine and reprimand
SECOND OFFENSE:	\$500.00 fine	\$1,000.00 fine and probation
THIRD OFFENSE:	\$1,000.00 fine	\$1,000.00 fine and 1 year suspension then probation

(g) Knowingly aiding, assisting, procuring, or advising a non-licensed person to hold oneself out as licensed under Chapter 491, F.S.
(Sections 456.072(1)(j) and 491.009(1)(g), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1,000.00 fine and reprimand	\$1,000.00 fine and/or probation, 1 year suspension then probation; permanent revocation
SECOND OFFENSE:	\$1,000.00 fine and probation	\$1,000.00 fine and permanent revocation
THIRD OFFENSE:	\$1,000.00 fine and 1 year suspension then probation	\$1,000.00 fine and permanent revocation

(h) Failing to perform any statutory or legal obligation placed upon a person licensed under Chapter 491, F.S.
(Sections 456.072(1)(k) and 491.009(1)(h), F.S.)

	MINIMUM	MAXIMUM
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FIRST OFFENSE:	Reprimand	\$1,000.00 fine and 1 year probation
SECOND OFFENSE:	\$1,000.00 fine and reprimand	\$1,000.00 fine and 6 month suspension then probation
THIRD OFFENSE:	\$1,000.00 fine and probation	\$1,000.00 fine and permanent revocation

(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.

(Sections 456.072(1)(l) and 491.009(1)(i), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500.00 fine and reprimand	\$1,000.00 fine and/or probation; 1 year suspension then probation; permanent revocation
SECOND OFFENSE:	\$1,000.00 fine and probation	\$1,000.00 fine and 1 year suspension followed by probation; denial or \$1,000.00 fine and permanent revocation
THIRD OFFENSE:	\$1,000.00 fine, 1 year suspension followed by probation	\$10,000.00 fine and permanent revocation

(j) Paying or receiving a kickback, rebate, bonus, or other remuneration for receiving a patient or client or 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.

(Section 491.009(1)(j), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1,000.00 fine and reprimand	\$1,000.00 fine and probation
SECOND OFFENSE:	\$1,000.00 fine and probation	\$1,000.00 fine and 1 year suspension then probation
THIRD OFFENSE:	\$1,000.00 fine and 1 year suspension then probation	Denial or \$1,000.00 fine and permanent revocation

(k) Committing any act upon a patient or client, which would constitute sexual battery or which would constitute sexual misconduct.

(Sections 456.072(1)(v) and 491.009(1)(k), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1,000.00 fine and 1 year suspension then probation	Denial or \$1,000.00 fine and revocation
SECOND OFFENSE:	\$1,000.00 fine and 2 year suspension then probation	Denial or \$1,000.00 fine and permanent revocation
THIRD OFFENSE:	\$5,000.00 fine, 2 year suspension then probation	\$10,000.00 fine and/or permanent revocation

(l) Making misleading, deceptive, untrue, or fraudulent misrepresentations in the practice of any profession licensed under Chapter 491, F.S., or employing a trick or scheme in or related to the practice of a profession.

(Sections 456.072(1)(m) and 491.009(1)(l), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$250.00 fine	\$1,000.00 fine and reprimand
SECOND OFFENSE:	\$500.00 fine	\$1,000.00 fine and probation
THIRD OFFENSE:	\$1,000.00 fine	\$1,000.00 fine and 1 year suspension followed by probation
FRAUD First Offense	\$10,000.00 fine	\$10,000.00 fine and/or reprimand; probation; suspension then probation; permanent revocation
FRAUD Second Offense	\$10,000.00 fine	\$10,000.00 fine and/or probation; suspension then probation; permanent revocation
FRAUD Third Offense	\$10,000.00 fine	\$10,000.00 fine and/or 1 year suspension then probation;

		permanent revocation
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(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.

(Section 491.009(1)(m), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500.00 fine and reprimand	\$1,000.00 fine and/or 6 month suspension then probation, permanent revocation
SECOND OFFENSE:	\$1,000.00 and reprimand	\$1,000.00 fine and/or 1 year suspension then probation, permanent revocation
THIRD OFFENSE:	\$1,000.00 fine and 1 year suspension then probation	\$1,000.00 fine and/or permanent revocation
FRAUD First Offense	\$10,000.00 fine and reprimand	\$10,000.00 fine and/or 6 month suspension then probation; permanent revocation
FRAUD Second Offense	\$10,000.00 fine and reprimand	\$10,000.00 fine and/or 1 year suspension then probation; permanent revocation
FRAUD Third Offense	\$10,000.00 fine and 1 year suspension then probation	\$10,000.00 fine and/or permanent revocation

(n) Failing to make available to a patient or client, upon written request, copies of tests, 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.

(Section 491.009(1)(n), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500.00 fine and reprimand	\$1,000.00 fine and probation
SECOND OFFENSE:	\$1,000.00 fine and probation	\$1,000.00 fine and 1 year suspension then probation
THIRD OFFENSE:	\$2,500.00 fine, 1 year suspension then probation	\$2,500.00 fine and/or permanent revocation

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

(Section 491.009(1)(o), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1,000.00 fine and reprimand	\$1,000.00 fine and probation
SECOND OFFENSE:	\$1,000.00 fine and probation	\$1,000.00 fine and 1 year suspension then probation
THIRD OFFENSE:	\$1,000.00 fine and 1 year suspension then probation	Denial or \$1,000.00 fine and permanent revocation

(p) Being unable to practice the profession for which one is licensed under Chapter 491, F.S., with reasonable skill and 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.

(Sections 456.072(1)(z) and 491.009(1)(p), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1,000.00 fine and probation	\$1,000.00 fine and suspension until the licensee is able to appear before the Board and demonstrate that he or she is able to practice with reasonable skill and competence, then probation
SECOND OFFENSE:	Suspension until the licensee is able to appear before the Board and demonstrate that his or her ability to practice with reasonable skill and competence, then probation	\$1,000.00 fine and permanent revocation

THIRD OFFENSE:	Suspension until the licensee is able to appear before the Board and demonstrate his or her ability to practice with reasonable skill and competence, then probation	\$2,500.00 fine and/or permanent revocation
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(q) Violating provisions of Chapter 491 or 456, F.S., or any rule adopted pursuant thereto.
(Sections 456.072(1)(dd) and 491.009(1)(w), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$250.00 fine and reprimand	\$1,000.00 fine and/or probation; 1 year suspension then probation; permanent revocation
SECOND OFFENSE:	\$1,000.00 fine and 1 year probation	Denial or \$5,000.00 fine and 2 year suspension then probation; permanent revocation
THIRD OFFENSE:	\$1,000.00 fine and 1 year suspension then probation	Denial or \$5,000.00 fine and/or permanent revocation

(r) 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.
(Section 491.009(1)(q), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500.00 fine and reprimand	\$1,000.00 fine and probation
SECOND OFFENSE:	\$1,000.00 fine and probation	\$1,000.00 fine and 1 year suspension then probation
THIRD OFFENSE:	\$1,000.00 fine and 1 year suspension then probation	Denial or \$1,000.00 fine and permanent revocation

(s) 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.
(Section 491.009(1)(r), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$250.00 fine and reprimand	\$5,000.00 fine and/or probation, 1 year suspension then probation; permanent revocation
SECOND OFFENSE:	\$1,000.00 fine and probation	\$1,000.00 fine and/or 1 year suspension followed by probation, permanent revocation
THIRD OFFENSE:	\$1,000.00 fine and 1 year suspension then probation	Denial or \$1,000.00 fine and permanent revocation

(t) 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.
(Sections 456.072(1)(p) and 491.009(1)(s), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1,000.00 fine and reprimand	\$1,000.00 fine and probation
SECOND OFFENSE:	\$1,000.00 fine and probation	\$1,000.00 fine and permanent revocation
THIRD OFFENSE:	\$1,000.00 fine and 1 year suspension then probation	\$1,000.00 fine and permanent revocation

(u) Violating a rule relating to the regulation of the profession or a lawful order of the Department or the Board previously entered in a disciplinary hearing.
(Section 491.009(1)(t), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$250.00 fine and reprimand	\$1,000.00 fine and/or 6 month suspension then probation, permanent revocation
SECOND OFFENSE:	\$1,000.00 fine and 1 year suspension then	Denial or \$1,000.00 fine and permanent revocation

	probation	
THIRD OFFENSE:	\$2,000.00 fine and 2 year suspension then probation	\$2,000.00 fine and/or permanent revocation

(v) Failure of a licensee to maintain in confidence any communication made by a patient or client in the context of services, except by written permission or in the face of clear and immediate probability of bodily harm to the patient or client or to others.
(Section 491.009(1)(u), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1,000.00 fine and reprimand	\$1,000.00 fine and probation
SECOND OFFENSE:	\$1,000.00 fine and probation	\$1,000.00 fine and permanent revocation
THIRD OFFENSE:	\$1,000.00 fine and 1 year suspension then probation	\$1,000.00 fine and/or permanent revocation

(w) Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.
(Section 491.009(1)(v), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1,000.00 fine and reprimand	\$1,000.00 fine and probation
SECOND OFFENSE:	\$1,000.00 fine and probation	\$1,000.00 fine and permanent revocation
THIRD OFFENSE:	\$2,000.00 fine 1 year suspension then probation	\$2,000.00 fine and/or permanent revocation

(x) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department or the agency against another licensee.
(Section 456.072(1)(g), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500.00 fine and reprimand	\$1,000.00 fine and probation
SECOND OFFENSE:	\$1,000.00 fine and probation	\$1,000.00 fine and 1 year suspension followed by probation
THIRD OFFENSE:	\$1,000.00 fine and 1 year suspension then probation	Denial or \$1,000.00 fine and permanent revocation

(y) Except as provided in Section 465.016, F.S., failing to report to the department any person whom the licensee knows is in violation of Chapter 456, Part II, Chapter 491, F.S., or the rules of the Department or the Board.
(Section 456.072(1)(i), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$250.00 fine	\$1,000.00 fine and reprimand
SECOND OFFENSE:	\$500.00 fine	\$1,000.00 fine and probation
THIRD OFFENSE:	\$1,000.00 fine	\$1,000.00 fine and 1 year suspension then probation

(z) Exercising influence on the client for the purpose of financial gain of the licensee or a third party.
(Section 456.072(1)(n), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1,000.00 fine and probation	Denial or \$1,000.00 fine and revocation
SECOND OFFENSE:	\$1,000.00 fine and 1 year suspension then by probation	Permanent denial or \$1,000.00 fine and permanent revocation
THIRD OFFENSE:	\$2,000.00 fine, 2 year suspension then probation	\$2,000.00 fine and/or permanent revocation

(aa) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.
(Section 456.072(1)(r), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1,000.00 fine and reprimand	\$1,000.00 fine and 6 month suspension then probation

SECOND OFFENSE:	\$1,000.00 fine and 1 year suspension then probation	Denial or \$1,000 fine and permanent revocation
THIRD OFFENSE:	\$2,000.00 fine, 2 year suspension then probation	\$2,000.00 fine and/or permanent revocation

(bb) Intentionally violating any rule adopted by the Board or the department, as appropriate.

(Section 456.072(1)(b), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1,000.00 fine and reprimand	\$1,000.00 fine and/or 6 month suspension then probation, permanent revocation
SECOND OFFENSE:	\$1,000.00 fine and 1 year suspension then probation	Denial or \$1,000.00 fine and permanent revocation
THIRD OFFENSE:	\$2,000.00 fine, 2 year suspension then probation	\$2,000.00 fine and/or permanent revocation

(cc) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

(Section 456.072(1)(o), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1,000.00 fine and reprimand	\$1,000.00 fine and probation
SECOND OFFENSE:	\$1,000.00 fine and probation	\$1,000.00 fine and revocation
THIRD OFFENSE:	\$1,000.00 fine and 1 year suspension then probation	\$1,000.00 fine and permanent revocation

(dd) Violating any provision of this part, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.

(Sections 456.072(1)(q) and 491.009(1)(w), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$250.00 fine and reprimand	\$1,000.00 fine and/or probation; 1 year suspension then probation; permanent revocation
SECOND OFFENSE:	\$1,000.00 fine and probation	\$1,000.00 fine and/or 1 year suspension then probation, or permanent revocation
THIRD OFFENSE:	\$1,000.00 fine and 1 year suspension then probation	\$1,000.00 fine and permanent revocation

(ee) Failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.

(Section 456.072(1)(w), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	Denial, \$500.00 fine and reprimand	\$1,000.00 fine and/or reprimand; 1 year suspension then probation; permanent revocation
SECOND OFFENSE:	Denial, \$1,000.00 fine and probation	\$1,000.00 fine and/or 3 month suspension then probation, permanent revocation
THIRD OFFENSE:	Denial, \$1,000.00 fine and 1 year suspension then probation	Denial or \$1,000.00 fine and permanent revocation
FRAUD First Offense	Denial, \$10,000.00 fine and reprimand	\$10,000.00 fine and/or reprimand; 1 year suspension then probation; permanent revocation
FRAUD Second Offense	Denial, \$10,000.00 fine and probation	\$10,000.00 fine and/or 3 month suspension then probation; permanent revocation
FRAUD Third Offense	Denial, \$10,000.00 fine and 1 year	\$10,000.00 fine and/or permanent revocation

	suspension then probation	
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(ff) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers for the solicitation of the people involved in the accidents.

(Section 456.072(1)(y), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500.00 fine and reprimand	\$1,000.00 fine and 6 month suspension then probation
SECOND OFFENSE:	\$1,000.00 and reprimand	\$1,000.00 fine and 1 year suspension then probation
THIRD OFFENSE:	\$1,000.00 fine 1 year suspension then probation	\$1,000.00 fine and permanent revocation

(gg) Failing to report to the Board 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.

(Section 456.072(1)(x), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500.00 fine	\$1,000.00 fine and reprimand
SECOND OFFENSE:	\$1,000.00 fine and probation	\$1,000.00 fine and 6 month suspension then probation
THIRD OFFENSE:	\$1,000.00 fine and 1 year suspension then probation	Denial or \$1,000.00 fine and permanent revocation

(hh) Testing positive for any drug on any confirmed preemployment or employer-ordered drug screening.

(Section 456.072(1)(aa), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500.00 fine and probation	\$750.00 fine and substance abuse evaluation, suspension then probation
SECOND OFFENSE:	\$750.00 fine suspension then probation	\$1,000.00 fine and/or permanent revocation
THIRD OFFENSE:	\$1,000.00 fine, 2 year suspension then probation	\$1,000.00 fine and/or permanent revocation

(ii) Failing to inform the department of any change of address of either the place of practice or current mailing address of any applicant or licensee.

(Section 456.035, F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$250.00 fine	\$500.00 fine and reprimand
SECOND OFFENSE:	\$1,000.00 fine and reprimand	\$1,000.00 fine and 6 month suspension then probation
THIRD OFFENSE:	\$1,000.00 fine and 1 year suspension then probation	\$1,000.00 fine and permanent revocation

(jj) Being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, F.S., for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program.

(Section 456.072(1)(hh), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	Suspension until compliant with contract	\$10,000.00 fine and/or permanent revocation

(kk) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program.

(Section 456.072(1)(ii), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$10,000.00 fine, permanent revocation	\$10,000.00 fine and permanent revocation

(ll) Failing to remit the sum owed to the state for any overpayment from the Medicaid program pursuant to a final order,

judgment, or stipulation or settlement.

(Section 456.072(1)(jj), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500.00 fine and Letter of concern	\$5,000.00 fine and/or suspension
SECOND OFFENSE:	\$10,000.00 fine and reprimand	\$10,000.00 fine and/or permanent revocation
THIRD OFFENSE:	Permanent Revocation	

(mm) Being terminated from the state Medicaid program pursuant to Section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored.

(Section 456.072(1)(kk), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1,000.00 fine, Letter of concern	\$5,000.00 fine and/or suspension
SECOND OFFENSE:	\$10,000.00 fine, reprimand	\$10,000.00 fine and/or permanent revocation
THIRD OFFENSE:	Permanent Revocation	

(nn) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud.

(Section 456.072(1)(ll), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$10,000.00 fine and permanent revocation	\$10,000.00 fine and permanent revocation

(oo) Willfully failing to comply with Section 627.64194 or 641.513, F.S., with such frequency as to indicate a general business practice – regarding emergency services and insurance billing.

(Section 456.072(1)(oo), F.S.)

(2) In instances when a registrant or applicant is found guilty of any of the above offenses involving fraud or making a false or fraudulent representation, the Board shall impose a fine of \$10,000.00 per count or offense.

(3) Aggravating and Mitigating Circumstances. 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 factors the following:

- (a) The danger to the public;
- (b) The length of time since the date of the violation(s);
- (c) Prior discipline imposed upon the licensee;
- (d) The length of time the licensee has practiced;
- (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 for rehabilitation;
- (i) The actual knowledge of the licensee pertaining to the violation;
- (j) Attempts by the licensee to correct or stop violations or failure of the licensee to correct or stop violations;
- (k) Related violations against the licensee in another state, including findings of guilt or innocence, penalties imposed and penalties served;
- (l) Any other mitigating or aggravating circumstances.

(4) The provisions of subsections (1) through (2), above, shall not be constructed so as to prohibit civil action or criminal prosecution as provided in Section 456.072 or 491.012, F.S., and the provisions of subsections (1) and (2), above, shall not be

construed so as to limit the ability of the Board to enter into binding stipulations with accused parties as per Section 120.57(4), F.S.

Rulemaking Authority 456.079, 491.004(5) FS. Law Implemented 456.079, 491.009 FS. History—New 3-5-89, Amended 1-3-91, 6-1-92, Formerly 21CC-5.001, Amended 1-9-94, Formerly 61F4-5.001, Amended 12-22-94, Formerly 59P-5.001, Amended 12-11-97, 10-1-00, 2-5-01, 10-15-02, 3-27-05, 1-16-06, 4-6-10, 5-22-12, 12-7-17.

64B4-5.005 Minor Violations, Notice of Noncompliance.

(1) In accordance with Section 456.073(3), F.S., when a complaint is received, the Department may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. Failure of a licensee to take action in correcting the violation within the 15 days after notice shall result in the institution of regular disciplinary proceedings.

(2) “Minor violations” as used in Section 456.073(3), F.S., are defined as follows for clinical social workers, marriage and family therapists, and mental health counselors:

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

(b) Failure to obtain an education course on human immunodeficiency virus and acquired immune deficiency syndrome within six (6) months of licensure as required by Section 491.0065, F.S.

(c) Practicing on an inactive license for three (3) months or less as prohibited by Section 456.036(1), F.S.

(d) Practicing on a delinquent license for three (3) months or less as prohibited by Section 456.036(1), F.S.

(e) Failure to conspicuously display the valid license as required by Section 491.0149(1)(a), F.S.

(f) Failure of a licensed clinical social worker to include the words “licensed clinical social worker” or the letters “LCSW” on all promotional materials, including cards, brochures, stationery, advertisements, and signs, naming the licensee as required by Section 491.0149(1)(b)1., F.S.

(g) Failure of a licensed marriage and family therapist to include the words “licensed marriage and family therapist” or the letters “LMFT” on all promotional materials, including cards, brochures, stationery, advertisements, and signs, naming the licensee as required by Section 491.0149(1)(b)2., F.S.

(h) Failure of a licensed mental health counselor to include the words “licensed mental health counselor” or the letters “LMHC” on all promotional materials, including cards, brochures, stationery, advertisements, and signs, naming the licensee as required by Section 491.0149(1)(b)3., F.S.

(i) Failure of a registered intern to use the words “registered intern” on all promotional materials, including cards, brochures, stationery, advertisements, and signs, naming the licensee as required by Section 491.0149(2)(b), F.S.

(j) Failure of a provisional licensee to use the words “provisional licensee” on all promotional materials, including cards, brochures, stationery, advertisements, and signs, naming the licensee as required by Section 491.0149(3)(b), F.S.

(k) Failure to include the statement required by Section 456.062, F.S., in any advertisement for a free, discounted fee, or reduced fee service or treatment.

(l) Practicing on a retired license for three (3) months or less as prohibited by Section 456.036(1), F.S.

(m) Failure to identify through written notice or orally to a patient the type of licensure under which the practitioner is practicing as required by Section 456.072(1)(t), F.S.

(3) In accordance with Section 120.695, F.S., the Department shall issue a notice of noncompliance as a first enforcement action against a licensee for a minor violation of a rule. Pursuant to Section 120.695(2)(b), F.S., the Board designates a violation of subsection 64B4-6.003(2), F.A.C., as a minor violation of a rule for which a notice of noncompliance is issued.

Rulemaking Authority 120.695, 456.073(3), 491.004(5) FS. Law Implemented 120.695, 456.073(3), 491.009(1)(n), 491.0149 FS. History—New 1-4-90, Amended 1-7-92, Formerly 21CC-5.005, 61F4-5.005, Amended 1-7-96, Formerly 59P-5.005, Amended 12-11-97, 2-9-99, 1-16-06, 11-7-16, 8-10-17.

64B4-5.006 Probable Cause Panel.

(1) The determination as to whether probable cause exists to believe that a violation of the provisions of Chapter 456, Part II, or 491, F.S., or of the rules promulgated thereunder has occurred, shall be made by a majority vote of a probable cause panel; except as provided in subsection (2), below.

(2) In the event panel members disagree as to a finding of probable cause, the Secretary of the Department of Health shall determine whether probable cause exists to believe that a violation has occurred.

(3) The probable cause panel shall consist of at least two professional members and one consumer member if one is available and willing to serve. Any of the appointments may be a past Board member, but at least one must be a current member of the Board.

(4) The probable cause panel members shall be assigned by the Chairman of the Board and each panel shall meet as necessary.

Rulemaking Authority 456.073, 491.004(5) FS. Law Implemented 456.073 FS. History—New 1-3-91, Amended 2-24-93, Formerly 21CC-5.006, 61F4-5.006, 59P-5.006, Amended 8-9-00, 8-13-08.

64B4-5.007 Citations.

(1) Definitions. As used in this rule:

(a) “Citation” means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a subject for the purpose of assessing a penalty in an amount established by this rule;

(b) “Subject” means the licensee, registered intern, provisional licensee, applicant, person, partnership, corporation, or other entity alleged to have committed a violation designated in this rule.

(2) In lieu of the disciplinary procedures contained in Section 456.073, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint which is the basis for the citation.

(3) The Board hereby designates as offenses for citations and the appropriate penalties the following:

(a) Failure to make available to a patient or client upon written request, reports, copies of test results, or documents in the possession or under the control of the licensee, registered intern, provisional licensee, or certificateholder which have been prepared for and paid for by the patient or client – \$500.

(b) Failure of any subject to inform the Department within 30 days of any change of address of either a place of practice or current mailing address – \$500.

Rulemaking Authority 456.077, 491.004(5) FS. Law Implemented 456.077 FS. History—New 1-7-92, Formerly 21CC-5.007, 61F4-5.007, 59P-5.007, Amended 12-11-97, 2-9-99, 10-18-99, 3-27-05, 8-10-17.

64B4-5.008 Terms of Probation.

Any licensee determined to have violated the provisions of Chapter 491, F.S., may be ordered to serve probationary terms including any or all of the following:

(1) Probationer’s license is suspended for a period of time set by the Board, said suspension to be stayed so long as the licensee complies with the terms of probation set forth below.

(2) The licensee is hereby placed on probation for a period of time set by the Board. Any deviation from the requirements of the probation without prior written consent of the Board shall constitute a violation of this probation. Upon a finding of probable cause that a violation of this probation has occurred, the licensee’s license to practice shall be subject to immediate and automatic suspension upon the recommendation of the Probable Cause Panel pending the Licensee’s appearance before the next Board meeting. The licensee will be given notice of the hearing and an opportunity to defend. The probationary period shall automatically terminate at the end of a prescribed time, but only if all terms and conditions have been met. Otherwise, the probation shall be terminated only by order of the Board upon proper petition of the licensee, supported by evidence of compliance with this Final Order.

(3) The licensee’s probation shall be subject to the following terms and conditions:

(a) Probationer shall comply with all state statutes and rules pertaining to the practice of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling in Chapters 456, and 491, F.S., and Rule Chapter 64B4, F.A.C.

(b) Probationer shall appear before the Board at the first meeting after said probation commences, at the last meeting of the Board preceding termination of probation, and at such other times as requested by the Board.

(c) In the event Probationer leaves the State of Florida for a period of thirty days or more, or otherwise does not engage in practice in Florida, Probationer’s probation shall be tolled and shall remain in a tolled status until Probationer returns to active practice in the State of Florida, at which time the probationary status shall resume. Probationer must keep current residence and business addresses on file with the Board. Probationer shall notify the Board within ten (10) days of any changes of said addresses.

(d) Probationer shall practice only under the supervision of a psychotherapist fully licensed under Chapter 491, F.S., to be approved by the Board or its designee. Probationer shall have the supervising psychotherapist with the Probationer at the Probationer’s first probation appearance before the Board. Prior to approval of the supervising psychotherapist by the Board or its

designee, the Probationer shall provide to the supervising psychotherapist a copy of the administrative complaint filed in this case. A failure of the Probationer or the supervising psychotherapist to appear at the scheduled Board meeting shall constitute a violation of the Board's Final Order. Prior to the approval of the supervising psychotherapist by the Board or its designee, Probationer shall submit to the Board or its designee a current curriculum vitae and description of the current practice from the proposed supervising psychotherapist. Said materials shall be received in the Board office no later than fourteen (14) days before Probationer's first scheduled probation appearance. Probationer shall be responsible for ensuring that the supervising psychotherapist submits the required reports. The responsibilities of the supervising psychotherapist shall include:

1. Submit quarterly reports, which shall include:
 - a. Brief statement of why Probationer is on probation.
 - b. Description of Probationer's practice.
 - c. Brief statement of Probationer's compliance with terms of probation.
 - d. Brief statement of Probationer's relationship with supervising psychotherapist.
 - e. Detail any problems which may have arisen with Probationer.
2. Review a percentage of Probationer's patient records selected on a random basis at least once every two (2) weeks.
3. Review all patient records treated for/certain conditions.
4. Consult with Probationer on all cases involving specified conditions.
5. Review Probationer's use of pharmaceutical agents.
6. Report to the Board any violations by the Probationer of Chapters 456, and 491, F.S., and the rules promulgated pursuant thereto.

(e) Probationer shall submit quarterly reports to the Board. The reports shall include:

1. Brief statement of why Probationer is on probation.
2. Practice location.
3. Description of current practice stating type and composition.
4. Brief statement of compliance with probationary terms.
5. Description of relationship with the supervising psychotherapist.
6. Description of any problems.
7. Notarized copies of a number of patient records of patients examined or treated by the Probationer within the previous sixty (60) days with all identification of patient suitably obliterated.

(f) Probationer shall obtain a number of continuing education credits in specific areas, within a number of months/year(s), in addition to those hours required for renewal of licensure.

(g) Probationer shall see a psychiatrist, psychologist or psychotherapist approved by the Board or its designee at least the specified number of visits for evaluations and treatment.

(h) Probationer shall not consume, inject or ingest any controlled substances unless prescribed or administered by a practitioner authorized by law to prescribe or dispense controlled substances. However, the drugs shall only be consumed, injected or ingested for a medically justifiable purpose.

(i) Probationer shall not consume alcohol.

(j) Probationer shall attend AA or NA meetings on a frequency of at least one meeting per week.

(k) Probationer shall submit to random blood and/or urine testing for the purpose of ascertaining Probationer's compliance with probation.

(l) Probationer shall pay all reasonable costs of obtaining random urine and/or blood screens.

(m) During a specified number of months, the Probationer shall perform a number of hours of community service at a specified location or organization. Community service shall consist of psychotherapy without fee or cost to the patient for the good of the people of the State of Florida. Affidavits detailing the community service performed shall be filed with the Board.

(4) Probationer shall pay an administrative fine in the amount set by the Board, said fine to be paid to the Board within a certain number of days of the effective date of the Final Order.

Rulemaking Authority 456.079, 491.004(5) FS. Law Implemented 456.079, 491.009 FS. History—New 6-1-92, Formerly 21CC-5.008, 61F4-5.008, 59P-5.008.

64B4-5.009 Supervision by Disciplined Practitioner.

Any licensee who is disciplined by a final order of a Board shall not serve as a “qualified supervisor” until the licensee has complied with all of the obligations imposed by the final order. Within 15 days after the filing of an administrative complaint against a “qualified supervisor” license, the “qualified supervisor” shall provide written notice of the administrative complaint to all his or her supervisees. Within one (1) day of the filing of a final order against a “qualified supervisor’s” license, the “qualified supervisor” shall provide written notice of the final order and shall terminate all supervisory relationships.

Rulemaking Authority 456.079, 491.004(5) FS. Law Implemented 456.079, 491.009 FS. History—New 1-7-92, Formerly 21CC-5.009, 61F4-5.009, 59P-5.009, Amended 10-23-06, 9-1-16.

64B4-5.010 Mediation Offenses.

The Board designates a violation of its practice act as being appropriate for mediation as provided in Section 456.079, F.S., as it is economic in nature or can be remedied by the licensee, the failure to timely pay any assessed administrative fines or costs.

Rulemaking Authority 456.079, 491.004(5) FS. Law Implemented 456.079 FS. History—New 11-13-94, Formerly 59P-5.010.