

CHAPTER 64B4, FLORIDA ADMINISTRATIVE CODE
BOARD of CLINICAL SOCIAL WORK, MARRIAGE and FAMILY
THERAPY, and MENTAL HEALTH COUNSELING
(Sections 64B4-6 – Sections 64B10)
2017

CHAPTER 64B4-6
LICENSE RENEWAL, CONTINUING EDUCATION CREDIT

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64B4-6.001 Renewal of Active License.

(1) The Department of Health shall renew an active license upon receipt of the biennial license fee, as established by Rule 64B4-4.005, F.A.C. By remitting the correct fee to the Department, the licensee is affirming that all requirements for license renewal have been met. Each biennial renewal period shall begin on the date established by the Department.

(2) A licensee shall not be required to complete continuing education for the first renewal of licensure. For each subsequent renewal:

(a) A licensee must complete 30 hours of approved continuing education credit including: two hours on the prevention of medical errors; three hours relating to professional ethics and boundary issues during the two-year period ending on the last day of the biennial renewal period.

(b) A maximum of six (6) of the required thirty (30) hours of continuing education may be accrued for credit during one biennium by attending programs designed for the purpose of enhancing the licensee's administrative, office management, or other non-clinical skills.

(3) Within six (6) months of initial licensure and every third renewal thereafter, a licensee must complete a 2 hour continuing education course on domestic violence.

(4) Every third biennium after initial licensure, a licensee must complete 3 hour laws and rules continuing education units.

(5) Every third biennium, a qualified supervisor shall obtain 4 hours of supervisory training continuing education that meets the requirements in subsection 64B4-6.0025(4), F.A.C.

(6) Continuing education hours earned by a licensee to satisfy any disciplinary action shall be in addition to those required for renewal for each biennium.

Rulemaking Authority 491.004(5), 491.007(1), (2) FS. Law Implemented 456.031(1)(a), 491.007(1), (2) FS. History—New 4-4-89, Amended 12-4-90, Formerly 21CC-6.001, Amended 1-9-94, Formerly 61F4-6.001, Amended 1-7-96, 12-29-96, Formerly 59P-6.001, Amended 2-9-99, 2-5-01, 2-7-05, 7-16-06, 12-17-06, 6-13-07, 9-13-07, 12-3-09, 2-17-13, 11-7-16.

64B4-6.0011 Inactive Status.

(1) Any licensee may elect at the time of license renewal to place the license into inactive status by filing with the board a complete application for inactive status and paying the inactive status fee of \$50. For the purpose of this section, a complete application shall be a renewal form provided by the Department of Health on which the licensee affirmatively elects inactive status.

(2) An inactive status licensee whose license has been in inactive status for less than two consecutive biennial licensure cycles may change to active status at any time provided the licensee.

(a) Submits an application of form entitled Application for license (form DPR/MQA CSW, MFT and MHC/007/REV. 11/91); and,

(b) Meets the continuing education requirements of Rules 64B4-6.001 and 64B4-6.002, F.A.C., for each biennium the licensee was in inactive status and pays the reactivation fee of \$50, the current biennial renewal fee at the time of reactivation and, if applicable, the change of status fee as defined by Rule 64B4-4.006, F.A.C.

(3) An inactive status licensee whose license has been in inactive status for more than two consecutive biennial licensure cycles may change to active status at any time provided the licensee.

(a) Submits an application on form entitled Application for license (form DPR/MQA CSW, MFT and MHC/007/REV. 11/91); and,

(b) Meets the continuing education requirements of Rules 64B4-6.001 and 64B4-6.002, F.A.C., for each biennium the licensee was in inactive status and pays the reactivation fee of \$50, the current biennial renewal fee at the time of reactivation and, if applicable, the change of status fee as defined by Rule 64B4-4.006, F.A.C.

(4) Any inactive status licensee who elects active status is not eligible to elect to return to inactive status until the next licensure renewal period.

Rulemaking Authority 456.036, 491.004(5) FS. Law Implemented 456.036, 491.007, 491.008 FS. History—New 10-16-90, Formerly 21CC-6.0011, 61F4-6.0011, Amended 12-22-94, Formerly 59P-6.0011.

64B4-6.0012 Delinquent Status License.

(1) The failure of any licensee to elect active or inactive status before the license expires shall cause the license to become delinquent.

(2) The delinquent status licensee must affirmatively apply for active or inactive status during the biennium in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to become active or inactive before the expiration of the biennium in which the license became delinquent shall render the license null and void without further action by the board or the Department of Health.

(3) The delinquent status licensee who applies for active or inactive license status shall:

(a) File with the board the complete application for either active status or inactive status as defined in Rule 64B4-6.0011, F.A.C.;

(b) Pay to the board either the active status or inactive status license fee, the delinquent status license fee and, if applicable, the change of status fee of Rule 64B4-4.006, F.A.C.; and,

(c) Demonstrate compliance with the continuing education requirements of Rules 64B4-6.001 and 64B4-6.003, F.A.C.

Rulemaking Authority 456.036, 491.004(5) FS. Law Implemented 456.036, 491.007, 491.008 FS. History—New 12-22-94, Formerly 59P-6.0012.

64B4-6.0013 Exemption of Spouse of Member 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 and who at the time the absence became necessary was in good standing with the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling and entitled to practice as an Clinical Social Worker, Marriage and Family Therapist or Mental Health Counselor in Florida shall be exempt from all licensure renewal provisions. The licensee must document the absence and the spouse's military status to the Board.

Rulemaking Authority 456.024(2), 491.004 FS. Law Implemented 456.024 FS. History—New 10-18-99.

64B4-6.0014 Retired Status License.

(1) Any licensee may elect at the time of licensure renewal to place the license on retired status by paying the retired status fee of \$50.00.

(2) A retired status licensee may change to active status provided:

(a) If the license has been in retired status for less than 10 years, the licensee must meet the continuing education requirements of Rules 64B4-6.001 and 64B4-6.002, F.A.C., for each biennium the licensee was in retired status and pay all past renewal fees;

(b) If the license has been in retired status for more than 10 years, the licensee must retake and pass the applicable examination for the licensee's profession set forth in Rule 64B4-3.003, F.A.C., and retake an approved laws and rules course as set forth in Rule 64B4-6.0045, F.A.C.

Rulemaking Authority 456.036(10), 491.004(5) FS. Law Implemented 456.036(10) FS. History--New 2-9-06.

64B4-6.002 Approved Courses for Continuing Education.

(1) For purposes of renewing or reactivating a license, credit is approved for the following:

(a) Completion of graduate level courses provided by an institution of higher education fully accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation or its successor or an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada, provided such courses are offered by a graduate program in psychology, counselor education, rehabilitation counseling, guidance or personnel counseling, marriage and family therapy, agency counseling, community mental health counseling or a school or program offering doctoral training in social work.

(b) Completion of graduate level courses in theory of human behavior and practice methods as courses in clinically-oriented services provided by programs of social work accredited by the Council on Social Work, Education Commission on Accreditation by the Canadian Association of Schools of Social Work.

(c) Completion of graduate level courses provided by marriage and family therapy training institutions accredited by the Commission on Accreditation of Marriage and Family Therapy Education (COAMFTE).

(d) Programs offered by providers approved by the Board under Rule 64B4-6.004, F.A.C.

1. Credit for hypnosis training will be given only for a program that clearly advertised it met the requirements of Rule 64B4-7.002, F.A.C., and was offered by an approved provider for hypnosis training as determined by Rule 64B4-6.006, F.A.C.

2. Credit for sex therapy training will be given only for a program that clearly advertised it met the requirements of Rule 64B4-7.004, F.A.C., and was offered by an approved provider for sex therapy training as determined by Rule 64B4-6.005, F.A.C.

(e) Continuing education programs offered and approved by the following entities as long as such entities impose requirements similar to or more stringent than those imposed by the Board in subparagraphs 64B4-6.004(2)(a)1.-5., F.A.C.:

1. National Board of Certified Counselors (NBCC),
2. American Association of Sex Educators Counselors and Therapists (AASECT),
3. American Society of Clinical Hypnosis (ASCH),
4. National Association of Social Work (NASW),
5. American Psychological Association (APA),
6. Clinical Social Work Federation (CSWF),
7. Association of Social Work Boards (ASWB),
8. American Board of Professional Psychology (ABPP),
9. American Psychiatric Association,
10. International Association of Marriage and Family Therapy Counselors (AMFC),
11. American Association of State Counseling Boards (AASCB),
12. American Counseling Association (ACA),
13. American Mental Health Counseling Association (AMHCA),
14. American Association for Marriage and Family Therapy (AAMFT); and,
15. Association of Marital and Family Therapy Regulatory Boards (AMFTRB).

(2) Presenters/moderators of approved continuing education activities shall receive credit on a one-time basis for programs where they are actually in attendance for the complete program, provided they receive a certificate of attendance in compliance with this rule. A maximum of 10 hours of credit per biennium shall be received for presenting/moderating approved continuing education activities.

(3) Instructors of graduate level courses in the curricula of an institution as described in Section 491.005, F.S., shall receive continuing education credit on a one time basis at the rate of 5 hours of continuing education credit per semester hour of coursework

taught.

(4) Three (3) hours of continuing education credit in risk management may be obtained once per biennium by attending one day of a Board meeting at which disciplinary hearings are conducted by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, in compliance with the following:

(a) The licensee must sign in with the Executive Director of the Board before the meeting day begins.

(b) The licensee must remain in continuous attendance.

(c) The licensee must sign out with the Executive Director of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. The licensee may only receive CE credit for attending the Board meeting for that purpose solely. The licensee may not receive credit for that purpose if they are required or are attending the Board meeting for any other purpose.

(5) For the purpose of this rule chapter, distance learning continuing education activities are home study, correspondence, computer interactive, tele-conferences, video cassette, and audio cassette courses. A distance learning continuing education activity offered by a provider approved under this rule chapter must meet the standards for approved courses outlined in this rule chapter and, furthermore, must include a testing mechanism on which a passing score must be attained by the licensee prior to the issuing of credit.

(6) Continuing education credit will not be received for the following:

(a) The licensee's regular activities;

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

(c) Attendance at professional conventions or meetings, unless session meets the requirements of this rule;

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

(e) Personal psychotherapy or growth experience;

(f) Authorship or editing of books or articles;

(g) Obtaining supervision or consultation unless provided by a structured program meeting the requirements of this rule.

Rulemaking Authority 456.013(6), 491.004(5), 491.0085 FS. Law Implemented 456.013(6), 491.007(2), 491.0085(1) FS. History—New 4-4-89, Amended 10-16-90, 6-19-91, 9-2-91, 8-24-92, Formerly 21CC-6.002, Amended 1-9-94, Formerly 61F4-6.002, Amended 10-4-94, 12-22-94, 1-7-96, 12-29-96, Formerly 59P-6.002, Amended 12-11-97, 2-9-99, 8-9-00, 6-30-02, 7-8-03, 2-8-05, 5-14-06, 12-17-06, 8-13-08, 9-30-15.

64B4-6.0025 Approved Continuing Education Course for Supervisory Training.

The continuing education course required to meet the qualifications for a qualified supervisor pursuant to Section 491.005, F.S., and subparagraph 64B4-11.007(3)(b)2., paragraph 64B4-21.007(3)(b), and subparagraph 64B4-31.007(2)(b)2., F.A.C., must be offered by a Board approved provider of continuing education and consist of the following:

(1) It must meet all the requirements of subparagraphs 64B4-6.004(2)(a)1.-5., F.A.C.;

(2) It must be 12 clock hours of in person didactic and interactional instruction; and,

(3) Must contain content that satisfies the following learning objectives. The participant will:

(a) Become familiar with the major models of supervision for clinical social work, marriage and family therapy or mental health counseling;

(b) Gain skills to develop a personal model of supervision, drawn from existing models of supervision and from preferred styles of therapy;

(c) Understand the co-evolving dynamics of therapist-client and supervisor-therapist-client relationships;

(d) Explore distinctive issues that arise in supervision;

(e) Address the contextual variables in practice such as culture, gender, ethnicity, power and economics;

(f) Become familiar with the ethical, legal and regulatory issues of supervision;

(g) Review the Florida laws and the board rules governing interns and supervision; and,

(h) Understand the role of evaluation in supervision.

(4) Every third biennium, a qualified supervisor shall obtain 4 hours of supervisory training continuing education.

(a) These hours shall count toward satisfaction of the continuing education hours required for license renewal for the biennium in which the hours are taken.

(b) The course will:

1. Review changes to Florida laws and rules relating to Interns and Supervisors,

2. Discuss various electronic delivery systems for supervision and methods for ensuring confidentiality,
3. Discuss ethical, legal and regulatory issues of supervision, including documentation of the supervisory sessions,
4. Review research of effective supervision models,
5. Review challenges in supervision,
6. Address how cultural issues can affect the supervisory relationship,
7. Discuss accountability of both the supervisor and the intern in the supervisory relationship,
8. Discuss the business aspects of supervision.

Rulemaking Authority 491.004(5), 491.007, 491.0085 FS. Law Implemented 491.007, 491.0085 FS. History—New 12-29-96, Formerly 59P-6.0025, Amended 12-11-97, 8-13-08, 5-8-16, 11-7-16.

64B4-6.003 Documentation of Continuing Education Credits.

(1) During the license renewal period of each biennium, an application for renewal will be mailed to each licensee at the last address provided to the Board. Failure to receive any notification during this period does not relieve the licensee of the responsibility of meeting the continuing education requirements.

(2) The licensee shall maintain and make available upon request the documentation required by this rule for a period of two years following the renewal period to which the continuing education credits were applied.

(3) Within 21 days of a request from the Board or Department, the licensee must provide evidence of completion of the continuing education requirements by submission of one or more of the following:

(a) Certificates which meet the requirements of subparagraph 64B4-6.004(2)(f)2., F.A.C., verifying the licensee's attendance at programs given by providers who had, a valid provider number at the time of attendance, or

(b) Certificates verifying the licensee's attendance at programs given by providers who meet the requirements of paragraph 64B4-6.002(1)(e), F.A.C., or

(c) A letter from the instructor of a graduate level course in compliance with paragraph 64B4-6.002(1)(a) or (b), F.A.C., verifying the course was completed and listing the number of clock hours of attendance completed by the licensee. Such letter must be written on official stationery of the institution and contain an original signature, or

(d) A transcript verifying credit hours earned in compliance with Rule 64B4-6.002, paragraph (1)(a) or (b), F.A.C.

Rulemaking Authority 491.004(5), 491.0085 FS. Law Implemented 491.007, 491.0085 FS. History—New 4-4-89, Formerly 21CC-6.003, 61F4-6.003, Amended 1-7-96, Formerly 59P-6.003, Amended 10-15-02, 1-17-16.

64B4-6.004 Approval of Continuing Education Providers.

(1) Continuing education status shall be approved prior to presenting continuing education programs. When a provider number is necessary, any continuing education event(s) sponsored or provided prior to the date a provider number is issued under this rule shall not be granted continuing education credit.

(2) Continuing education provider status shall be granted to continuing education providers who satisfy the following requirements:

(a) Provide the Board with one sample continuing education program, including a detailed agenda specifying content and time frames for instruction, a copy of any power point or similar presentation materials, and a copy of the course materials, which has been designed or approved by the current continuing education director and meets all of the following criteria:

1. Is a graduate level course, seminar, workshop, or institute which is relevant to, and focuses on clinical social work, marriage and family therapy or mental health counseling practice, theory, or method.

2. Has stated learning objectives and is of sufficient duration to present a topic in depth and detail to accomplish these objectives.

3. Is appropriate for the purposes of furthering and maintaining the clinical skills or knowledge of licensed clinical social workers, mental health counselors, or marriage and family therapists.

4. The sample program must identify the number of continuing education hours that will be earned. One continuing education hour is defined as a 60-minute clock hour in which there is no less than 50 minutes of uninterrupted instruction.

5. Is instructed/presented by a person who meets at least one of the following criteria:

a. Is a faculty member or former faculty member of a graduate program meeting the requirements of paragraph 64B4-6.002(1)(a) or (b), F.A.C.

b. Has received specialized graduate or post-graduate level training in the subject taught in the program.
c. Has extensive experience to include no less than 2 years of practical application or research involving the subject taught in the program.

(b) Provide the Board a sample program evaluation form and a sample of the documentation of completion which meets the requirements of subparagraph (2)(f)2. of this rule.

(c) Provide the Board a summary of the organization structure for the administration of continuing education programs that reflects the chain of command within the organization by name and title and the position of the continuing education director within the organization.

(d) Provide the Board with the name, address and daytime telephone number of a person designated by the organization to act as the continuing education director.

(e) Remit the appropriate continuing education provider application fee pursuant to Rule 64B4-4.009, F.A.C. Such fee shall be required for each license biennium during which the provider seeks Board approval.

(f) The current continuing education director must sign and abide by a written agreement to:

1. Ensure that each program to be presented or approved by the provider for continuing education credit for clinical social workers, marriage and family therapists, and mental health counselors satisfies the requirements of this rule.

2. Provide each participant who completes a program with documentation verifying that the program has been completed. The documentation shall contain the participant's name, provider's name and number, title of program, date of program, and number of hours of continuing education credits earned. In addition, for hypnosis training the documentation must state it meets the requirements of Rule 64B4-7.002, F.A.C., and, for sex therapy training, the documentation must state it meets the requirements of Rule 64B4-7.004, F.A.C.

3. Notify the Board of changes relative to the maintenance of standards as set forth in these rules.

4. Notify the Board within ten days of any change in continuing education director, mailing address, or telephone number.

5. Ensure that all promotional material for each program intended for clinical social workers, marriage and family therapists and mental health counselors contains in a conspicuous place the complete provider number assigned by the Board, the specific program objectives, and speaker/presenter's credentials.

6. Comply with all audit requests within 21 days of receipt of such requests from the Board.

7. Ensure that the provider complies with the Americans with Disabilities Act of 1990, 42 USC §§12101-12213.

(g) Provide a Statement about what steps would be taken if a course participant submitted a grievance about the course.

(3) Providers shall maintain records of each course offered for three (3) years following each licensure biennium during which the course was offered. Course records shall include a course outline which reflects its educational objectives, the presenter's name, the presenter's curriculum vitae, the date and location of the course, participants' evaluations of the course, the hours of continuing education credit awarded to each participant and a roster of participants by name and license number.

(4) The Board shall deny continuing education provider status to any applicant who submits false, misleading or deceptive information or documentation to the Board.

(5) The Board retains the right and authority to audit and/or monitor programs and review records and course materials given by any provider approved pursuant to this rule.

(6) The Board shall rescind the provider status or reject individual programs given by a provider if the provider disseminated any false or misleading information in connection with the continuing education programs, or if the provider failed to conform to and abide by the written agreement and rules of the Board or if the provider or its faculty member(s) are in violation of any of the provisions of Chapter 456 or 491, F.S.

Rulemaking Authority 491.004(5), 491.0085(1), (3), (4) FS. Law Implemented 491.0085 FS. History—New 1-9-94, Formerly 61F4-6.004, Amended 10-2-94, 12-29-96, Formerly 59P-6.004, Amended 12-11-97, 2-9-99, 6-30-02, 8-13-08, 12-11-14.

64B4-6.0045 Approval of Laws and Rules Course Providers.

(1) Laws and rules course provider status shall be obtained prior to presenting laws and rules courses. Laws and rules course provider status shall be granted to those who satisfy the following requirements:

(a) Provide the Board with a sample laws and rule course containing a detailed agenda specifying content and time frames for instruction and meets all of the following criteria:

1. Is a post-graduate course which addresses the requirements outlined in subsections 64B4-3.0035(1) and (2), F.A.C.

2. Has stated learning objectives and is of sufficient duration to present this topic in depth and detail to accomplish these objectives.

3. Is appropriate for the purposes of establishing and maintaining knowledge of the laws and rules regulating the practice of clinical social work, marriage and family therapy, and mental health counseling.

4. Is a minimum of eight (8) hours in duration.

5. Is presented by a person who meets at least one of the following criteria:

a. Has received specialized graduate or post-graduate level training in the subject taught in the program.

b. Has extensive experience to include no less than 2 years of practical application or research involving the subject taught in the program.

(b) Provide the Board a sample of the proposed certificate of completion that is to be given to those persons who successfully complete the course. The certificate shall include the participant's name, the provider's name and number, title of the program, and date(s) of the program.

(c) Submit an application fee in the amount of two hundred dollars (\$200.00). Such fee shall be required for each license biennium during which the provider seeks Board approval. Applicants who are already approved continuing education providers pursuant to Rule 64B4-6.004, F.A.C., shall not be required to submit an application fee or renewal fee as long as the applicant maintains its continuing education provider status. Continuing education providers shall be required to comply with all other provisions of this rule.

(d) Provide the Board with a sample evaluation form that is to be completed by all course participants. The form shall include the participant's name, the provider's name and number, title of the program, and date(s) of the program.

(2) Once laws and rules course provider status is obtained, the provider shall:

(a) Ensure that all promotional material for any laws and rules course offered by the provider shall contain in a conspicuous place the complete provider number assigned by the Board, the specific program objectives, and presenter's credentials;

(b) Comply with all audit requests within 21 days of receipt of such requests from the Board;

(c) maintain records of each course offered for three (3) years following each licensure biennium during which the course was offered. Course records shall include a course outline, the presenter's name, the presenter's curriculum vitae, the date and location of the course, the duration of the course and a roster of participants by name and license number.

(3) The Board retains the right and authority to audit and/or monitor courses and review records and course materials given by any provider approved pursuant to this rule. The Board shall rescind the provider status if a provider disseminates any false or misleading information in connection with the laws and rules course offered or if the provider fails to conform to and abide by the written agreement and rules of the Board.

Rulemaking Authority 491.004, 491.0085(4) FS. Law Implemented 491.0085 FS. History--New 10-18-99, Amended 8-24-00.

64B4-6.0046 Course Content Requirement of Continuing Education Courses for Renewal Laws and Rules Course.

(1) The renewal laws and rules course shall be three (3) hours in duration.

(2) The course shall provide information about and review changes to the laws and rules contained in Chapters 456 and 491, F.S., and Rule Title 64B4, F.A.C.

(3) The renewal laws and rules course must be presented by a Board approved continuing education provider or a Board approved laws and rules course provider.

(4) Prior to presenting the initial program, the provider must provide the Board with a sample laws and rules course containing a detailed agenda specifying content and time frames for instruction that meets all of the following criteria:

(a) Is a graduate level course.

(b) Has stated learning objectives and is of sufficient duration to present the topic in depth and detail to accomplish these objectives.

(c) Is appropriate for the purposes of establishing and maintaining knowledge of the laws and rules regulating the practice of clinical social work, marriage and family therapy and mental health counseling.

(d) Is presented by a person who meets at least one of the following criteria:

1. Has received a specialized graduate or post-graduate level training in the subject area taught in the program, or holds an active license to practice law in the State of Florida.

2. Has extensive experience to include no less than 2 years of practical application or research involving the subject taught in

the program.

3. Holds a Florida license to practice clinical social work, marriage and family therapy, or mental health counseling.

(5) The Board retains the right and authority to audit and/or monitor courses and review records and course materials given by any provider approved to provide a renewal laws and rules course. The Board shall rescind the provider status or reject any future renewal laws and rules courses given by a provider if the provider: disseminated any false or misleading information in connection with the continuing education program; failed to conform to laws and rules of the Board; and if any of the faculty are in violation of the rules of the Board.

Rulemaking Authority 456.013(9), 491.007(2), 491.0085 FS. Law Implemented 456.013, 491.007(2), 491.0085 FS. History—New 1-2-14.

64B4-6.005 Approval of Continuing Education Providers of Sex Therapy Training Programs.

(1) Only those continuing education providers approved as sex therapy providers pursuant to this rule shall be able to provide programs that qualify for continuing education credit in sex therapy training. In addition, those continuing education providers who meet the requirement of paragraph 64B4-6.002(1)(e), F.A.C., and offer programs that provide sex therapy training as identified in subparagraphs 64B4-7.004(2)(a)1.-17., F.A.C., shall also be able to provide programs that qualify for continuing education credit in sex therapy training.

(2) Continuing education sex therapy provider status shall be approved when all the requirements of Rule 64B4-6.004, F.A.C., have been satisfied and the continuing education program required by paragraph 64B4-6.004(2)(a), F.A.C., provides education in sex therapy in any or all of the areas identified in subparagraphs 64B4-7.004(2)(a)1.-17., F.A.C.

(3) Board approved continuing education sex therapy providers shall receive a provider number indicating this specific provider status.

Rulemaking Authority 491.004(5), 491.0085 FS. Law Implemented 491.0085(1) FS. History—New 10-2-94, Amended 1-7-96, Formerly 59P-6.005.

64B4-6.006 Approval of Continuing Education Providers of Hypnosis Training Programs.

(1) Only those continuing education providers approved as hypnosis training providers pursuant to this rule shall be able to provide programs that qualify for continuing education credit in hypnosis. In addition, those continuing education providers who meet the requirements of paragraph 64B4-6.002(1)(e), F.A.C., and offer programs that provide hypnosis training as identified in subparagraphs 64B4-6.006(2)(a)1.-7., F.A.C., shall also be able to provide programs that qualify for continuing education credit in hypnosis training.

(2) Continuing education hypnosis training provider status shall be approved when all the requirements of Rule 64B4-6.004, F.A.C., have been satisfied and:

(a) The continuing education program required by paragraph 64B4-6.004(2)(a), F.A.C., provides education in hypnosis therapy in all of the following areas:

1. Concepts and misconceptions of hypnosis,
2. Basic relaxation techniques utilizing hypnosis,
3. Hypnotic induction techniques,
4. Contraindications to hypnosis,
5. Relationship of personality dynamics to hypnosis,
6. Relationship of psychopathology to hypnosis,
7. Relationship of ethical issues to hypnosis, and

(b) The instructor(s)/presenter(s) of the program required by subparagraph 64B4-6.004(2)(a)5., F.A.C., satisfy the requirements of Rule 64B4-7.003, F.A.C.

(3) Board approved continuing education hypnosis training providers shall receive a provider number indicating this specific provider status.

Rulemaking Authority 491.004(5), 491.0085 FS. Law Implemented 491.0085(1) FS. History—New 10-2-94, Amended 1-7-96, Formerly 59P-6.006, Amended 5-11-10.

64B4-6.007 Reapproval of Continuing Education Providers.

(1) Approval of continuing education providership is for the biennium during which approval or reapproval was given. If reapproval is not sought and granted, the continuing education approved provider status automatically ends.

(2) It is the responsibility of the continuing education provider to request biennial reapproval of the provider status by supplying the Board in writing:

- (a) Provider name and number,
- (b) Current address and telephone number,
- (c) Continuing education director's name,
- (d) Reapproval fee pursuant to Rule 64B4-4.009, F.A.C.,
- (e) Proof of conducting at least one continuing education program during the previous biennium,

(3) The Board will not reapprove the continuing education provider status of any provider who fails to follow the Board's rules regarding continuing education providers.

(4) Providers seeking reapproval may continue to offer programs to licensees of the Board for credit until such time as a final order denying reapproval of continuing education provider status is filed with the Department clerk.

Rulemaking Authority 491.004(5), 491.0085 FS. Law Implemented 491.0085(1) FS. History--New 12-22-94, Formerly 59P-6.007.

64B4-6.008 Audit of Continuing Education Providers.

(1) The Board retains the right and authority to audit and/or monitor programs and review records and course materials given by any provider approved pursuant to Rule Chapter 64B4-6, F.A.C.

(2) During each license renewal biennium a random sample of the current continuing education providers will be selected for audit.

(3) Each provider selected for audit is required to respond within 21 days and provide the Board with the original records maintained pursuant to subsection 64B4-6.004(3), F.A.C., for one continuing education program the provider offered during that biennium, that was no less than three (3) and no more than sixteen (16) hours in duration.

(4) The Board shall review the audited materials to ascertain compliance with the standards required by Rule Chapter 64B4-6, F.A.C.

(5) The Board shall notify those providers who are not in compliance with the standards required by Rule Chapter 64B4-6, F.A.C.

(6) Failure of a provider to show evidence to the Board within 30 days of such notification that appropriate action to be in compliance with these standards has been taken, will result in loss of provider status.

(7) Failure of a provider to respond to the audit request by the Board will result in the loss of provider status.

(8) Program presentations audited or monitored by a Board member shall be with or without advance notice.

Rulemaking Authority 491.004(5), 491.0085 FS. Law Implemented 491.0085(1) FS. History--New 10-2-94, Formerly 59P-6.008, Amended 3-24-09.

64B4-6.009 Approval of Continuing Education Courses on Prevention of Medical Errors.

All licensees must complete a two hour course on prevention of medical errors, which meets the criteria of Section 456.013(7), F.S., as part of the total hours of continuing education required for biennial renewal.

Rulemaking Authority 456.013(7), 491.004(5), 491.0085 FS. Law Implemented 456.013(7), 491.0085 FS. History--New 10-15-02, Amended 11-7-16.

CHAPTER 64B4-7

STANDARDS OF PRACTICE APPLICABLE TO CLINICAL SOCIAL WORK, MARRIAGE AND FAMILY THERAPY AND MENTAL HEALTH COUNSELING

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| 64B4-7.002 | Qualifications Necessary for Clinical Social Workers, Marriage and Family Therapists and Mental Health Counselors to Practice Hypnosis |
| 64B4-7.003 | Qualified Teachers of Hypnosis |
| 64B4-7.004 | Use of the Title "Sex Therapist" |
| 64B4-7.005 | Qualified Supervisor of a Sex Therapist |
| 64B4-7.006 | Requirements for Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation Disputes |
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| 64B4-7.008 | Requirements to be a Qualified Practitioner for Completing Risk Assessments and Treatment of Sexual Offenders |

(Repealed)

64B4-7.0081 Requirements to be a Qualified Practitioner for Completing Risk Assessments and Treatment of Sexual Offenders

64B4-7.002 Qualifications Necessary for Clinical Social Workers, Marriage and Family Therapists and Mental Health Counselors to Practice Hypnosis.

(1) Before practicing hypnosis for any therapeutic purpose, a clinical social worker, marriage and family therapist, or mental health counselor shall have successfully completed at least 50 hours of instruction in concepts of and misconceptions of hypnosis induction techniques, contraindications to hypnosis, and the relationships of personality dynamics, psychopathology and ethical issues to hypnosis. Such instruction must have met the standards for approval of continuing education courses set forth in Rule 64B4-6.002, F.A.C., and in addition must have been taught by qualified teachers as defined in Rule 64B4-7.003, F.A.C.

(2) An intern may not practice hypnosis unless practicing under the supervision of a qualified supervisor who has met the requirements to practice hypnosis.

Rulemaking Authority 491.004(5), 491.0141 FS. Law Implemented 491.0141 FS. History—New 7-6-88, Amended 2-25-90, Formerly 21CC-7.002, 61F4-7.002, 59P-7.002, Amended 7-20-98, 12-7-11.

64B4-7.003 Qualified Teachers of Hypnosis.

In order to be a “qualified teacher” of hypnosis, a person must document completion of a minimum of 200 hours of graduate or postgraduate level hypnosis training and a minimum of three (3) years of practical experience in the use of hypnosis and be licensed under Chapters 490, 491, F.S., or be a practitioner of the healing arts as defined in Section 485.003(3), F.S., licensed in another state as a clinical social worker, marriage and family therapist, mental health counselor, psychologist, or practitioner of the healing arts as defined in Section 485.003(3), F.S., or was not required to hold a license but can document the completion of the academic requirements of licensure for one of the stated professions.

Rulemaking Authority 491.004(5) FS. Law Implemented 491.0141 FS. History—New 8-9-89, Amended 2-25-90, Formerly 21CC-7.003, Amended 3-14-94, Formerly 61F4-7.003, 59P-7.003, Amended 12-21-97.

64B4-7.004 Use of the Title “Sex Therapist.”

(1) Intent. Whereas the provision of clinical, counseling, and psychotherapy services may include sex therapy, it is the intent of the Board to assure that those clinical social workers, marriage and family therapists, and mental health counselors who hold themselves out to the public as sex therapists have completed a minimum level of training in the specific area of sex therapy and the general provision of clinical, counseling and psychotherapy services.

(2) Use of the Title Sex Therapist. Any licensed clinical social worker, marriage and family therapist, or mental health counselor who holds himself out as a sex therapist shall have completed:

(a) A minimum of 120 hours of approved education which meets the continuing education requirements of Rule Chapter 64B4-6, F.A.C., from twelve (12) of the following areas with a minimum of 10 hours in each area taken:

1. Sexual and reproductive anatomy and physiology,
2. Developmental sexuality,
3. Gender-identity issues,
4. Socio-cultural factors in sexual values and behavior,
5. Medical factors related to sexuality and sexual functioning,
6. Interaction between sexuality and dynamics of interpersonal and family relationships,
7. Sexual offender treatment,
8. Diagnosis of sexual dysfunctions, disorders, and deviancy,
9. Treatment of sexual dysfunctions, disorders, and deviancy,
10. Legal, ethical, and forensic issues in sex therapy,
11. Sexually transmitted diseases,
12. Risk assessment with sex offenders,
13. Psychopharmacological therapy with sexual dysfunctions, disorders and deviancy,
14. Research on sexual dysfunctions, disorders and deviancy,
15. Sexual abuse treatment,

16. Victimology/victim therapy,

17. Group therapy in treatment of sexual dysfunctions, disorders, and deviancy; and,

(b) As of January 1, 1997, in addition to the minimum hours in paragraph (2)(a), of this rule, the following shall apply:

1. A minimum of 40 client contact hours in the clinical practice of sex therapy during a minimum period of time of six months.

2. A minimum of 20 hours of supervision, where each supervisory session is no more than one and one-half hours in length, by a qualified supervisor as set forth in Rule 64B4-7.004, F.A.C., during a minimum period of time of six months.

3. For the purpose of this section, supervision is face-to-face contact between an intern or trainee and a supervisor during which the applicant apprises the supervisor of the diagnosis and treatment of each sex therapy client, client cases are discussed, the supervisor provides the applicant with oversight and guidance in diagnosing, treating and dealing with sex therapy clients, and the supervisor evaluates the applicant's performance. Supervision must:

a. Focus on the raw data from the clinical sex therapy work, which is made directly available to the supervisor through such means as written clinical materials, direct observation and video and audio recordings:

b. Be a process which is distinguishable from personal psychotherapy, consulting or didactic instruction; and,

c. During the supervisory period, 50% of the required supervision may be group supervision. If group supervision is obtained, it must be combined with individual supervision. For the purpose of this section, individual supervision is defined as one supervisor supervising no more than two (2) supervisees and group supervision is defined as one supervisor supervising more than (2) but a maximum of six (6) supervisees in the group.

(3) Any licensed clinical social worker, marriage and family therapist or mental health counselor who was previously qualified to hold himself out as a sex therapist based on the education requirements existing between February 25, 1990 and December 31, 1996 may continue to use the title of sex therapist.

Rulemaking Authority 491.004(5), 491.0143 FS. Law Implemented 491.0143 FS. History—New 1-4-90, Formerly 21CC-7.004, 61F4-7.004, Amended 1-7-96, 11-13-96, Formerly 59P-7.004.

64B4-7.005 Qualified Supervisor of a Sex Therapist.

In order to be a "qualified" supervisor of licensees who are completing the requirements to hold themselves out as sex therapists, a person must:

(1) Be licensed as a clinical social worker, marriage and family therapist or mental health counselor pursuant to Chapter 491, F.S., a psychologist licensed pursuant to Chapter 490, F.S., a physician licensed pursuant to Chapter 458 or 459, F.S., a person licensed in a comparable field in another state or a person in such field who was not required to hold a license and meets the equivalency requirements of Rule 64B4-11.007, 64B4-21.007, or 64B4-31.007, F.A.C.;

(2) Have completed the education requirements of paragraph 64B4-7.004(2)(a), F.A.C., or have met the requirements of subsection 64B4-7.004(3), F.A.C.; and,

(3) Have a minimum of one hundred (100) hours of clinical experience in the provision of sex therapy services.

Rulemaking Authority 491.004(5), 491.0143 FS. Law Implemented 491.0143 FS. History—New 1-7-96, Formerly 59P-7.005.

64B4-7.006 Requirements for Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation Disputes.

(1) To perform evaluations of minors for the purpose of making a recommendation regarding custody, residence or visitation, the licensee shall have:

(a) Competence in performing assessments of a psychological nature on children and families;

(b) Education and training in the areas of child and family development, child and family psychopathology, and the impact of divorce on children and families; and,

(c) Knowledge of the legal standards and procedures governing divorce and child custody.

(2) When providing such evaluation of a minor, the licensee shall:

(a) Be impartial, act in the best interest of the child, avoid conflicts of interest, and not have been the treating psychotherapist nor had a prior relationship with any of the parties to the evaluation; and,

(b) Use multiple avenues of data gathering, including testing and interviewing methods, and shall involve all persons central to the child in question, including, at a minimum, communication with the child, the parties seeking custody or visitation, any treating mental health professional, family physician, and relatives of the immediate families.

Rulemaking Authority 491.004(5) FS. Law Implemented 491.009(2)(s) FS. History—New 12-21-97.

64B4-7.007 Requirement to Hold Oneself Out as Qualified to Practice Juvenile Sex Offender Therapy.

Effective October 1, 2000, in order for a licensed clinical social worker, marriage and family therapist or mental health counselor to hold oneself out as one qualified to practice juvenile sex offender therapy the licensee must have:

(1) Completed education and training through course work which meets the standards for approval as set forth in Rule 64B4-6.002, F.A.C., in the following subject areas:

- (a) Theories of child and adolescent development and psychopathology;
 - (b) Developmental sexuality, including sexual and reproductive anatomy and physiology, gender and sexual identity, and sexual diversity;
 - (c) Interaction between sexuality and the dynamics of interpersonal and family relationships;
 - (d) Sexual arousal patterns, including both typical and deviant fantasy patterns;
 - (e) Sexual dysfunctions, disorders, and deviancy, including sexual abuse patterns and the thinking errors that support the cycle of abuse;
 - (f) Victim empathy and victimology;
 - (g) Use and misuse of defense mechanisms;
 - (h) Dynamics of power and control;
 - (i) Compulsivity management, arousal control, anger regulation, and relapse prevention;
 - (j) Social resilience, competence and interpersonal effectiveness of juveniles;
 - (k) Group therapy and biomedical approaches in treating sexual dysfunctions, disorders and deviancy;
 - (l) Legal, ethical, and forensic issues in treating juvenile sex offenders.
- (2) Complete 20 hours of continuing education credits each license renewal biennium in any of the above subject areas or subject areas stated in paragraph 64B4-7.004(2)(a), F.A.C.

Rulemaking Authority 491.004(5), 491.0144 FS. Law Implemented 491.0144 FS. History—New 2-9-99, Amended 4-24-00, 8-24-00, 3-27-05, 9-13-07.

64B4-7.008 Requirements to Be a Qualified Practitioner for Completing Risk Assessments and Treatment of Sexual Offenders.

Rulemaking Authority 491.004(5), 947.005(9), 948.001(6) FS. Law Implemented 947.005, 948.30 FS. History—New 8-2-06, Repealed 7-13-08.

64B4-7.0081 Requirements to be a Qualified Practitioner for Completing Risk Assessments and Treatment of Sexual Offenders.

(1) Licensees employed or contracted as Behavioral Specialists for the Florida Department of Corrections (DOC) and credentialed to conduct screenings and counseling for sexual disorders; or approved by the United States Probation Office to complete risk assessments and treat sexual offenders; or who were a clinical member of the Association for the Treatment of Sexual Abusers (ATSA) or the Florida Association for the Treatment of Sexual Abusers (FATSA), on or before June 30, 2010, shall be deemed to be qualified practitioners.

(2) In order to be a qualified practitioner for completing risk assessments and/or providing treatment for sexual offenders, one must hold an active license as a clinical social worker, marriage and family therapist, or mental health counselor under Chapter 491, F.S.

(3) A qualified practitioner under this rule shall possess 60 hours of post degree graduate coursework or post degree continuing education in all of the following core areas with a minimum of three (3) hours per area:

- (a) Etiology of sexual deviance;
- (b) Evaluation/risk assessment and treatment of adult and adolescent sexual offenders that have established scientific bases;
- (c) Evaluation/risk assessment and treatment of specialized populations of sexual offenders;
- (d) Physiological measures of sexual arousal;
- (e) Sexual offender and current DSM diagnosis;
- (f) Safety planning/Family Safety planning;
- (g) Report writing;

- (h) Legal and ethical issues in the evaluation and treatment of sexual offenders;
 - (i) Co-morbidity and substance abuse issues; and,
 - (j) Relapse prevention.
- (4) Have documented 2,000 hours of post degree experience in the evaluation and treatment of sexual offenders.
- (a) The post degree experience must be obtained after Chapter 491, F.S., intern registration or licensure by working under the supervision of a qualified practitioner as defined in this rule who is also a Board qualified supervisor.
- (b) The initial fifty (50) of the 2,000 supervised experience hours must be obtained with the qualified practitioner/supervisor being physically present with the supervisee during the evaluation/risk assessment or treatment.
- (5) A qualified practitioner under this rule must complete 20 hours of board approved biennial continuing education in the assessment, evaluation and treatment of sexual offenders; relapse prevention; experience and training in working with victims; and related legal and ethical issues.

Rulemaking Authority 491.004(5), 947.005(10), (11), 948.001(10) FS Law Implemented 947.1405(7)(a)5., 948.001(10), (11), 948.30(1)(e) FS. History–New 4-18-12, Amended 7-19-17.

CHAPTER 64B4-8 HIV AND AIDS EDUCATION

64B4-8.002 Approved Courses

64B4-8.002 Approved Courses.

The following courses are approved by the Board:

(1) For the HIV/AIDS education required by Section 491.0065, F.S.:

(a) Courses which meet one of the requirements of subsection 64B4-6.002(1), F.A.C., and which provide a minimum of three hours of HIV/AIDS education, including education on protocols and procedures applicable to HIV counseling, testing, reporting and partner notification.

(b) Courses approved by the Department of Health pursuant to Section 381.0038, F.S.

(2) For the domestic violence education required by Section 456.031, F.S., courses which meet one of the requirements of subsection 64B4-6.002(1), F.A.C., contain the course content set forth in Section 456.031(1)(a), F.S., and provide two hours of education regarding domestic violence.

Rulemaking Authority 456.031, 491.004(5), 491.0065 FS. Law Implemented 456.031, 491.0065 FS. History–New 4-3-89, Formerly 21CC-8.002, 61F4-8.002, Amended 1-7-96, Formerly 59P-8.002, Amended 2-9-99, 12-17-06.

CHAPTER 64B4-9 CLIENT RECORDS

64B4-9.001 Requirements for Client Records

64B4-9.002 Definitions

64B4-9.001 Requirements for Client Records.

(1) A licensed clinical social worker, marriage and family therapist, or mental health counselor, including any registered intern or provisional licensee, shall maintain responsibility for all records relating to his clients as provided in Section 456.057, F.S. All such records shall remain confidential except as provided by law or as allowed pursuant to a written and signed authorization by the client specifically requesting or authorizing release or disclosure of records in his office or possession.

(2) A full record of services shall be maintained for 7 years after the date of the last contact with the client or user.

(3) When a clinical social worker, marriage and family therapist, or mental health counselor terminates practice or relocates and is no longer available to clients or users, the clients or users shall be notified of such termination or relocation and unavailability by the licensee's causing to be published in the newspaper of greatest general circulation in the county in which the licensee practices or practiced, a notice which shall contain the date of termination or relocation and an address at which the licensee's client or user records are available to the client, user, or to a licensed mental health professional designated by the client or user. The notice shall

appear at least once a week for 4 consecutive weeks. The records shall be retained for 2 years after the termination or relocation of the practice.

(4) If the termination was due to the death of a licensee, records shall be maintained at least two years after the licensee's death. At the conclusion of a 22 month period from the date of the licensee's death, the executor, administrator, personal representative, or survivor shall cause to be published once during each week for 4 consecutive weeks, in the newspaper of greatest general circulation in each county in which the licensee practiced, a notice indicating to the clients or users of the deceased licensee that the licensee's records will be disposed of or destroyed 4 weeks or later from the last day of the final week of publication of the notice.

Rulemaking Authority 456.058, 491.004(5), 491.0148 FS. Law Implemented 456.058, 491.0148 FS. History—New 5-8-90, Formerly 21CC-9.001, 61F4-9.001, 59P-9.001, Amended 2-11-98, 6-13-07.

64B4-9.002 Definitions.

Psychotherapy records are chronicles of a dynamic psychotherapeutic relationship and are to be accorded the dignity and respect due such a relationship. Psychotherapy is for the client and all records constructed shall respect the integrity and privacy of that relationship.

(1) A psychotherapy report is a summary of information derived from the psychotherapy records which addresses a specific request as authorized by the client.

(2) A psychotherapy record shall contain basic information about the client including name, address and telephone number, dates of therapy sessions, treatment plan and results achieved, diagnosis if applicable, and financial transactions between therapist and client including fees assessed and collected. A record shall also include notes or documentation of the client's consent to all aspects of treatment, copies of all client authorizations for release of information, any legal forms pertaining to the client, and documentation of any contact the therapist has with other professionals regarding the client.

(3) Regardless of who pays for the services of the psychotherapist, a client is that individual who, by virtue of private consultation with the psychotherapist, has reason to expect that the individual's communication with the psychotherapist during that private consultation will remain confidential.

Rulemaking Authority 491.004(5), 491.0148 FS. Law Implemented 491.009(2)(s), 491.0148 FS. History—New 12-11-91, Formerly 21CC-9.002, 61F4-9.002, 59P-9.002, Amended 2-11-98.

CHAPTER 64B4-10 SEXUAL MISCONDUCT IN THE PRACTICE OF MARRIAGE AND FAMILY THERAPY, CLINICAL SOCIAL WORK AND MENTAL HEALTH COUNSELING

64B4-10.001	Findings of the Board (Repealed)
64B4-10.002	Definition of Sexual Misconduct
64B4-10.003	Psychotherapist-Client Relationship
64B4-10.004	Sexual Misconduct Not Involving Client Contact

64B4-10.001 Findings of the Board.

Rulemaking Authority 491.004(5), 491.0111 FS. Law Implemented 491.0111 FS. History—New 3-4-90, Formerly 21CC-10.001, 61F4-10.001, 59P-10.001, Amended 5-21-98, Repealed 10-21-15.

64B4-10.002 Definition of Sexual Misconduct.

(1) It is sexual misconduct for a psychotherapist to engage, attempt to engage, or offer to engage a client in sexual behavior, or any behavior, whether verbal or physical, which is intended to be sexually arousing, including kissing; sexual intercourse, either genital or anal; cunnilingus; fellatio; or the touching by either the psychotherapist or the client of the other's breasts, genital areas, buttocks, or thighs, whether clothed or unclothed.

(2) It is sexual misconduct for a psychotherapist to encourage the client to engage in sexual conduct with a third party unless:

(a) Such encouragement is consistent with the planned treatment of the client's specifically diagnosed mental, social, or sexual dysfunctions or disorders; and,

(b) Treatment is provided in accordance with generally accepted professional standards for psychotherapy in this State.

Rulemaking Authority 491.004(5), 491.0111 FS. Law Implemented 491.0111 FS. History—New 3-4-90, Formerly 21CC-10.002, 61F4-10.002, 59P-10.002, Amended 4-28-98, 4-24-00.

64B4-10.003 Psychotherapist-Client Relationship.

A psychotherapist-client relationship is established between a psychotherapist and a person once a psychotherapist renders, or purports to render, clinical social work, marriage and family therapy or mental health services including, but not limited to, psychotherapy, counseling, assessment or treatment to that person. A formal contractual relationship, the scheduling of professional appointments, or payment of a fee for services are not necessary conditions for the establishment of a psychotherapist-client relationship, although each of these may be evidence that such a relationship exists.

(1) Sexual misconduct, as defined in Rule 64B4-10.002, F.A.C., with a client is prohibited.

(2) For purposes of determining the existence of sexual misconduct the psychotherapist-client relationship, once established, is deemed to continue for a minimum of 2 years after termination of psychotherapy or the date of the last professional contact with the client. However, beyond that 2 year time period, the mere passage of time since the client's last visit with the psychotherapist is not the sole determinative of whether or not the psychotherapist-client relationship has been terminated. Some of the factors considered by the Board in determining whether the psychotherapist-client relationship has terminated include, but are not limited to, the following:

- (a) Formal termination procedures;
- (b) Transfer of the client's case to another psychotherapist;
- (c) The length of the professional relationship;
- (d) The extent to which the client has confided personal or private information to the psychotherapist;
- (e) The nature of the client's problem; and,
- (f) The degree of emotional dependence that the client has on the psychotherapist.

(3) The psychotherapist shall not engage in or request sexual contact with a former client at any time if engaging with that client would be exploitative, abusive or detrimental to that client's welfare or if the sexual contact is a result of the exploitation of trust, knowledge, influence or emotions, derived from the professional relationship.

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

Rulemaking Authority 491.004(5), 491.0111 FS. Law Implemented 491.0111 FS. History—New 3-5-90, Formerly 21CC-10.003, 61F4-10.003, 59P-10.003, Amended 5-21-98, 8-13-08.

64B4-10.004 Sexual Misconduct Not Involving Client Contact.

(1) It is sexual misconduct for a supervisor to engage a supervisee in sexual behavior as defined in Rule 64B4-10.002, F.A.C., during the period a supervisory relationship exists.

(2) It is sexual misconduct for a psychotherapist to engage in sexual behavior as defined in Rule 64B4-10.002, F.A.C., with any immediate family member or guardian of a client during the period of time psychotherapeutic services are being provided to the client.

(3) "Immediate family" shall be defined as spouse, child, parents, parents-in-laws, siblings, grandchild, grandparents, and other household members.

Rulemaking Authority 491.004(5), 491.0111 FS. Law Implemented 491.0111 FS. History—New 11-17-98.