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THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

April 20, 2009

Ms. Mary Ellen Clark
Assistant Attorney General
Department of Legal Affairs
PL-01, The Capitol
Tallahassee, Florida 32399-1050

**Re: Department of Health: Board of Clinical Social Work, Marriage and Family
Therapy and Mental Health Counseling
Rules 64B4-3.001, .0015, .007, .0085, .009, and .010, F.A.C.**

Dear Ms. Clark:

I have conducted a review of proposed rules 64B4-3.001, "Verification of Supervised Experience for Clinical Social Work, Marriage and Family therapy and Mental Health Counseling Applicants," .0015, "Verification of Supervised Experience for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants," .007, "Provisional Licensure," .0085, "Intern Registration," .009, "Limited Licenses," and .010, "Marriage and Family Therapy Dual Licensure," which were advertised in the Florida Administrative Weekly on March 20, 2009. I have the following questions and comments concerning these rules.

64B4-3.001: This rule incorporates by reference Form DH-MQA 1174, Application for Licensure (revised 1/09).

The first page of the Instructions states that Licensure by Examination Requirements include a "master's degree and coursework in specific content areas." It appears that the requirements include either a doctoral degree or a master's degree. See § 491.005(1)(b)1., Fla. Stat. Similarly, the Licensure by Endorsement Requirements state that a master's degree is required. It appears that either a doctoral or master's degree is required. See § 491.006(1)(a)2., Fla. Stat. Please revise this language to reflect these statutory requirements, or explain why it is not necessary.

The Licensure by Endorsement section also states that the eligibility requirements for Clinical Social Work may be found in "s. 491.005(1),

F.S.” The eligibility for clinical work is also included in subsection 491.005(2), Florida Statutes.

The first page also refers to “Rule 64B4, F.A.C.” It should refer to “Rule Chapter 64B4, F.A.C.”

Section II., “Continuing Education Requirements for Licensure,” on page two of the Instructions, advises applicants to submit a copy of the certificate of completion of the requisite three hour course on HIV and AIDS within six months of licensure, or to submit a completed HIV/AIDS affidavit form which is included in the application packet. There does not appear to be authority for this affidavit. Please provide such authority, or delete the reference to this affidavit.

Section IV., “Official Transcripts/Course Descriptions,” on page three of the Instructions, states under “Foreign Education” that for the board to consider education completed outside the United States or Canada, that documentation must be received to verify “that the institution at which the education was completed was equivalent to an accredited U.S. institution and the coursework met the content and credit hour requirement for graduate level coursework in the U.S.” Sub-subparagraph 491.005(1)(b)1.c., Florida Statutes, states that such a program is to be “determined to have been a program equivalent to programs approved by the Council on Social Work Education by the Foreign Equivalency Determination Service of the Council on Social Work Education.” Please include this requirement, or explain why it is not necessary.

Section 8., “Certification,” on page six of the Application requires the applicant to sign under penalty of perjury. Statutory authority is required to impose penalties. See § 120.54(1)(e), Fla. Stat. Please provide authority, or revise this language.

This “Certification” also requires the applicant to affirm compliance with all requirements for licensure renewal in effect at the time of license renewal. An affirmation is an oath. See §§ 1.01(5); 90.52, Fla. Stat. Statutory authority is required for an oath. Please provide this authority, or revise this language to remove this affirmation.

Could the “Advanced Supervised Field Placement,” referenced in Section III. on the “Education Worksheet for Clinical Social Work,” take place during the applicant’s doctorate graduate degree program?

In the last paragraph of Section III. of the Application under “University Sponsored Supervised Clinical Practicum, Internship or Field

Experience,” the word “less” should be “fewer.” Also, it appears the word “postmaster’s” should be “post-master’s.”

On the “Certification/License Verification” page, please explain what the board means by the question, “Do you have any derogatory information concerning this person?” What is the authority to ask this question?

The page entitled “***AFFIDAVIT***” does not contain an affidavit. Please revise the title of this page.

64B4-3.0015(2): Please explain what type of “alternative verification” an applicant may provide pursuant to this rule subsection.

64B4-3.0085(2): This rule subsection incorporates by reference Form DH-MQA 1175, Intern Registration Application (Revised 1/09).

Step 3, “Transcripts/Course Descriptions,” on page three of the Instructions, states under “Foreign Education” that for the board to consider education completed outside the United States or Canada, that documentation must be received to verify “that the institution at which the education was completed was equivalent to an accredited U.S. institution and the coursework met the content and credit hour requirement for graduate level coursework in the U.S.” Sub-subparagraph 491.005(1)(b)1.c., Florida Statutes, states that such a program is to be, “determined to have been a program equivalent to programs approved by the Council on Social Work Education by the Foreign Equivalency Determination Service of the Council on Social Work Education.” Please include this requirement, or explain why it is not necessary.

Please explain why Step 4 states that the definition of Clinical Social Work is included in paragraph 491.005(2)(a), instead of subsections 491.005(1) and (2), Florida Statutes. Also, please explain why the definition of Marriage and Family Therapy is included in subparagraph 491.005(3)(b)4., Florida Statutes. That subparagraph does not exist. Likewise, please explain why the definition of Mental Health Counseling is included in subparagraph 491.005(4)(b)4., Florida Statutes, which does not exist.

In the last paragraph of Section III. of the Application under “University Sponsored Supervised Clinical Practicum, Internship or Field Experience, the word “less” should be “fewer.” Also, it appears the word “postmaster’s” should be “post-master’s.”

The last page of this application packet, entitled “Update Supervisor Form for Registered Interns,” refers to several rules and their titles. First, it

refers to rule 64B4-11.007. The complete title of that rule is, "Definition of 'Licensed Clinical Social Worker, or the Equivalent, Who Is a Qualified Supervisor.'" It also refers to rule 64B4-21.007. The complete title of that rule is, "Definition of 'a Licensed Marriage and Family Therapist with at Least Five Years Experience or the Equivalent, Who Is a Qualified Supervisor.'" Similarly, it refers to rule 64B4-31.007. The complete title of that rule is "Definition of a 'Licensed Mental Health Counselor or the Equivalent, Who Is a Qualified Supervisor.'" Please include the complete titles of these rules.

64B4-3.009(2): This rule subsection incorporates by reference Form DH-MQA 1178, Application for Limited Licensure (Revised 1/09).

Please provide authority for the Applicant Release and Affidavit in Section 6. of the Application.

64B4-3.010: This rule incorporates by reference Form DH-MQA 1177, Marriage and Family Therapy Dual Licensure Application (Revised 1/09).

Please provide authority for the Certification/License Verification contained in this form. If there is authority for this form, it appears that instead of boxes to be checked "Clinical Social Work Applicant," "Marriage & Family Therapy Applicant," or "Mental Health Counseling Applicant," there should be a box for "Marriage and Family Therapy Dual Licensure Applicant."

Also, please explain what the board means by the question, "Do you have any derogatory information concerning this person?" What is the authority to ask this question?

Please let me know if you have any questions. Otherwise, I look forward to your response.

Sincerely,



Marjorie C. Holladay
Senior Attorney

cc: Ms. M. Catherine Lannon, Bureau Chief
Ms. Jamie Zachary, LCSW, Chair
Ms. Sue J. Foster, Executive Director
Ms. Tammie Britt, Paralegal Specialist