

Florida Statute 491 and Rule 64B4

Posted on May 22, 2018

Introduction

There is always regulatory law for everything in the world, which is mostly developed under state governing bodies in which the government engages countrywide or state-level associations in which the field professionals are involved, and they are regulating under the government umbrella to oversee the regulation with regards to their field. Mostly in their work, they work on making rules for the field service provider, laws defining their parameters of working, taking up the issue of the individual on board, and handling it on behalf of the government. Also, they provide a license to the service provider to ensure its legal status and they also have the right to take action against the service provider if they are found in the field.

In Florida State, there is an Association for facilitating the field of psychological counselors in which social workers, marriage, family therapy, and mental health counselors are provided with a license. Florida Board of Clinical Social Work, Marriage, and Mental Health Counseling was legislatively established to ensure everyone fulfills the requirements in the mentioned practicing fields. The board is officially from the status of government and is responsible for monitoring, educating the workers on essential things, assuring transparency, and making out discipline for everything, licensing, and ensuring the best facilitation from the service provider to the public and facilitating their complaints.

In the future, I want to be in the field of counseling; there are some mentioned laws that have been asked to review such as FS 491 and 64B4 which are important to know before applying for the license appliance. (Fla. Stat. ch. 491; Fla. Admin. Code div. 64B4) For this, we are going to discuss some laws from both statutes that will help us understand the things to adopt, practice, and avoid while you are going to pursue a professional career in psychological counseling.

FS 491

FS 491 which had some fresh additions in 2017 and we look up to this chapter 491 of Federal Statutes in brief. It mostly focuses on Clinical, Counseling, and Psychotherapy services. The chapter articles are as follows:

491-002 Intent

It defines the aim and purpose of regulating these services under law and order. As the world is moderating issues are rising on the list day by day with physical health and mental health becoming

important status of health and services. This article focuses on settling aims for making the best provision public utilizing the best professional and qualified people in the field where they could help the public with emotional survival. Also, it aims to remove the endangered and affecting tangible or intangible things from society to provide safety and welfare to people. It aims to create cooperation between the professionals under one umbrella organization and assist the public with their informed choices but with social responsibility. (Fla. Stat. § 491.002)

491-003 Definitions

It mostly differentiates between uses of the different definitions in this chapter. There are about seventeen terminologies that are defined briefly in their sections. It defines just the meaning of terms and is able to differentiate during the reading paper. For example, the Clinical social worker is one practicing clinical social work. Does it talk about who is who? It helps to know the difference between the different categorizations of psychological services, which can be understood easily later on in the chapter.

491.004 Board of Clinical work, Marriage and Family therapy and Mental Health Counseling

This article defines the structure and composition of the board and the structure in which they are going to function and facilitate their service. A board will be composed of nine members appointed from the order of government and formally confirmed by the Senate. The six members should be license holders from the board and practice their field, and facilitate society with their services. Of these members, two will be clinical social workers, marriage, and family therapists, and two will have a background in mental health counselors. The three members will be citizens of the states but have no link with any of the fields and will function as per the purpose. In this article, their term for service has also been highlighted in which three members will be serving for two years, 3 for three years, and the other will be appointed for four years of tenure. The board is responsible for maintaining the official headquarters in Tallahassee. They are also applied to the provision of Chapter 456 and shall adopt the rules of 120.536 and 120.54 to enforce the provision.

491.005 intern registration; Requirements

It defines the facilitation of intern registration to pursue their learning in the practical field which is a unique opportunity for a fresh graduate to learn in a good environment. There are 7 sections with clauses also mentioned in it. In point what defines the status of the license pursuer is that they should be fresh graduates, they will need to practice infield properly. Point two defines the process of registration. In this, they have to identify a supervisor and have to submit their detail. Point 4 says that if anyone fails to do it, they will not be provided with a license under this chapter under different article provisions. Point 5 tells the validity of the license which is five years and point 6 talks about the

expiration process and terms and conditions to be implied on the subject. (Fla. Stat. § 491.0045)

491.0046 Provisional License Requirements

It talks about the person applying for licensure and eligibility with the brief criteria with having 4 section and their clauses. Point 1 highlights the eligible person applying for it in which it says a person should fulfill 491.005 with the endorsement of 491.006 in the term to provide services and they also need experience certification. Point 2 brief about the criteria which is might be close to the process of intern registration, in clause C of point 2 defines different categories of appliance procedures in looking to the academic side with theories and techniques. Point 3 explains that a person should have worked with a licensed mental health professional, which is already defined by the board. The license tenure is given, and it ends two years after the issue date, which also cannot be applied for reissue.

491.0057 Dual Licensure as marriage and family therapist

It defines the eligibility of a person who can have a dual license as a family therapist and marriage counselor and which they can apply it under the three sections that are demonstrated in the article. In section, one defines the validity of it in terms of the active license as a clinical social worker under chapter 490 and also having certification under 464.012 if the applicant is performing as a nurse practitioner and registered with the board of nursing in terms of psychiatric mental health. Point 2 states that the validity of the license should be equivalent to at least three years. In point 3 applicants are to pass the department examination which is conducted according to their schedules for marriage and family therapy.

491.006 licensure or certification by the endorsement

This article explains the licensure endorsement and certification in that context. Section 1 says that whoever applies to the department to remit the fees mentioned can be facilitated if they have some eligibility that is shared in the clauses of Article 1. Clause A demonstrates the manner designated through board rules and rules that govern the board, and clause B talks about the license and its validity terms, in which they have a three-year appliance work license in another state. Article 2 briefs educational criteria are meeting in it and meets the chapter professional mentioned terms. Article 3 talks about the licensing examination and Article 4 extension 2 briefed that no one is eligible to endorse with certification or license if they are going through any trial in their jurisdiction till the investigation gets completed at which 491.009 gets applied.

491.0065 Requirement for instruction on HIV and AIDS

In this article under this chapter, it requires license applicants to have course certification on immunodeficiency course or if they haven't done or are pending; they should come up with the affidavit. Under this, they will be provided with a tenure of 6 months to complete requirements. If they fail, they will not be facilitated with a license from the board.

491.007 Renewal of license, registration, or certificate

In this, the full procedure is shared, and concerns are provided if someone goes for the renewal of their extension with the board in terms of registration, certificate, or license. In Article 1 it says \$250 is the permanent fee for renewal and should be exceeded anyway. Section 2 defines terms that had to be fulfilled the requirement for applying to the renewal of license in which 25 classrooms of education should be per year while in this social worker subject is exempted from it for the first certificate renewal. Section 3 demonstrates the intern license renewal which says that it should not exceed more than \$100.

491.008 Inactive status, reactivation of a license, and fees.

In this article, two sections describe the license status and renewal if they are not provided. Article 1 gives the place an option of giving submission of a \$50 fee for activating the inactive licensure. In section 1 clause brief if the person wants to reactivate the license, have to submit a proceeding application to fulfill all the requirements of education, and background while paying \$50 reactivation fees. Section 2 allows the board to define rules and regulations regarding license inactive or reactivation issues.

491.0085 Continuing education and laws and rules courses; approval of providers, programs, and courses; proof of completion

In this article, there is a brief talk and an opportunity to discuss the rules for continuing education and the rules of law to proceed. Section 1 bound the licensure to get approval from the board before moving to take up the course or program or continuing education. Section 2 gives a free hand to the board to set a fee not exceeding \$200 for an applicant with a quality assurance trust fund to the board. Section 3 binds the person who is going to pursue continuing education or any long-term or short-term certification to submit the proof in the time given to them by the department of the board. Section 4 is bound to follow all guidelines in continuing or pursuing an education to prove completion under the provision given in this chapter. (Fla. Stat. § 491.0085)

491.009 Discipline

It is mandatory to be regulated because if you are found against in terms any illegal defined term under this article will lead you to the cancellation and termination of your license and recognition from the board. In section one about 22 clauses have been shared in which it is clearly mentioned to avoid making frauds, engaging non-recognized persons in the activity, misleading advertisement, failing to perform under this chapter's provisions, filing duplicate or false records which mislead the board, sexual misconduct pursued under 491.0111, soliciting patients and many other degrees and dimensions been brief which could lead to their license cancellation. The violation of chapter 456 comes under thou in section 1. Article 2 provides provisions to the board if they apply a penalty and renew the license by implementing some terms and conditions. (Fla. Stat. § 491.009; Fla. Admin. Code r. 64B4-5.001)

491.0111 Sexual misconduct

Sexual misconduct by any licensure person under this chapter will be defined under the rule while strictly prohibited in practice or profession.

491.0112 Sexual misconduct by a psychotherapist; Penalties

In sections 1 and two, brief on the conductor either with a client or in a professional relationship will be punished under 775.082, and 775.083 whoever performs a third-degree action while a person performs secondary will be punished under 775.082. In this, the defined terms are mentioned to clarify the person who commits will face section 1 or 2 under this article frame.

491.012 Violation, Penalty, and Injunction

Section 1 clarifies all with the mentioning of absolute terms, and whoever violates them will be treated under this chapter provision. Article 2 clarifies the point of using different terms elaborated on in this chapter to be used for violating and harming another person physically or verbally. It gives all open power to the board to take action against the person in terms of a judicial proceeding for violating this chapter's misconduct provision.

491.014 Exemptions

In this, it defines that the board cannot limit the practice of physicians in section 1, while section 2 allows the religious counselor to carry out their practices in their streams under which no one required a license. Some of them like students are allowed to work with think tanks and research institutes if they are hired solely by the open agency. Also in Non- Profit organizations, they are

allowed to work. The exemption according to section 7 does not apply to the board license holder, and article 8 briefs out all the terms to be fulfilled, and the license people are not exempted.

490.0141 Practice of Hypnosis

It is crucial and facing bans in many countries while this article defines it, it defines the eligibility of a person who can do it. It is not valid to do this till there is no other option left for the therapist to control the mind of the other and to shift their destabilized condition.

491.0143 Practice of sex therapy

This article defines who can define themselves as a sex therapist, and that person needs to meet the demand of the board under chapter provision with establishing qualification, in which board referring is important with criteria of diagnosis and patient facilitation.

491.0144 The practice of juvenile sexual offender therapy

This article defines that the provision of treating sexual offenders should be clear under the board criteria, and the chapter provision should meet all kinds of qualifications provided in 490.0145. The board has an open hand to determine the qualification while they are bound to follow all the booklets and handbooks given by the board for treating the patient.

491.0145 Certified master social worker

The department has the authority of certificating a person with a master's of social work under this article we are defined by the conditions which are based on six sections. Section one it explains the fee procedure and determines the amount not exceeding \$250, and they are bound to take the board exam within 60 days according to schedule. Section 2 prescribes the documentation that had to be submitted regarding qualification and their practical work with different kinds of social service organizations written with their objective names in the section. Section 3 determines the experience tenure of the applicant; section 4 allows a person having a degree and experience out of the United States to apply for it and sections 4,5 and 6 describe the details of the other articles.

491.0184 Record

This article binds all the licensure to keep records of their clients and patients according to the structure of the boards and shall be maintained perpetually and periodically.

491.016 Social work; use of the title

In this article, there is a brief explanation of the social worker dimension and their boundaries with regard to their practices and where they can use the title. About 4 sections in this article brief for it. It talks about the education of social workers and their equivalencies.

491.0149 Display of license, use of professional title on the promotion material

The article bound practitioners to display their certification and license in the premises where they work or deal with the client. Their abbreviations define what they can use for their promotions, display of publicity material, and contact material.

64B4

64B4-1 Organization

64B4 article 1 briefly talks about the organization under which it has 3 more sections that define the working and behavior of the board. Under 64B4.007, other businesses involving the board, in which meeting criteria and different title schedules of meetings are discussed under 456.011 section, also brief about the legislative development and attendance criteria's internal or during an event. 64B4-1.0075 talks about board attendance meetings, which also bound members under the rule to attend meetings compulsory while conditions have been shared in which they can leave the meeting. 64B4-1.015 Public Comment defines if public people comment criteria and when they have to say something, and while if they are invited in the public comment, they can speak but dimensionless their subject and do not make any favoritism in this concern.

64B4-9 Client records

In this article section 64B4-9.001 clears out the requirement for clinical records for all licensure to any field, in it, all are bound to maintain data of 7 years, and to up that file, they have to make the last call to the client. If someone stops their service in their field they should inform the board so they can put an advertisement in the newspaper and inform people. However, they have to retain the record for 2 years, which they have practiced, and the patients they consulted after they can hand it over to the board or forward it if they have chosen their doctor. If termination is due to death after 4 weeks of the death, the license record will be disposed of. 64B4-9.002 defines the different terms that are been used in the first clause. (Fla. Admin. Code rr. 64B4-9.001-.002)

Conclusion

The Florida Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling is practicing properly also giving an excellent opportunity to the students to avail themselves as an intern in legal form. There is a need to develop their social work side which is looking a bit ignored and had to make strict legislation regarding them.

References

Florida Administrative Code, Division 64B4 (Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling). <https://flrules.org/gateway/division.asp?DivID=327>

Florida Administrative Code Rule 64B4-5.001 (Disciplinary Guidelines).
<https://flrules.org/gateway/ruleno.asp?id=64B4-5.001>

Florida Administrative Code Rules 64B4-9.001-.002 (Client Records).
<https://flrules.org/gateway/ChapterHome.asp?Chapter=64B4-9>

Florida Statutes, Chapter 491 (Clinical, Counseling, and Psychotherapy Services).
https://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0491/0491.html