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Final Order No. DOH-01-0192- DS.MQA  
FILED DATE - 2/21/01  
Department of Health  
By: Vicki R. Kenan  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF PSYCHOLOGY

IN RE: THE PETITION FOR DECLARATORY STATEMENT OF  
VERA JOFFE, Ph.D.

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FINAL ORDER

THIS MATTER came before the Board of Psychology ("Board") pursuant to Section 120.565, Florida Statutes, at a duly-noticed public meeting held on December 1, 2000, in Tallahassee, Florida, for the purpose of considering the Petition for Declaratory Statement filed by Vera Joffe, Ph.D. ("Petitioner"). Having considered the petition, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. Petitioner is in private practice of psychology and wishes to clarify the use of an assistant who has a Master of Arts degree in psychology and is pursuing doctoral studies in that field.

2. Petitioner wishes to have the assistant teach and lead a parent education class and a social skills training course, both of which would be psychoeducational in nature.

3. The parent education class would include three to six sets of parents in four group sessions lasting ninety minutes each. The sessions would be held on the Petitioner's premises and would be supervised by the Petitioner, although the Petitioner would not be physically present at the group sessions.

4. The social skills training course would include four to six children in six group sessions lasting sixty minutes each. The sessions would be held on the Petitioner's

premises and would be supervised by the Petitioner, although the Petitioner would not be physically present at the group sessions.

### CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes.

2. The Board approves the Petitioner's proposed courses as outlined in the Petition for Declaratory Statement.

3. However, in order to protect the health, safety, and welfare of the persons attending the sessions outlined in the Petition for Declaratory Statement, the Board imposes the following restrictions on Petitioner:

a. The assistant must be identified as "assistant to licensed psychologist."

b. The assistant must be a salaried employee of the Petitioner.

c. The courses must be conducted as they are outlined in the Petition for Declaratory Statement.

d. The assistant must inform those attending the sessions that she is a student, and not a licensed psychologist.

e. The Petitioner must remain on the premises at all times.

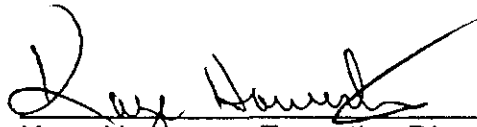
f. Complex questions presented to the assistant by those attending the sessions must be referred to the Petitioner. If issues requiring clinical decision arise during the sessions, the assistant may not provide a response to those issues, but must refer them to the Petitioner.

4. This Order constitutes final agency action and may be appealed by any party

pursuant to Section 120.68, Florida Statutes, and Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, by filing a notice of appeal conforming to the requirements of Rule 9.110(d), Florida Rules of Appellate Procedure, both with the appropriate District Court of Appeal, accompanied by the appropriate filing fee, and with the department's clerk of agency proceedings, within thirty (30) days of rendition of this Order.

DONE AND ORDERED this 4 day of February, 2001.

BOARD OF PSYCHOLOGY



Kaye Howerton, Executive Director  
for Herbert Goldstein, Ph.D., Chair

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. Mail to Robert H. Woody, Esquire, P.O. Box 34880, Omaha, Nebraska 68134-0880; and by interoffice mail to Susan B. Bodell, Assistant Attorney General, Administrative Law Section, PL-01 The Capitol, Tallahassee, Florida 32399-1050, this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

**AMENDED CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S.Mail to Vera Joffe, Ph.D., 12707 NW 21st Place, Coral Springs, FL 33071-7755, Robert H. Woody, Esq., PO Box 34880, Omaha, Nebraska 68134-0880, and by interoffice mail to Susan B. Bodell, Assistant Attorney General, Administrative Law Section, PL-01 The Capitol, Tallahassee, FL 32399-1050, this 21<sup>st</sup> day of February, 2001.

Sanja L. Wright

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STATE OF FLORIDA  
BOARD OF PSYCHOLOGY

IN RE:

The Petition for Declaratory Statement of:

VERA JOFFE, PH. D.

PETITION FOR DECLARATORY STATEMENT

The Petitioner, Vera Joffe, Ph. D., by and through her undersigned attorney, and pursuant to Section 120.565, Florida Statutes (1999) and Chapter 28-105, Florida Administrative Code, hereby files her Petition for Declaratory Statement, and says as follows:

- (a) Name of Petitioner: Vera Joffe, Ph. D., Licensed Psychologist
- (b) Address of Petitioner: c/o Robert Henley Woody, Attorney at Law (Florida Bar No. 0342580), Post Office Box 34880, Omaha, Nebraska 68134-0880, Telephone Number (402) 496-1303, Facsimile Number (402) 496-1002.
- (c) Name of Agency: Board of Psychology
- (d) Agency rule, order, or statutory provision on which declaratory statement is sought: Florida Statute 490.012 (6).

(e) Description of how this rule, order, or statute may or does affect Petitioner in her particular set of circumstances only: The Petitioner is a psychologist licensed pursuant to F.S. Chapter 490. The Petitioner is in private practice of psychology and wishes to clarify the use of an assistant, who has a Master of Arts degree in psychology from Nova Southeastern University, and is pursuing doctoral studies in psychology at Nova

Southeastern University. At present, he is restricted to administering psychological tests as an assistant to the Petitioner, and when she is on the premises.

### QUESTIONS PRESENTED

The Petitioner requests an opinion from the Board of Psychology about the propriety of using an assistant for the following purpose of leading a Parent Education Class and a Social Skills Training Course, of which both would be didactic (psychoeducational) in nature under the auspices of the Petitioner's practice of psychology.

- (1) Would an assistant pursuing a doctoral degree in psychology be allowed to teach and lead a Parent Education Class which would deal with the book, The Defiant Child, by Russell A. Barkley? There would be three to six couples in four group sessions of ninety (90) minutes duration; the sessions would be held on the Petitioner's premises and supervised by the Petitioner (the Petitioner would not, however, be in the sessions per se).
  
- (2) Would an assistant pursuing a doctoral degree in psychology be allowed to teach and lead a Social Skills Training course which would deal with the book, Asberger's Syndrome, by Tony Attwood? There would be four to six children in six (6) sessions of sixty (60) minutes duration; the sessions would be held on the Petitioner's premises and supervised by the Petitioner (the Petitioner would not, however, be in the sessions per se).

### APPLICABLE LAW

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The answers to the above questions, which are derived from the Petitioner's use of an unlicensed assistant (thus far, only to assist in administering psychological tests), are compatible with Florida Statute 490.012 (6), as well as any other Statutes or rules known to the Board of Psychology.

REQUEST FOR RELIEF

WHEREFORE, Petitioner, VERA JOFFE, Ph. D., respectfully requests that this agency enter a declaratory statement: defining and delineating the propriety of the Petitioner's proposed use of an unlicensed assistant for teaching and leading didactic (psychoeducational) groups relevant to books on defiant children and the Asberger's Syndrome, under the supervision of a licensed psychologist.

Dated this 14 day of November, 2001

Respectfully submitted.

*[Signature]*  
VERA JOFFE, Ph. D.

*Sworn and subscribed before me this day  
Vera Joffe being personally known.*

*Arlene D. Rosner*

ARLENE D. ROSNER  
Notary Public - State of Florida  
My Commission Expires Oct 12, 2001  
Commission # CC660573

Prepared and Approved for Form by:

*Robert Henley Woody*  
Attorney for the Petitioner  
Robert Henley Woody  
Florida Attorney No. 0342580  
Post Office Box 34880