

**STATE OF FLORIDA
BOARD OF PSYCHOLOGY**

By: Valeria Wellman
Deputy Agency Clerk

**IN RE: THE PETITION FOR DECLARATORY STATEMENT OF
BRUCE BORKOSKY, Psy.D.**

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 June 20, 2003, in Tallahassee, Florida, for the purpose of considering the Petition for Declaratory Statement filed by Bruce Borkosky Psy.D. ("Petitioner"), on May 19, 2003. Having considered the petition, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. Petitioner is in the private practice of psychology, and supervises an employee in a psychology doctoral program approved by the American Psychological Association (APA).
2. Petitioner seeks a declaratory statement regarding Rules 64B19-18.004(4) and (5), F.A.C., regarding use of test instruments.
3. Petitioner asks: Since this person is a doctoral student in an APA approved program, does she qualify as a "trainee in a doctoral psychology program approved by the American Psychological Association" under rule 64B19-18.004(4)?
4. Petitioner asks: Since this person is a doctoral student in an APA approved program, would she be able to co-sign the report, since I will be "signing as a supervisor in conjunction with an evaluation or assessment performed by a psychological intern, psychological trainee or psychological resident"?

5. Petitioner asks: Would it be a violation of rule 64B19-18.004 for a psychologist who is not affiliated with the “trainee”s doctoral program to perform evaluations in which the supervisee performs the testing, and the supervising psychologist does not actually see the client face-to-face (rather, the psychologist supervises the “trainee” and takes responsibility for the quality of the evaluations and subsequent reports)?

6. Petitioner asks: Would it be a violation of rule 64B19-18.004 for a psychologist-employee of the trainee’s doctoral program to perform evaluations in which the supervisee performs the testing and the supervising psychologist does not actually see the client face-to-face (as a formal part of the doctoral program)?

7. Petitioner asks: Would it be a violation of rule 64B19-18.004 for a psychologist-employee of the trainee’s doctoral program to perform evaluations in which the supervisee performs the testing, and the supervising psychologist does not actually see the client face-to-face (in which the supervisor performs the supervisory functions outside of the doctoral program, as a for-profit venture)?

CONCLUSIONS OF LAW

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

9. Rule 64B19-18.004(4), Florida Administrative Code, provides that a psychologist who uses test instruments in the practice of psychology must meet with the test subject face-to-face in a clinical setting unless the psychologist has delegated the work to a psychological intern, psychological trainee or psychological resident in a doctoral psychology program approved by the American Psychological Association.

10. In response to the Question in Paragraph 3 above, the Board answers in the affirmative and finds that as a doctoral student in an APA approved program, the doctoral student would qualify as a “trainee in a doctoral psychology program approved by the American Psychological Association” under rule 64B19-18.004(4).

11. In response to the Question in Paragraph 4 above, the Board answers in the affirmative and finds that as a doctoral student in an APA approved program, the doctoral student is qualified to co-sign the report if Petitioner is signing as a supervisor in conjunction with an evaluation or assessment performed by the psychological intern, psychological trainee or psychological resident.”

12. In response to the Question in Paragraph 5 above, the Board answers in the affirmative and finds that it would be a violation of rule 64B19-18.004 for a psychologist who is not affiliated with the trainee’s doctoral program to perform evaluations in which the supervisee performs the testing, and the supervising psychologist does not actually see the client face-to-face (rather, the psychologist supervises the “trainee” and takes responsibility for the quality of the evaluations and subsequent reports).

13. In response to the Question in Paragraph 6 above, the Board finds it cannot respond to the question as it fails to provide sufficient information to properly respond. Further, the Board finds the question lacks sufficient clarity so that the Board can completely understand the full nature of the inquiry.

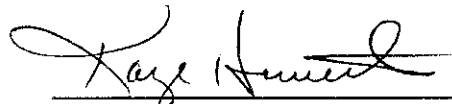
14. In response to the Question in Paragraph 7 above, the Board answers in the affirmative and finds it would be a violation of rule 64B19-18.004 for a psychologist-employee of the trainee’s doctoral program to perform evaluations in which the

supervisee performs the testing, and the supervising psychologist does not actually see the client face-to-face (in which the supervisor performs the supervisory functions outside of the doctoral program, as a for-profit venture).

15. 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 17 day of July, 2003.

BOARD OF PSYCHOLOGY



Kaye Howerton, Executive Director
for Katurah Jenkins-Hall, 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 Bruce Borkosky Psy.D., P.O. Box 3810, Sebring, Florida 33871; and by interoffice mail to Paul J. Martin, Senior Assistant Attorney General, Administrative Law Section, PL-01, The Capitol, Tallahassee, Florida 32399-1050, this 18 day of

July, 2003.

Sharon Byler

DATE: 4/24/03

TO: Board of Psychology

FROM: Bruce Borkosky, Psy.D., P.A.

I am requesting a declaratory statement regarding rule 64B19-18.004 Use of Test Instruments, item (4) and (5).

In these rules, it states that "the psychologist must meet with the test subject face-to-face in a clinical setting unless the psychologist has delegated the work to a psychological intern, psychological trainee or psychological resident in a doctoral psychology program approved by the American Psychological Association." Emphasis added

Rule (5) states that "it shall be a violation of this rule for a psychologist to sign any evaluation or assessment unless the psychologist has had an active role in the evaluation or assessment of the subject as required by subsection (4) of this rule. A psychologist may not sign any evaluation or assessment that is signed by any other person unless the psychologist is signing as a supervisor in conjunction with an evaluation or assessment performed by a psychological intern, psychological trainee or psychological resident." Emphasis added

I have an employee who is currently matriculated in a psychology doctoral program (approved by the American Psychological Association). She is also a licensed mental health counselor. I provide direct oversight and informal supervision for her in her current capacity as an employee of mine. She would like to perform psychological testing and assessment at an offsite location, would like me to perform formal supervision and to sign off on the evaluation. I would not be having any face-to-face contact with the client, although I would be directly supervising her testing procedures, scores, providing the interpretation of such scores and the final report.

My questions:

1. Since this person is a doctoral student in an APA approved program, does she qualify as a "trainee in a doctoral psychology program approved by the American Psychological Association" under rule 64B19-18.004 Use of Test Instruments, item (4)?
2. If the answer is no to question #1, is it required that the supervisor of the trainee also be formally associated with the doctoral program and the supervisory relationship exist as part of that program?

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3. Since this person is a doctoral student in an APA approved program, would she be able to co-sign the report, since I will be "signing as a supervisor in conjunction with an evaluation or assessment performed by a psychological intern, psychological trainee or psychological resident"?

4. If the answer is no to question #3, is it required that the supervisor of the trainee also be formally associated with the doctoral program and the supervisory relationship exist as part of that program?

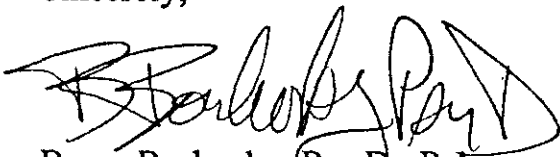
5. Would it be a violation of rule 64B19-18.004 for a psychologist who is not affiliated with the 'trainee's doctoral program to perform evaluations in which the supervisee performs the testing, and the supervising psychologist does not actually see the client face-to-face (rather, the psychologist supervises the 'trainee' and takes responsibility for the quality of the evaluations and subsequent reports)?

6. Would it be a violation of rule 64B19-18.004 for a psychologist-employee of the trainee's doctoral program to perform evaluations in which the supervisee performs the testing, and the supervising psychologist does not actually see the client face-to-face (as a formal part of the doctoral program)?

7. Would it be a violation of rule 64B19-18.004 for a psychologist-employee of the trainee's doctoral program to perform evaluations in which the supervisee performs the testing, and the supervising psychologist does not actually see the client face-to-face (in which the supervisor performs the supervisory functions outside of the doctoral program, as a for-profit venture)?

Thank you for taking the time to consider my questions.

Sincerely,



Bruce Borkosky, Psy.D., P.A.

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