


STATE OF FLORIDA  
BOARD OF PSYCHOLOGY

Final Order No. DOH-00-1256- DS-MQA  
FILED DATE - 7/25/00  
Department of Health  
By:   
Deputy Agency Clerk

IN RE:

Lisa G. Bridgewater, Ph.D., P.A.  
Laura C. Hohnecker, Ph.D., P.A. and  
Carol A. Wartenberg, Ph.D., P.A.

**Petition for Declaratory Statement**

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**FINAL ORDER**

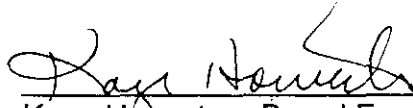
On or about May 4, 2000, Petitioners Bridgewater, Hohnecker, and Wartenberg filed a Petition for Declaratory Statement, attached hereto as Exhibit A, with the Board of Psychology (Board), under section 120.565, Florida Statutes, and chapter 28-105 of the Florida Administrative Code Rules. The Petition requested an interpretation with respect to section 490.003(4), Florida Statutes, and Florida Administrative Code Rule 64B19-18.005.

This matter came before the Board to be heard at a duly-noticed public meeting on June 30, 2000, in Tampa, Florida. Petitioners were not present at the hearing, but were represented by counsel.

The Board determined that the Petition for the issuance of a declaratory statement should be Denied. The Petition was found to be too general and lacked sufficient specific information with regard to how the suggested internet-based career exploration service delivery would actually work with respect to the interests of the Petitioners. At the same time, however, the Board recognized that the Petition raises policy issues of general applicability that may need to be addressed by the Board.

WHEREFORE, the Board voted to DENY the Petition for Declaratory Statement.

DONE AND ORDERED this 18 day of July, 2000.



Kaye Howerton, Board Executive Director for  
the BOARD OF PSYCHOLOGY

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

A party who is adversely affected by this final order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a notice of appeal with the agency clerk of the Department of Health and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Appellate District where the party resides. The notice of appeal must be filed within thirty (30) days of rendition of the order to be reviewed.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by certified mail to Robert Henley Woody, Attorney for Petitioners, Post Office Box 34880, Omaha, Nebraska, 68134-0880, and by interoffice mail to Donna Erlich, Assistant Attorney General, Office of the Attorney General, Administrative Law Section, PL-01 The Capitol, Tallahassee, Florida 32399-1050, this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

AMENDED CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Lisa Bridgewater, Ph.D., P.A., 7501 N.W. 4th Street, Suite 202, Plantation, FL 33317, Laura C. Hohnecker, Ph.D., P.A., 7501 N.W. 4th Street, Suite 202, Plantation, FL 33317, Carol A. Wartenberg, Ph.D., P.A., 7501 N.W. 4th Street, Suite 202, Plantation, FL 33317, Robert Henley Woody, Attorney for Petitioners, Post Office Box 34880, Omaha, Nebraska 68134-0880 and interoffice delivery to Donna Erlich, Assistant Attorney General, Office of the Attorney General, Administrative Law Section, PL-01 The Capitol, Tallahassee, Florida 32399-1050 at or before 5:00 p.m., this 25<sup>th</sup> day of July, 2000.

Connie Singletary

**STATE OF FLORIDA  
BOARD OF PSYCHOLOGY**

IN RE:

The Petition for Declaratory Statement of:

LISA G. BRIDGEWATER, PH. D., P.A.,

LAURA C. HOHNECKER, PH.D., P.A. and

CAROL A. WARTENBERG, PH.D., P.A.

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**PETITION FOR DECLARATORY STATEMENT**

The Petitioners, Lisa G. Bridgewater, Ph.D., P.A., Laura C. Hohnecker, Ph.D., P.A., and Carol A. Wartenberg, Ph.D., P.A., by and through their undersigned attorney, and pursuant to Section 120.565, Florida Statutes (1999) and Chapter 28-105, Florida Administrative Code, hereby files their Petition for Declaratory Statement, and says as follows:

- (a) Name of Petitioners: Lisa G. Bridgewater, Ph. D., P.A., Laura C. Hohnecker, Ph. D., P.A., and Carol A. Wartenberg, Ph. D., P.A.
- (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 490.003 (4) and F.A.C. 64B19-18.004.

(d) Agency rule, order, or statutory provision on which declaratory statement is sought: Florida Statute 490.003 (4) and F.A.C. 64B19-18.004.

(e) Description of how this rule, order, or statute may or does affect Petitioners in their particular set of circumstances only: The Petitioners are psychologists licensed pursuant to F.S. Chapter 490. The Petitioners are in private practice and wish to implement internet-based career exploration services through use of the world wide web.

The Petitioners are three psychologist members (owners of Psychological Alliance, PL) propose to provide internet-based career exploration services to individuals' considering career changes. The context is considered to be nonclinical. The professional service would be provided under the umbrella of another corporation whose name, at present, is undecided; some of the shares of the corporation might be owned by persons who are not licensed mental health professionals.

The name for the corporation would not include any term such as counseling, psychology, therapy, etc. All promotional or descriptive materials provided to the public, including each client, would avoid use of any terms that suggested that the services were clinical in nature.

To receive professional services from a licensed psychologist, an individual (hereafter referred to as client) would log on a web site, where a complete description of the services, fees, and qualifications of the licensed psychologists would be posted. Upon partial payment by credit card, the client would receive a booklet (see attached) to complete, which would be designed to help assess the client's work-related strengths and weaknesses.

The client may choose to complete the booklet and use the results as a self-directed career exploration. Should the individual want further information, he or she may complete both the booklet and two standardized vocational assessment instruments (The Self-Directed Search and the Wonderlic Basic Skills Test). The remainder of the fee would be charged upon receipt of these materials.

Based on the aforementioned information and data sources, the psychologist would prepare a personalized report describing the individual's apparent career strengths and weaknesses. Also included in the report would be a listing of other web sites from which the client might find helpful for furthering his or her career planning and efforts.

The following procedures will be in place to protect clients from harm:

- 1) All data will be sent encrypted.
- 2) No links to commercial web sites will be provided.
- 3) Fees and payment options will be clearly written and explained prior to any material being sent to the client.
- 4) All reports will be written by a qualified licensed psychologist.
- 5) Written assessments will use appropriate and currently accepted standards and guidelines for interpretations.
- 6) The psychologist who writes the report will provide each client an opportunity for clarification of information by telephone or e-mail; there will be no face-to-face contact.
- 7) E-mail sent by a client to a psychologist will be promptly read and a substantive response will be sent in a timely manner.
- 8) All written materials will be safeguarded, stored, and preserved in a manner consistent with Florida laws and rules, as well as ethical standards and guidelines provided by the American Psychological Association.
- 9) All electronic files will be maintained in a secure manner. Daily "backups" will be done.
- 10) Information shall be on secured backup tapes, and only licensed psychologists (or supervised assistants) will have access to computer hardware and stored information and data.
- 11) A business partner, who is not a licensed mental health professional, will provide marketing and expertise relevant to use of the internet and world wide web.

- 12) The Petitioners herein will approve all promotional or other materials describing professional services, fees, etc., prior to posting on the world wide web.
- 13) Any shareholder who is not a licensed mental health professional shall not have access to confidential information, unless it is on a "need to know" basis and under the supervision of a licensed psychologist.

The present language of Florida Statute 490 (4) and F.A.C. 64B19-18.004 does not specify or delineate conditions of service that are required or prohibited for internet-based career exploration services via the world wide web.

### QUESTIONS PRESENTED

- (1) Would it be appropriate for a licensed psychologist to provide internet-based career exploration services via the world wide web?
- (2) Are the conditions for providing services set forth in this Petition consonant with all Florida statutes and rules, including (but not limited to) Florida Statute 490.003 (4) and F.A.C. 64B19-18.004?
- (3) If inappropriate, how would the practice of psychology and the public benefit by limiting the provision of provide internet-based career exploration services via the world wide web?
- (4) Since the internet-based career exploration services are considered to be provided in a nonclinical context but involve assessment, relying on the booklet and two standardized vocational assessment instruments (The Self-Directed Search and the Wonderlic Basic Skills Test), is a face-to-face meeting between the licensed psychologist and the client necessary?

### APPLICABLE LAW


The Petitioners respectfully requests that the Board of Psychology determine the propriety of the Petitioners' providing internet-based career exploration services via the world wide web are compatible with Florida Statute 490.003 (4) and F.A.C. 64B19-18.004, as well as any other Statutes or rules known to the Board of Psychology.

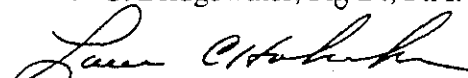
### REQUEST FOR RELIEF


WHEREFORE, Petitioners, LISA G. BRIDGEWATER, PH. D., P.A., LAURA C. HOHNECKER, PH. D., P.A., and CAROL A. WARTENBERG, PH. D., P.A., respectfully request that this agency enter a declaratory statement: defining and delineating the propriety propriety of the Petitioners' providing internet-based career exploration services via the world wide web.

Dated this 4<sup>th</sup> day of May, 2000

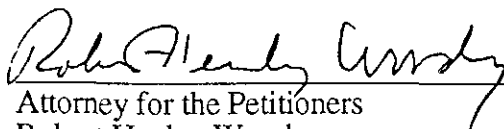
Respectfully submitted,

  
 Lisa G. Bridgewater, Ph. D., P.A.

  
 Laura C. Hohnecker, Ph. D., P.A.

  
 Carol A. Wartenberg, Ph. D., P.A.

Prepared and Approved for Form by:



Attorney for the Petitioners  
 Robert Henley Woody  
 Florida Attorney No. 0342580  
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 Omaha, Nebraska 68134-0880  
 (402) 496-1303