

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

vs.

CASE NUMBER: 99-59159

MICHAEL HERSHORN,

RESPONDENT.

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ADMINISTRATIVE COMPLAINT

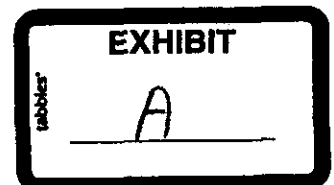
COMES NOW, the Petitioner, Department of Health, hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Psychology against MICHAEL HERSHORN, hereinafter referred to as "Respondent", and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of Psychology pursuant to Section 20.43, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 490, Florida Statutes. Pursuant to the authority of Section 20.43(3)(g), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards as appropriate including the issuance of emergency orders of suspension or restriction.

2. Respondent is, and has been at all time material hereto, a licensed Psychologist in the State of Florida, having been issued license number PY 3824.

3. Respondent's last known address is 7301 North University Drive, Suite 302, Tamarac, Florida 33321-2936.

4. On or about August 13, 1999, Respondent was court appointed to conduct a psychological evaluation of F.C. for a child custody evaluation.



5. However, it was the Respondent's assistant who conducted the evaluation while the Respondent supervised, observed F.C. and wrote the report.

6. The Respondent failed to indicate in his report that anyone other than himself conducted the evaluation.

7. Therefore, based on the foregoing, Respondent has violated Section 490.009(2)(h) Florida Statutes, through a violation of Rule 64B19-18.004(2)(d), Florida Administrative Code for failing to specify in the report the name of each person who assisted in the administration of the test.

WHEREFORE, Petitioner respectfully requests that the Board of Psychology enter an order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 20th day of June, 2000.

Robert G. Brooks, M.D.  
Secretary, Department of Health

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK [Signature]  
DATE 6/21/00

By: [Signature]  
Nancy Snurkowski, Chief Attorney  
On Behalf of Agency for Health  
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PCP: Rivas-Vazquez, Schwartz

DATE: April 25, 2000

STATE OF FLORIDA  
BOARD OF PSYCHOLOGY

DEPARTMENT OF HEALTH,  
BOARD OF PSYCHOLOGY,

Petitioner,

vs.

CASE NO.: 99-591591  
LICENSE NO.: PY 0003824

MICHAEL HERSHORN,

Respondent.

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FINAL ORDER

THIS MATTER came before the Board of Psychology (hereinafter "the Board") on the request of the Respondent, MICHAEL HERSHORN (hereinafter "the Respondent") for a hearing not involving disputed issues of material fact, pursuant to Section 120.57(2), Florida Statutes, at a duly-noticed public meeting of the Board on June 1, 2001, in Tampa, Florida. The Department of Health (hereinafter "the Department") filed an Administrative Complaint against the Respondent on June 21, 2000. The Department was represented at the hearing by Mary Denise O'Brien, Esquire. Respondent was present at the hearing, and he was represented by Robert H. Woody, Esquire. The Board was represented by Susan B. Bodell, Assistant Attorney General.

Upon consideration of the complete record, and arguments set forth by both parties, the Board makes the following findings:

FINDINGS OF FACT

1. In its Administrative Complaint of June 21, 2000, the Department, through the Agency for Health Care Administration, alleged that on or about August 13, 1999, the

Respondent was court-appointed to conduct a psychological evaluation of F.C. for a child custody evaluation. The Respondent's assistant conducted the evaluation while the Respondent supervised, observed F.C., and wrote the report.

2. The Respondent failed to indicate in his report that anyone other than himself conducted the evaluation.

3. The judge who appointed the Respondent to conduct the psychological evaluation of F.C. requested that the Respondent list only his own name in the report.

4. The Board adopts the allegations contained in the Department's Administrative Complaint as its findings of fact, because these allegations are based upon competent, substantial evidence and are undisputed by the Respondent.

5. There is competent, substantial evidence to support the above stated facts.

#### **CONCLUSIONS OF LAW**

1. The Board has jurisdiction of this matter pursuant to the provisions of Section 120.57(2), and Chapter 490, Florida Statutes.

2. The allegations contained in the Department's June 21, 2000, Administrative Complaint constitute violations of Sections 490.009(2)(h), Florida Statutes, by violating Rule 64B19-18.004(2)(d), Florida Administrative Code, by failing to specify in the report the name of each person who assisted in the administration of the test.

3. The Board adopts the alleged violations of Section 490.009(2)(h), Florida Statutes, contained in the Department's June 21, 2000, Administrative Complaint as its conclusions of law.

4. The Board finds that the judge's instruction to the Respondent to include only his own name in the report constitutes a mitigating factor.

PENALTY

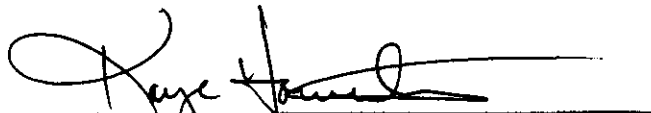
Based on the foregoing facts and conclusions of law, the following penalties shall be imposed:

1. The Respondent shall reimburse the Department's investigative and prosecution costs of one thousand, one hundred seventy-three dollars (\$1,173.00). This amount shall be paid to the Executive Director of the Board of Psychology within thirty (30) days of rendition of this Final Order.
2. The Department shall issue a Letter of Guidance to the Respondent regarding issues of conflict between psychology practice standards and court directives.
3. The license of the Respondent shall be reprimanded.
4. The Respondent shall successfully complete ten (10) hours of continuing education, within twelve (12) months of the Respondent's receipt of this Final Order, on the subjects of forensic report writing and ethical and legal issues. This shall be in addition to the continuing education required for renewal of licensure.

This Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 27 day of June, 2001.

BOARD OF PSYCHOLOGY



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