

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF PSYCHOLOGICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

vs.

CASE NO. 0060806

ROBERT K. BERNSTON,

Respondent.

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ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Psychological Examiners, against Robert K. Bernston, hereinafter referred to as "Respondent", and alleges:

1. Petitioner, Department of Professional Regulation, is the state agency charged with regulating the practice of psychology, pursuant to Section 20.30, Florida Statutes, Chapter 455, Florida Statutes, and Chapter 490, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed psychologist in the State of Florida, having been issued license number PY 0002821. Respondent's last known address is 4100 S. Hospital Drive, #201, Medical III Plaza, Plantation, Florida.

3. By Order of the Board of Psychological Examiners, dated February 21, 1985, Respondent was placed on probation for a minimum of one (1) year. Included within the terms of said probation was the requirement that the Respondent limit his practice to diagnostic and assessment cases under the supervision of Dr. Caddy. Said supervision was to include at least one hour per week of face to face consultation between Respondent and Caddy.

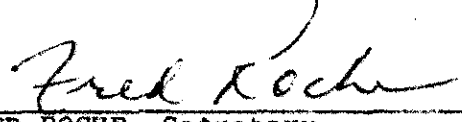
4. Respondent has failed to comply with the terms of his probation by refusing to comply with the supervision by Caddy; and by failing to engage in the face to face consultations with

Caddy, concerning therapy patients treated by Respondent.

5. Based upon the foregoing allegations, Respondent is in violation of Section 490.009(2)(u), Florida Statutes (1983), by violating a lawful order of the Department previously entered in a disciplinary hearing.

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

SIGNED this 4 day of November, 1985.

  
FRED ROCHE, Secretary  
Department of Professional Regulation

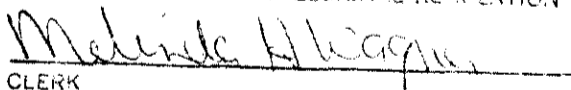
COUNSEL FOR DEPARTMENT:

Judy L. Harrelson  
Staff Attorney  
Department of Professional Regulation  
130 North Monroe Street  
Tallahassee, Florida 32301  
(904)488-0062

JLH/GB/ch  
10/10/85

FILED

DEPARTMENT OF PROFESSIONAL REGULATION

  
CLERK

DATE November 5, 1985

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF PSYCHOLOGICAL EXAMINERS  
Department of Professional Regulation  
BOARD CLERK

**FILLED**

DEPARTMENT OF PROFESSIONAL  
REGULATION,

CLERK *Janice Morgan*

DATE 5-12-86

Petitioner,

EX: Legal

vs.

CASE NO. 0060806

Board

ROBERT K. BERNSTON,

Respondent.

FINAL ORDER

Respondent, Robert K. Bernston, (hereinafter Respondent), holds license number PY 0002821 as a licensed psychologist in the State of Florida. Petitioner, Department of Professional Regulation, (hereinafter Petitioner), has filed an Administrative Complaint against Respondent on November 5, 1985, seeking revocation or suspension of Respondent's license, and any other disciplinary action against the license; the Complaint is attached to and made a part of this Order.

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The Respondent has admitted to the factual allegations of the Administrative Complaint and has requested an informal hearing pursuant to Subsection 120.57(2), Florida Statutes, (1985).

This matter came before the Board of Psychological Examiners on April 1, 1986, in Tampa, Florida, for final agency action. Respondent was duly notified of the hearing but was not present nor represented by counsel.

FINDINGS OF FAC

Based upon the admission of the factual allegations, the Board adopts as its findings of fact paragraphs 1, 2, 3 and 4 of the Administrative Complaint.

CONCLUSIONS OF LAW

Based on the Findings of Fact, the Board concludes that the Respondent has violated Subsection 490.009(2)(u), Florida Statutes, (1983).

The Board is empowered by Subsection 490.009(1), Florida Statutes, (1985), to impose a penalty against the licensee. Therefore it is ORDERED that:

1. The license of Respondent is hereby REVOKED.
2. The Respondent shall pay an administrative fine in the amount of \$1,000.00, payable in full immediately, or may make arrangements with the Board office to pay the fine in ten (10) monthly payments at \$100.00 each.
  3. Respondent may reapply for licensure with a waiver of academic credentials review and national examination, after not less than two (2) years, provided that Respondent has established to the satisfaction of the Board that:
    - (a) At no time during the period of revocation has Respondent practiced psychological evaluation or treatment except that Respondent shall complete a minimum of two (2) full years of postdoctoral experience according to all provisions of the Board's rules for such experience.
    - (b) Respondent has received psychological treatment of a type acceptable to the Board leading to an essentially complete recovery of functioning as determined by the Board. It is further required that Respondent's therapist make a personal appearance and testify before the Board as to treatment given. The Board may require that Respondent submit to a psychological evaluation or other measures as deemed necessary by the Board. Respondent shall waive privileges of confidentiality for this purpose.
    - (c) Respondent shall continue his involvement with Alcoholics Anonymous in accordance with the Board's previous Final Order dated February 21, 1985.

4. Respondent is further ordered to immediately cease holding himself out as a psychologist and return all licenses and wall certificates to the Board office at 130 North Monroe Street, Tallahassee, Florida 32301, within 10 days from the date of this Final Order.

Pursuant to Subsection 120.59, Florida Statutes, (1985), the parties are hereby notified that they may appeal this final order by filing one copy of a notice of appeal with the clerk of the agency and by filing the filing fee and one copy of a notice of appeal with the District Court of Appeal, within 30 days of the date this Order is filed.

This Order shall become effective upon filing with the clerk of the Department of Professional Regulation.

DONE and ORDERED this 12<sup>th</sup> day of May, 1986.

Paul Schauble, Chairman  
Board of Psychological  
Examiners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been sent by United States Mail to ROBERT M. CURTIS, Attorney for Respondent, Post Office Drawer 4078, Fort Lauderdale, Florida 33338 and by hand delivery to JUDY L. HARRELSON, Staff Attorney, Department of Professional Regulation, 130 North Monroe Street, Tallahassee, Florida 32301, by 5:00 p.m., this 12<sup>th</sup> day of May, 1986.

Linda Biedermann

REC'D  
MAY 13 1986  
ALCO, TAMPA