

J.S.

Final Order No. DOH-01-0101-DS-MOA
FILED DATE - 1/17/01
Department of Health
By: Vicki R. Kenon
Deputy Agency Clerk

**STATE OF FLORIDA
BOARD OF PSYCHOLOGY**

**IN RE: THE PETITION FOR DECLARATORY STATEMENT OF
BRET L. EMERY and NATALIE K. EMERY**

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 Bret L. Emery and Natalie K. Emery ("Petitioners"). Having considered the petition, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. Petitioners will complete their pre-doctoral internships and graduate from their doctoral programs in June 2001, and are making plans to complete the required 2,000 hours of post-doctoral supervised experience.
2. Petitioners ask whether they may open their own practice following the completion of their internships, if they have a licensed clinical psychologist on the premises who contracts to provide supervision and who oversees their clinical activities.
3. Petitioners further ask how many hours per week the licensed psychologist must be on site, and whether they must be considered employees of the psychologist.
4. Petitioners further ask whether their intention to run a fee-for-service practice, rather than bill insurance, affects the arrangement.
5. Petitioners further ask whether a Provisional License would permit them to begin a practice such as the one they describe.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code.

2. Section 490.005(1)(c), Florida Statutes, provides that any person desiring to be licensed as a psychologist shall submit proof satisfactory to the board that the applicant has:

Had at least 2 years or 4,000 hours of experience in the field of psychology in association with or under the supervision of a licensed psychologist meeting the academic and experience requirements of this chapter or the equivalent as determined by the board. The experience requirement may be met by work performed on or off the premises of the supervising psychologist if the off-premises work is not the independent, private practice rendering of psychological services that does not have a psychologist as a member of the group actually rendering psychological services on the premises.

3. Section 490.003(7), Florida Statutes, defines "psychologist" as a person licensed pursuant to Section 490.005(1), Section 490.006, or the provision identified as Section 490.013(2) in Section 1, Chapter 81-235, Laws of Florida.

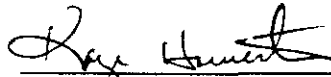
4. Section 490.0051, Florida Statutes, provides that a person holding a provisional license to practice psychology must work under the supervision of a licensed psychologist until the provisional licensee becomes fully licensed as a psychologist.

5. It is the opinion of the Board that Petitioners, as non-licensed persons, may not operate an independent private practice for the purpose of rendering psychological services. The Board considers irrelevant to this opinion the existence of a Provisional License, the number of hours per week that a licensed psychologist would be on the premises, and any billing arrangement that the Petitioners would propose to use.

6. 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 20 day of December, 2000.

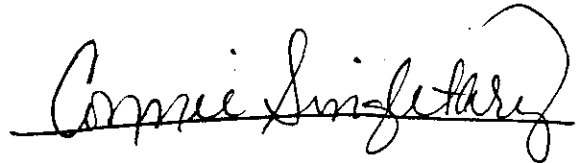
BOARD OF PSYCHOLOGY



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 Bret L. Emery and Natalie K. Emery, 4161 Sapphire Terrace, Weston, Florida 33331; and by interoffice mail to Susan B. Bodell, Assistant Attorney General, Administrative Law Section, PL-01 The Capitol, Tallahassee, Florida 32399-1050, this 17th day of January, 2000.



**Petition for Declaratory Statement Before the Florida Department of Health
Board of Psychology**

September 14, 2000

To:
Ivy Shivers
Regulatory Specialist II
Board of Psychology
Office of School Psychology
phone: (850) 245-4444 ext. 3482
fax: 414-6860

From:
Bret L. Emery, M.A. and Natalie K. Emery, M.A.
4161 Sapphire Terrace
Weston, FL 33331

- Re:
1. Section 64B19-11.005, F.A.C. – Licensure by Examination: Supervised Experience Requirements
 2. Section 64B19-11.011, F.A.C. – Provisional License; Supervision of Provisional Licensees

Dear Board Members:

We are filing this declaratory statement for the purpose of determining compliance with the requirements for post-doctoral supervised experience (section 64B19-11.005, F.A.C.).
Our situation is as follows:

We will complete our pre-doctoral internship and graduate from our doctoral programs in June 2001. Our understanding, per section 64B19-11.005, F.A.C, is that we need 2000 post-doc hours supervised by a licensed clinical psychologist. Our goal is to open a private practice following our internship. Is it possible to open our own practice following our internship if we have a licensed clinical psychologist on the premises who contracts to provide supervision and who oversees our clinical activities? How many hours per week does this licensed psychologist need to be on site? Do we have to be considered employees of this psychologist? In other words, do they have to pay us a paycheck instead of us collecting fee? We do not intend to bill insurance, rather we intend to run a fee-for-service practice. Does this affect the arrangement? Would the Provisional License allow us to start our practice in this manner (section 64B19-11.011, F.A.C.)? If not, what additional benefit does the Provisional License lend?

Thank you for your time! Any information or advice you can share with us will be very much appreciated.

Sincerely,



Bret L. Emery, M.A.


Natalie K. Emery, M.A.