

By: Vicki R. Kenon
Deputy Agency Clerk

**STATE OF FLORIDA
BOARD OF PSYCHOLOGY**

**IN RE: THE PETITION FOR DECLARATORY STATEMENT OF
BARBARA VANHORN, Ph.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 by telephone conference call on April 12, 2002, for the purpose of considering the Petition for Declaratory Statement filed by Barbara VanHorn, Ph.D. ("Petitioner"). Notice of the petition was published in the Florida Administrative Weekly at Volume 28, Number 10, on March 8, 2002. No comments by interested persons were received. Having considered the petition, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. Petitioner is employed at a college, which has agreed to the provision of clinical services to its students, and has made arrangement for such services to be offered through its student services programs.
2. Petitioner is not licensed to practice psychology in the state of Florida.
3. There is no licensed psychologist on the staff of the college that employs Petitioner.
4. Petitioner asks whether the Board would permit her to have off-premises supervision by a licensed clinical psychologist for her postdoctoral clinical experience at the college.
5. Section 490.005(1)(c), Florida Statutes, provides that an applicant for

licensure as a psychologist in Florida must demonstrate that he or she 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 Chapter 490 or the equivalent as determined by the Board. This Section further provides:

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.

6. Rule 64B19-11.005(3), Florida Administrative Code, requires each primary supervisor to perform and to certify that the primary supervisor has:

- (a) Entered into an agreement with the applicant which details the applicant's obligations and remuneration as well as the supervisor's responsibilities to the applicant;
- (b) Determined that the applicant was capable of providing competent and safe psychological service to that client;
- (c) Maintained professional responsibility for the applicant's work;
- (d) Provided two (2) hours of clinical supervision each week, one (1) hour of which was individual, face-to-face supervision;
- (e) Prevailed in all professional disagreements with the applicant;
- (f) Kept informed of all the services performed by the applicant;
- (g) Advised the Board if the supervisor has received any complaints about the psychological applicant or has any reason to suspect that the resident is less than fully ethical, professional, or qualified for licensure.

____7. The above findings of fact are based upon competent, substantial evidence.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565,

Florida Statutes.

2. The Board declines to approve the Petitioner's proposed means of obtaining supervision, for two reasons:

a. The Board has insufficient information to approve the Petitioner's proposal, and requires answers to the following questions:

(1) What is the nature of the institution that employs the Petitioner?

(2) Are there already psychological services existing at the college?

(3) Is the Petitioner responsible for establishing the program of psychological services to be offered to students?

(4) Who are the other "licensed personnel" referred to in the Petition, and what professional licenses to they hold?

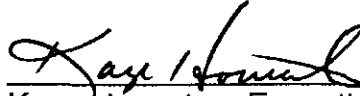
(5) Does the proposed supervisor have any affiliation with the college that employs the Petitioner?

b. The Board is concerned that the supervisory arrangement as described by the Petitioner is contrary to the intent of the prohibition against the independent private practice of psychology found in Section 490.005(1)(c).

3. 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 17th day of April, 2002.

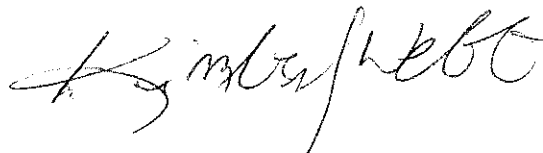
BOARD OF PSYCHOLOGY



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 Barbara VanHorn, Ph.D., 7225 Gullotti Place, Port St. Lucie, Florida 34952, this 19 day of April, 2002.



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

Petitioner: Barbara VanHorn, Ph.D.
7225 Gullotti Place
Port St. Lucie, FL 34952
Phone: 561-343-9313
Fax: 561-343-9313

64B19-11.005 F.A.C. Licensure by Examination: Supervised Experience Requirements.

(3) Supervisor's Responsibilities. The Board requires each primary supervisor to perform and to certify that the primary supervisor has:

(c) maintained professional responsibility for the applicant's work;

Clarification is requested as to the interpretation of "maintained professional responsibility for the applicant's work" when the applicant's work is performed at an institution off the premises of the supervising psychologist (but not at an independent, private practice). As an employee of the institution, the applicant is professionally responsible to her employer. What role shall the supervising psychologist play in maintaining professional responsibility?

Specifically, I am employed at a college. My employer (the college) has agreed to the provision of clinical services and made arrangement for services to be offered through their student services. However, although there are licensed personnel, there is no licensed psychologist on staff. Therefore, I am seeking off premises supervision by a licensed clinical psychologist for my postdoctoral clinical experience at the college. The question has been raised by the prospective supervisor regarding how professional responsibility shall be understood under these circumstances.



Signature of the petitioner

2-22-02

Date