

4.9

Final Order No. DOH-01-0455-^{DS}-MOA
FILED DATE - 4/6/01
Department of Health
By: Vicki R. Kenon
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF PSYCHOLOGY

IN RE: THE PETITION FOR DECLARATORY STATEMENT OF
JOHN OLIVER, 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 on March 2, 2001, in Tallahassee, Florida, for the purpose of considering the Petition for Declaratory Statement filed by John Oliver, Ph.D. ("Petitioner"). Notice of the Petition was published in the Florida Administrative Weekly on February 16, 2001, at Volume 27, Number 7. Having considered the petition, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. Petitioner asks whether a provisionally-licensed psychologist, who has completed his post-doctoral supervised experience, requires on-site supervision.
2. Petitioner further asks whether a provisionally-licensed psychologist is eligible to receive a Medicare provider number in order to see patients, with or without on-site supervision, when providing services in an "off-premises" facility.

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 490.0051, 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.

3. Section 490.005(1)(c), Florida Statutes, provides that a 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.

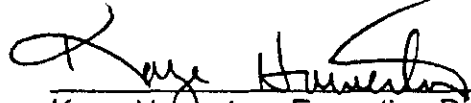
3. It is the opinion of the Board that the two statutory sections must be read *in pari materia*, and that the answer to the Petitioner's first question is that a provisionally-licensed psychologist must be supervised on-site.

4. It is the opinion of the Board that the Board does not have authority over Medicare matters, and that the answer to the Petitioner's second question cannot be provided by the Board, but must be addressed to Medicare.

5. 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 14 day of March, 2001.

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 John Oliver, Ph.D., 149 Northwest 101 Street, Miami, Florida 33150, this 6th day of April, 2001.



January 22, 2001

MOA/MEDICAL THERAPIES/
PSYCHOLOGY

01 JAN 30 AM 10:10

Board of Psychology
2020 Capital Circle SE, Bin #C05
Tallahassee, FL - 32399-3255

Ref.: PETITION FOR DECLARATORY STATEMENT

After numerous communications with the staff at the Board of Psychology, it is still not clear to me what the differences, if any, are between an unlicensed psychology resident and a licensed provisional psychologist. Namely, my questions are:

1. Does a provisional licensed psychologist, who already completed his post-doctoral supervision hours, need on-site supervision?
2. Is a licensed provisional psychologist eligible to receive a Medicare provider number in order to see patients, with or without on-site supervision when providing services in an "off- premises" facility?

Your answer to these 2 questions, as well as the general issues regarding the differences between licensed provisional psychologists and unlicensed residents will allow Medicare to decide whether I can continue to keep my current Medicare provider number or not. In addition, it will allow my supervising psychologist and myself to specify under what circumstances she needs to be present on-site or not.

Respectfully,



John Oliver, Ph.D.

Licensed Provisional Psychologist - PPY 66