

A.S.

Final Order No. DOH-01-2092-DS-MQA  
FILED DATE - 12/15/01  
Department of Health

By: Vicki R. Kenon  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF PSYCHOLOGY

IN RE: THE PETITION FOR DECLARATORY STATEMENT OF  
JOANNE M. McGEE, Ph.D.

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**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 November 16, 2001, for the purpose of considering the Petition for Declaratory Statement filed by Joanne M. McGee, Ph.D. ("Petitioner"). Having considered the petition, the Board makes the following findings and conclusions.

**FINDINGS OF FACT**

1. Petitioner has been licensed to practice psychology in the state of Texas since February 11, 1999, and permanently resides in Austin, Texas.
2. Petitioner is employed as a neuropsychologist by Tangram Premier, a wholly-owned subsidiary of ResCare, Inc. Petitioner provides services at Tangram's rehabilitation facility in San Marcos, Texas.
3. Petitioner has been requested to provide additional clinical services at ResCare's long-term rehabilitation facility located at 12981 Southwest 52 Street, Fort Lauderdale, Florida 33330.
4. Petitioner states that the provision of clinical services will be limited to a routine review of treatment plans, evaluations for new admissions, and consultation with staff, participants, and family members as needed.
5. Petitioner states that she will not be providing clinical services for more than

five days in any month, and no more than fifteen days in any calendar year.

6. Section 490.014(2)(e), Florida Statutes, provides that no person shall be required to be licensed or provisionally licensed under Chapter 490 who is not a resident of the state of Florida but offers services in this state, provided:

1. Such services are performed for no more than 5 days in any month and no more than 15 days in any calendar year; and
2. Such nonresident is licensed or certified by a state or territory of the United States, . . . the standards of which were, at the date of his or her licensure or certification, equivalent to or higher than the requirements of this chapter in the opinion of . . . the board.

7. At the time Petitioner was licensed, in 1999, Section 501.255 of the Texas Psychologists' Licensing Act provided that an applicant could take the examination for licensure in Texas if he or she had received a doctoral degree in psychology from a regionally accredited educational institution, if conferred on or after January 1, 1979; or a doctoral degree in psychology, or the substantial equivalent of a doctoral degree in psychology in both subject matter and extent of training, from a regionally accredited educational institution, if the degree was conferred before January 1, 1979.

8. In 1999, Section 490.005, Florida Statutes, required that an applicant for licensure as a psychologist submit proof satisfactory to the Board that the applicant had:

1. Received doctoral-level psychological education, as defined in s. 490.003(3);
2. Received the equivalent of a doctoral-level psychological education, as defined in s. 490.003(3), from a program at a school or university located outside the United States of America and Canada, which was officially recognized by the government of the country in which it is located as an institution or program to train students to practice professional psychology. . . .;

3. Received and submitted to the board, prior to July 1, 1999, certification of an augmented doctoral-level psychological education from the program director of a doctoral-level psychology program accredited by a programmatic agency recognized and approved by the United States Department of Education; or

4. Received and submitted to the board, prior to August 31, 2001, certification of a doctoral-level program that at the time the applicant was enrolled and graduated maintained a standard of education and training comparable to the standard of training of programs accredited by a programmatic agency recognized and approved by the United States Department of Education. Such certification of comparability shall be provided by the program director of a doctoral-level psychology program accredited by a programmatic agency recognized and approved by the United States Department of Education.

9. At the time Petitioner was licensed to practice psychology in Texas, Section 490.003(3), Florida Statutes (1999), defined "doctoral-level psychological education" and "doctoral degree in psychology" as a Psy.D., an Ed.D. in psychology, or a Ph.D. in psychology from:

1. An educational institution which, at the time the applicant was enrolled and graduated, had institutional accreditation from an agency recognized and approved by the United States Department of Education or was recognized as a member in good standing with the Association of Universities and Colleges of Canada; and

2. A psychology program within that educational institution which, at the time the applicant was enrolled and graduated, had programmatic accreditation from an accrediting agency recognized and approved by the United States Department of Education or was comparable to such programs.

10. In 1999, the only agency recognized and approved by the United States Department of Education to accredit doctoral programs in psychology was the American Psychological Association (APA).

11. In 1999, Section 501.252, Texas Psychologists' Licensing Act, required at least two years of supervised experience in the field of psychological services, one year of which could be as part of the doctoral program and at least one year of which began after the date the person's doctoral degree was conferred by an institution of higher education. Section 463.16(7), Rules and Regulations of the Texas State Board of Examiners of Psychologists, required that a doctoral program in psychology include a supervised practicum, internship, field or laboratory training appropriate to the practice of psychology of a minimum of 1,500 supervised hours.

12. In 1999, Section 490.005(1)(c), Florida Statutes (1999), required 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. Rule 64B19-11.005, Florida Administrative Code, provided that the applicant's internship should satisfy 2,000 of those hours of experience.

### **CONCLUSIONS OF LAW**

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

2. The Board concludes that the Petitioner is not entitled to the exemption from licensure provided by Section 490.014(2)(e), Florida Statutes, on the following grounds:

a. The Board is not persuaded that the Petitioner's involvement with the practice of psychology in the state of Florida will be limited to fewer than five days in a calendar month and fewer than fifteen days in a calendar year. The Board believes that the Petitioner's proposed activities will include supervision of psychological service

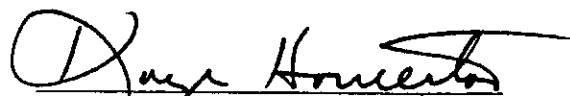
providers in the state of Florida, and that the Petitioner's activities will of necessity exceed the maximum amount of time provided in Section 490.014(2)(e). The Board finds that the Petitioner's proposed activities are not the kind that are contemplated by the statute.

b. It is the Board's opinion that the Petitioner was licensed in Texas under standards that were not, at the date of her licensure, equivalent to or higher than the requirements of Chapter 490, Florida Statutes. In 1999, Florida required a doctoral-level psychological education from a program that was accredited by the APA, or was comparable to an APA-accredited program, whereas Texas required only that the degree be obtained from a regionally-accredited institution. In addition, in 1999, Florida required that the doctoral degree include a 2,000-hour internship, whereas Texas permitted a 1,500-hour supervised experience that could include non-internship activities.

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 30 day of November, 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 Joanne M. McGee, Ph.D., Clinical Coordinator, Tangram Premier, 220 West Hutchinson, San Marcos, Texas 78666; and by Interoffice Mail to Lisa Pease, Agency for Health Care Administration, 2727 Mahan Drive, Mailstop 39, Tallahassee, Florida 32308, this 5 day of October, 2001.

  
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# Tangram Premier

220 W. Hutchison  
San Marcos, Texas 78666

phone: 512.396.1200  
fax: 512.396.2024

26 June, 2001

Florida Department of Health  
Board of Psychology  
P. O. Box 6330  
Tallahassee, FL 32314-6330

Re: Florida Statutes Part A, Ch. 490.014 Exemptions (2)(e)

To Whom It May Concern:

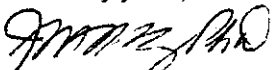
The purpose of this letter is to request authorization for the provision of psychological services under Florida Statutes Part A, Ch. 490.014 Exemptions (2) (e). Per my telephone conversation with your office (6/25/01), enclosed please find a completed application, and a check for \$500. Verification of licensure from the Texas State Board of Examiners of Psychologists, and official educational transcripts are en route. Following is a summary of intent to practice in the state of Florida.

I am licensed to practice psychology in the state of Texas, as of February 11, 1999, and permanently reside in Austin, Texas. I am employed as a neuropsychologist by Tangram Premier, a wholly owned subsidiary of ResCare, Inc., and provide services at Tangram's rehabilitation facility in San Marcos, Texas.

Additional clinical services have been requested of me at ResCare's long-term rehabilitation facility in Florida (12981 S.W. 52nd St., Ft. Lauderdale, FL, 33330). The facility offers residential rehabilitation and supported living services for persons with brain injury. Supported living services include 24 hour care, or intermittent care, depending on participant need. Persons with brain injury are assisted in returning to work or school, finding volunteer placement, attending day programming, or returning to home. The facility currently houses eight to ten participants, and employs direct care staff members. Provision of clinical services will be limited to a routine review of treatment plans, evaluations for new admissions, and consultation with staff, participants, and family members as needed. Additional non-clinical support will be needed to address operational issues. I will not be providing clinical services for more than 5 days in any month, and no more than 15 days in any calendar year.

Your consideration of this request is greatly appreciated. If additional information is required, or if you have any questions, please do not hesitate to contact me directly at 512-395-7604.

Sincerely yours,



Joanne M. McGee, Ph.D.  
Clinical Coordinator  
Texas License # 3-0746

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