

ep. 8

Final Order No. DOH-99-1568-DS -MOA Date 12/22/99

STATE OF FLORIDA
BOARD OF PSYCHOLOGY

FILED
Department of Health
Angela Hall, AGENCY CLERK
By: Vicki R. Ellison
Deputy Agency Clerk

IN RE:
 Antonia Hawkins, Ph.D.,

Petition for Declaratory Statement.
_____ /

FINAL ORDER
DECLARATORY STATEMENT

On or about November 2, 1999, Petitioner Antonia Hawkins filed a Petition for Declaratory Statement, attached hereto, with the Board of Psychology (Board), under section 120.565, Florida Statutes, and chapter 28-105 of the Florida Administrative Code Rules. The Petition requested an interpretation regarding the application of Florida Administrative Code Rule 64B19-11.005(1)(d) to Petitioner's particular set of circumstances. This matter came before the Board for final action at a duly-noticed public meeting on December 3, 1999. Petitioner was not present at the hearing.

FINDINGS OF FACT

1. Petitioner completed her doctoral training in psychology and made arrangements to begin her post-doctoral residency in the Cayman Islands early next year.
2. Several undetermined persons advised Petitioner that this would be acceptable.
3. The psychologist who would supervise Petitioner in the Cayman Islands is licensed in both Canada and in the Cayman Islands.
4. Petitioner indicated that she would not proceed with post-doctoral training without official clarification that the experience will count towards licensure.

5. The Board has insufficient information to know whether the psychologist who would supervise Petitioner has met the equivalence of the academic and experience requirements of chapter 490, Florida Statutes.

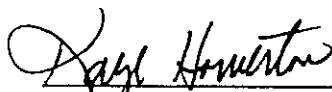
CONCLUSIONS OF LAW

6. The Board determined that Petitioner's request for the issuance of a declaratory statement should be granted. The Petition clearly established that Petitioner's particular set of circumstances are imminent, urgent to Petitioner, and may be resolved by a Declaratory Statement. While recognizing that the presented issue may be of interest to others because a similar fact pattern may exist in other cases, the Board performs a valuable public service in resolving the presented Petition. See Division of Pari-Mutuel Wagering v. Investment Corp. of Palm Beach, 1999 WL 1018661 (Fla.), 24 Fla. L. Weekly S521.

7. With respect to post-doctorate supervision, Rule 64B19-11.005(1)(d) defines supervisor as "either a licensed Florida psychologist in good standing with the Board, or a psychologist licensed in good standing in another state providing supervision for licensure in that state."

8. As used in Rule 64B19-11.005(1)(d), state does not mean "place," but means state within the jurisdiction of the United States.

DONE AND ORDERED this 15 day of December, 1999.



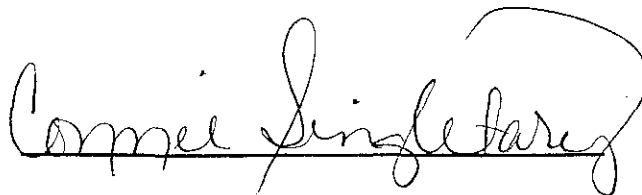
Kaye Howerton, Board Executive Director for
the BOARD OF PSYCHOLOGY

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this final order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a notice of appeal with the agency clerk of the Department of Health and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Appellate District where the party resides. The notice of appeal must be filed within thirty (30) days of rendition of the order to be reviewed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by certified mail to Antonia Hawkins, Ph.D., 2334-B Sylvan Court, Tallahassee, Florida 32303, and by interoffice mail to Donna Erlich, Assistant Attorney General, Office of the Attorney General, Administrative Law Section, PL-01 The Capitol, Tallahassee, Florida 32399-1050, this 22nd day of December, 1999.



MOA/MEDICAL THERAPIES/
PSYCHOLOGYPetition for a Declaratory Statement before the Board of Psychology ⁵⁹OCT 32 AM 8:01

Name: Antonia Hawkins
Address:
(until 12/18/99): 2334-B Sylvan Court
Tallahassee, FL 32303

(after 12/18/99): c/o Mrs. Castleman
814 Alliegood Drive
Tallahassee, FL 32303

Applicable Rule: 64B19-11.005((1)(d), F.A.C.

Re: the definition of an acceptable supervisor in a post-doctoral experience

Please verify that word "state" is not limited to a place in the United States in the phrase "...or a psychologist licensed in good standing in another state providing supervision for licensure in that state." Or, please provide written verification to accompany verbal communications stating that an international post-doctoral position is acceptable as long as the psychologist is "licensed in the place where the experience is occurring."

My specific situation is as follows: When the opportunity arose for me to complete post-doctoral training requirements in an international setting (i.e., the Cayman Islands), several persons separately sought information from the office of the Board of Psychology to determine whether this would be acceptable. We were each reassured that the definition of an acceptable post-doctoral supervisor would be met if the supervising psychologist was licensed in the "place" where the experience was occurring. Given this repeated reassurance and the fact that the supervising psychologist is licensed in both Canada and the Cayman Islands, we confirmed arrangements for me to begin post-doctoral training in the Cayman Islands early next year. When I received a copy of the laws and rules, however, the actual wording of the rule reads "state" rather than "place." I again called the information line and was again told that this would be a suitable supervision situation; however, the person refused to provide written corroboration, saying that only the Board could provide such documentation.

Neither the agency nor I dare proceed with post-doctoral training without official clarification that this experience will count towards licensure. Please confirm in writing that as long as the supervising psychologist is licensed in the Cayman Islands and is in good standing, he will be an appropriate supervisor of the post-doctoral experience as required by the Florida Board of Psychology. A speedy response would be greatly appreciated as the experience is due to begin shortly.

Thank you,

Antonia Hawkins, Ph.D. (Degree to be conferred 12/99),
November 1, 1999