

STATE OF FLORIDA
BOARD OF PSYCHOLOGY

By: Wicki R. Kenon
Deputy Agency Clerk

IN RE: THE PETITION FOR DECLARATORY STATEMENT OF
ROBERT M. OWEN, 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 in Miami, Florida, on March 22, 2002, for the purpose of considering the Petition for Declaratory Statement filed by Robert M. Owen, Ph.D. ("Petitioner"). Notice of the Petition was published in the Florida Administrative Weekly on December 7, 2001, at Volume 27, Number 49. 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 California since 1989, and is not licensed to practice psychology in the state of Florida.
2. Petitioner states that he wishes to practice clinical psychology in Florida for five days per month.
3. 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.

4. Section 2914(c) of the California Psychology Licensing Law (1989) requires for licensure at least two years in supervised professional experience under the direction of a licensed psychologist, and Section 1387(e) of the California Psychology Examining Committee's Regulations defines a year of supervised professional experience as not less than 1500 hours to be completed within 30 consecutive months.

5. In addition, Section 1387(o)(2) of the Regulations permits a maximum of 750 hours of supervision by a primary supervisor "who is a licensed professional other than a psychologist, including but not limited to, board eligible or board certified psychiatrists, educational psychologists, or clinical social workers."

6. Section 490.005(1)(c), Florida Statutes (1989), requires 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.

7. Section 1387.5(b) of the Regulations provides that a full-time appointment teaching psychology may count for one-half of the one year of pre-doctoral experience, which was an option not permitted by Florida law in 1989.

8. Section 1387.5(c) of the Regulations provides that applicants with specialization in clinical or counseling psychology may substitute for six months of pre-doctoral supervised experience verified evidence of 200 or more hours of personal psychotherapy experience. This was an option not permitted by Florida law in 1989.

9. Section 2914(b) of the California Psychology Licensing Law (1989) requires

for licensure an earned doctorate degree (1) in psychology, (2) in education psychology, (3) in education with the field of specialization in counseling psychology or educational psychology, or (4) an earned doctorate degree deemed equivalent by the Psychology Examining Committee. Section 490.005 (1)(b), Florida Statutes (1989), requires a doctoral degree with a major in psychology, with no alternatives provided.

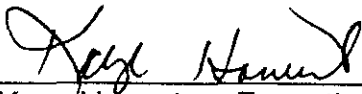
CONCLUSIONS OF LAW

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 grounds that the Petitioner was licensed in California under standards that were not, at the date of his licensure, equivalent to or higher than the requirements of Chapter 490, Florida Statutes. 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 10 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 Robert M. Owen, Ph.D., 760 Mattie Road, Suite A-2, Shell Beach, California 93449, this 16 day of April, 2002.

A handwritten signature in cursive script that reads "Kimberly Webb". The signature is written in black ink and is positioned to the right of the date in the certificate text.

F:\USERS\ADMIN\Susan\Psychology\Orders\Owen

ROBERT M. OWEN, Ph.D

Licensed Clinical Psychologist • Lic #PSY10996

760 Mattie Road, Suite A-2 • Shell Beach, CA 93449 • (805) 773-5468 • Fax # (805) 773-3926

October 25, 2001

Department of Health
Board of Psychology
4052 Bald Cypress Way, Bin #C05
Tallahassee, FL 92399-3255

RE: PETITION FOR DECLARATION STATEMENT BEFORE BOARD OF PSYCHOLOGY

Name: Robert M. Owen, Ph.D.
760 Mattie Road, Suite A-2
Shell Beach, CA 93449

Tele: (805) 773-5468
FAX: (805) 773-3926

I am petitioning the Board of Psychology for a waiver of license requirements so I can practice clinical psychology within the state of Florida for five days per month per statutory regulation. I am licensed in the State of California and have submitted licensing test scores which indicate that the standards in California met or surpassed those in Florida at the time of my licensure. Thus, the educational requirements for licensure have been completed, as has my supervised experience. I have also forwarded information from my licensing board verifying the status of my license.

Respectfully submitted by,



Robert M. Owen, Ph.D.
Licensed Psychologist