

Final Order No. DOH-02-0833-DS-MQA  
FILED DATE - 6/18/02  
Department of Health  
By: Wicki E. Cannon  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF PSYCHOLOGY

IN RE: THE PETITION FOR DECLARATORY STATEMENT OF  
TIMOTHY J. DERNING, 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 in Tampa, Florida, on June 8, 2002, for the purpose of considering the Petition for Declaratory Statement filed by Timothy J. Dering, Ph.D. ("Petitioner"). Notice of the Petition was published in the Florida Administrative Weekly on May 31, 2002, at Volume 28, Number 22. 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 1990, and is not licensed to practice psychology in the state of Florida.

2. 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.

3. Section 1386(a) of the California Regulations Relating to the Practice of Psychology (1989) permitted doctorate degrees other than in counseling psychology or educational psychology. In contrast, Section 490.005(1)(b), Florida Statutes (1989), required a doctoral degree with a major in psychology.

4. Section 1387(c) permitted the primary supervisor of an applicant's supervised professional experience to delegate a portion of the supervision to another licensed psychologist or an individual otherwise qualified to act as a supervisor, whereas Florida law required that the supervisor be a licensed psychologist.

5. Section 1387(e) defined a year of supervised professional experience as not less than 1,500 hours, whereas Section 490.005(1)(c), Florida Statutes (1989) required at least 2 years or 4,000 hours of experience.

#### **CONCLUSIONS OF LAW**

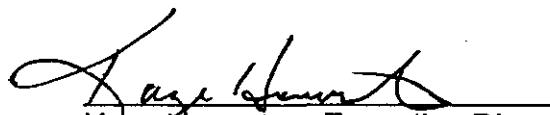
1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes.

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 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 13 day of June, 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 Timothy J. Derning, Ph.D., 110 Lafayette Circle, Suite 100, Lafayette, California 94549, this 15 day of June, 2002.



**TIMOTHY J. DERNING, Ph.D., M.S.Ed.**  
CLINICAL AND FORENSIC PSYCHOLOGY  
CA LICENSE PSY 11401

110 LAFAYETTE CIRCLE, SUITE 100  
LAFAYETTE, CA 94549

TELEPHONE: (925) 933-8661  
[tjnderning@aol.com](mailto:tjnderning@aol.com)

May 16, 2002

Mr. Wayne Gladd  
Regulatory Specialist I  
Board of Psychology  
4052 Bald Cypress Way Bin # C05  
Tallahassee, FL 32399-3255  
VIA FAX: 850-414-6860

**DECLARATORY STATEMENT:  
REQUEST FOR TEMPORARY PRIVILEGES**

Mr. Gladd:

I am writing to request temporary psychologist privileges in Florida in order to conduct a forensic/psychological evaluation of an inmate housed in the Florida Department of Corrections. I am a licensed psychologist in good standing in the state of California since 1990. My California License number is PSY 11401. As requested, I am faxing language from California licensing laws regarding the practice of psychology

At this time I am not sure of the dates of my travel to Florida. If necessary, I will contact your office with specific dates as the schedule is established.

In addition to regular mail you may fax a response to me @ 925-933-8661 or send an email confirmation to [tjnderning@aol.com](mailto:tjnderning@aol.com). I trust that my request and the information provided will remain confidential. Thank you for your assistance.

Sincerely,

Timothy J. Dering, Ph.D., M.S.Ed.  
Licensed Psychologist (CA)  
PSY 11401

02/07/15 PM 1:54  
NOA MEDICAL THERAPIES

**TIMOTHY J. DERNING, PH.D., M.S.ED.**

**CLINICAL AND FORENSIC PSYCHOLOGY  
CA LICENSE PSY 11401**

**110 LAFAYETTE CIRCLE, SUITE 100  
LAFAYETTE, CA 94549**

**TELEPHONE: (925) 933-8661  
timderning@aol.com**

**DRAFT COPY FOR REVIEW**

May 14, 2002

Mr. Wayne Gladd  
Regulatory Specialist I  
Board of Psychology  
4052 Bald Cypress Way Bin # C05  
Tallahassee, FL 32399-3255

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Sincerely,

Timothy J. Dering, Ph.D., M.S.Ed.  
Licensed Psychologist (CA)  
PSY 11401

CONFIDENTIAL  
MCA/SECRET/CONFIDENTIAL