

**DEPARTMENT OF HEALTH
BOARD OF PSYCHOLOGY**

ORDER FACT SHEET
(For use by Board Counsel and Board Staff)

Order # 07-0701 DS
Date Order Filed 4.27.07

- 1) Respondent's/Petitioner's/Applicant's Name: Maryla Madura, Ph.D.
- 2) License Number: N/A
- 3) Profession Type: psychology
- 4) Type of Order: ___ Discipline ___ Licensure X Declaratory Statement
- 5) DOH Case Number n/a
- 6) DOAH Case Number n/a
- 7) File Number n/a
- 8) Statutory reference for Violations/Reasons for Denial: n/a
- 9) Violation Codes: n/a
- 10) Penalties Imposed: n/a
- 11) Closure Code: n/a
- 12) Exhibits to be Attached to Final Order: (1)
Petition for Declaratory Statement
- 13) Special Handling Instructions _____
- 14) Fact Sheet Prepared By: Joy A. Tootle, Board Counsel
- 15) Codes Added to Fact Sheet By: Anna H. Hart King
- 16) Exhibits Attached to Order By: Anna H. Hart King

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By: Racene
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF PSYCHOLOGY

IN RE: PETITION FOR DECLARATORY STATEMENT

MARYLA MADURA, Ph.D.

FINAL ORDER

This matter came before the Board of Psychology (hereinafter the "Board") on April 13, 2007, in Fernandina Beach, Florida, for consideration of the above-referenced Petition for Declaratory Statement. The Notice of Petition for Declaratory Statement was published on March 9, 2007, in Vol. 33, No.10, of the Florida Administrative Weekly.

The petition, filed by MARYLA MADURA, Ph.D., inquired as to whether her employment as a clinical psychologist in Alabama in a private practice setting would count toward the 2000 post-doctoral supervised experience requirement of Section 490.005, Florida Statutes and Rule 64B19-11.005, Florida Administrative Code.

FINDINGS OF FACTS

1. The Petitioner, MARYLA MADURA, Ph.D., is not a Florida licensed psychologist.
2. The Petitioner is not an applicant for a Florida psychology license.

CONCLUSIONS OF LAW

3. The Board of Psychology has authority to issue Final Orders pursuant to Section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.

6. The Petition filed in this cause is in substantial compliance with the provisions of 120.565, Florida Statutes, and Rule 28-105.002, Florida Administrative Code.

7. Section 120.565(1), Florida Statutes, reads as follows:

(1) Any substantially affected person may seek a declaratory statement regarding an agency's opinion as to the applicability of a statutory provision, or of any rule or order of the agency, as it applies to the petitioner's particular set of circumstances.

8. The Board determined that the petitioner does not have standing because she is not a licensee nor is she an applicant for a Florida psychology license.

9. The Board of Psychology declines to issue a declaratory statement in response to Petitioner's inquiry.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 20th day of April, 2007.

BOARD OF PSYCHOLOGY



Susan Love, Executive Director
For Herbert Goldstein, Ph.D., Chair

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 FLORIDA 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 has been furnished by
U. S. Mail to: Maryla Madura, Ph.D., 3614 57th Ave. Dr., West, Bradenton, FL 34210; and by
interoffice mail to Mary Ellen Clark, Assistant Attorney General, PL-01 The Capitol, Tallahassee,
Florida 32399-1050; and, Josephine Tamayo, Esq., General Counsel, Department of Health,
4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, on this 27 day of
APRIL 2007.



Deputy Agency Clerk

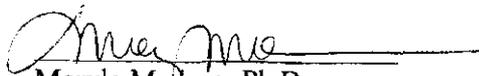
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: Racine B. [Signature]
DATE: 2/16/07

PETITION FOR DECLARATORY STATEMENT BEFORE THE BOARD OF
PSYCHOLOGY

Name of Petitioner: Maryla Madura, Ph.D.
Address: 3614 57th Avenue Drive West
Bradenton, Florida 34210
Tel.: (941) 773-1970
Fax: (941) 751-6646

February 16, 2007

I would like to obtain the Board's opinion as to the applicability of the State of Florida Board of Psychology Rule 64B-19-11.005 as well as Florida Statute 490.005 concerning post-doctoral supervision requirement for the state of Florida. I hold a PhD degree from an APA accredited Clinical Psychology doctoral program (Nova Southeastern University) as well as a valid psychologists' license in the State of Alabama (my license number is 1422). My long-term goal is to also become licensed in the state of Florida. However, I have not yet satisfied the post-doctoral 2000 hours requirement of supervised training in the state of Florida which is needed for obtaining licensure in Florida. Meanwhile, I have been offered a position of clinical psychologist in Alabama in a private practice setting where I would work as a salaried employee or as an independent contractor under my Alabama license, depending on my choosing. I would have my own malpractice insurance. My question is whether I would be able to count any of my hours working at this facility towards the 2000 hours of post-doctoral requirement needed for obtaining Florida psychologist's licensure. I would be working as a licensed clinician in Alabama where I would be supervised by a clinical psychologist who has a valid Florida as well as a valid Alabama psychologist's license. He agreed to supervise me and meet with me on a weekly basis as outlined in the above mentioned rules and statutes. I would have an agreement with him detailing my work obligations as well as his responsibilities towards me as my supervisor. I would also have a written contract with the private practice owners detailing my work responsibilities and my remuneration. I would be documenting the hours spent with my patients, in indirect services, as well as in supervision with my supervisor who works in the capacity of an independent contractor at the same facility (he is not one of the owners of this facility) and is on site approximately 2-3 times a week. I would like to get your opinion as to whether the relationship between me and this particular clinical psychologist would satisfy the criteria for post-doctoral supervision set forth by the Board in the above mentioned statutes (i.e., assuming complete professional responsibility for my work, prevailing in all professional disputes, etc.) and whether, in fact, he could supervise me if I would be working as a licensed psychologist in Alabama. If you have any additional questions about my set of circumstances or need more information, please feel free to contact me (by phone or in writing). Thank you very much for helping me resolve this matter and clear my doubts.


Maryla Madura, Ph.D. 02/16/07