

STATE OF FLORIDA
BOARD OF PSYCHOLOGY

IN RE: THE PETITION FOR DECLARATORY STATEMENT OF
RICHARD S. TALLARIGO, Ph.D.

Final Order No. DOH-02-1586-DS-MQA
FILED DATE - 10/18/02
Department of Health
By: Vicki F. Kenon
Deputy Agency Clerk

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 October 10, 2002, for the purpose of considering the Petition for Declaratory Statement filed by Richard S. Tallarigo, Ph.D. ("Petitioner"). Having considered the petition, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. Petitioner holds a Ph.D. in psychology from Bowling Green (Ohio) State University, with concentration in industrial and organizational (I/O) psychology.
2. Petitioner proposes to provide testing and assessment services as a consultant to businesses and organizations consistent with his training in industrial and organizational psychology and human resources management.
3. Petitioner states that he would provide services to organizations and business clients who would retain him to assist them in making personnel employment related decisions.
4. Petitioner further states that he would assess an individual's knowledge, skills, abilities, and other characteristics to determine if they are consistent with job requirements. If in the course of such assessment an individual presents with indications of emotional maladjustment, Petitioner proposes to refer the individual to an appropriate licensed mental health professional for diagnosis and treatment.
5. Petitioner requests the Board's opinion as to whether Section 490.003(4), Florida Statutes, provides that testing and assessment of the kind proposed by Petitioner constitutes the practice of psychology. Section 490.003(4) provides the following definition:

"Practice of psychology" means the observations, description, evaluation, interpretation, and modification of human behavior, by the use of scientific and applied psychological principles, methods, and procedures, for the purpose of describing, preventing, alleviating, or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal behavioral health and mental or psychological health. The ethical practice of psychology includes, but is not limited to,

psychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning, including evaluation of mental competency to manage one's affairs and to participate in legal proceedings; counseling, psychoanalysis, all forms of psychotherapy, sex therapy, hypnosis, biofeedback, and behavioral analysis and therapy; psychoeducational evaluation, therapy, remediation, and consultation; and use of psychological methods to diagnose and treat mental, nervous, psychological, marital, or emotional disorders, illness, or disability, alcoholism and substance abuse, and disorders of habit or conduct, as well as the psychological aspects of physical illness, accident, injury, or disability, including neuropsychological evaluation, diagnosis, prognosis, etiology, and treatment.

6. Petitioner requests the Board's opinion as to whether he qualifies for an exemption from licensure pursuant to Section 490.014(1)(b), Florida Statutes. Section 490.014(1)(b) provides

No provision of this chapter shall be construed to limit the practice of nursing, clinical social work, marriage and family therapy, mental health counseling, or other recognized businesses or professions, or to prevent qualified members of other professions from doing work of a nature consistent with their training, so long as they do not hold themselves out to the public as psychologists or use a title or description protected by this chapter. Nothing in this subsection shall be construed to exempt any person from the provisions of s. 490.012.

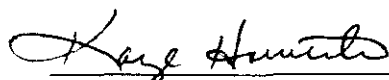
CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes.
2. The Board concludes that it has insufficient information to grant the petition. The Board requires more specific information regarding the nature of the testing and assessment services the Petitioner proposes to provide, and how the Petitioner would identify individuals in need of referral to an appropriate licensed mental health professional. In addition, the Petitioner would need to demonstrate that he is a qualified member of another profession doing work of a nature consistent with his training, as provided in Section 490.014(1)(b).
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 15 day of October 2002.

BOARD OF PSYCHOLOGY



Kaye Howerton, Executive Director
for Chair, Board of Psychology

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. Mail to Richard S. Tallarigo, 210 Sand Pine Road, Indialantic, Florida 32903, this 18th day of October, 2002.

Marie Boyett

F:\USERS\ADMIN\Susan\Psihology\Orders\Tallarigo

Petition for Declaratory Statement Before Florida Department of Health Board of Psychology

Petitioner: Richard A. Talarigo, Sr.
210 Sand Pine Rd.
Indialantic, FL 32903
Ph (day) 321-494-2746
Fax: 321-494-4116
Ph (home)

Date: 25 July 2002

RE: Florida Statutes Chapter 490.003 para. (4) concerning "practice of psychology".

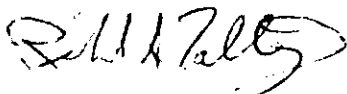
Description of impact:

I would like to provide testing and assessment services as a consultant to businesses and organizations consistent with my training in industrial and organizational psychology and human resources management.

I have a Ph.D. in psychology from Bowling Green State University, Bowling Green, Ohio, an APA accredited department of psychology. My area of concentration was industrial and organizational (I/O) psychology. In addition, my educational credits on my Ph.D. transcript include 30 semester hours from a clinical psychology Master of Arts degree program. Unofficial copies of these transcripts are provided for your information.

As an I/O practitioner, I would provide services not to the public at large but to organizations and business clients who would retain me to assist them with making personnel employment related decisions. I would like a determination as to whether my interpretation of 490.003 paragraph 4 is correct regarding the Practice of Psychology, namely, that testing and assessment that is not done for clinical and health purposes would not constitute the practice of psychology. As an I/O practitioner, I would not be diagnosing or treating symptomatic maladaptive, or undesired behavior. Rather, a part of my practice would be assessing an individual's knowledge, skills, abilities, and other characteristics to determine if they are consistent with job requirements as determined through a valid job analysis. I believe this practice would qualify me for exemption under 490.014 as a qualified member of another profession doing work of a nature consistent with my training. If in the course of such assessment an individual presents with indications of emotional maladjustment, referral to appropriate licensed mental health professional would be made for diagnosis and treatment.

I understand that I will not hold myself out as or claim to be a psychologist, although my promotional materials will identify me as having a PhD in industrial and organizational psychology and as a member of the Society for Industrial and Organizational Psychology and the American Psychological Association. My professional identification will be management consultant, personnel consultant, behavioral scientist, or some similar term.



Petitioner

180A
OFFICE OF THE
CLERK OF THE
BOARD OF PSYCHOLOGY
JUL 26 2002
PM 3:50