

By: Heather Coleman
Deputy Agency Clerk

**STATE OF FLORIDA
BOARD OF PSYCHOLOGY**

**IN RE: THE PETITION FOR DECLARATORY STATEMENT OF
NICOLE ROBICHAUX-KEENE, Psy.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 on April 16, 2004, in Tampa, Florida, for the purpose of considering the Petition for Declaratory Statement filed February 24, 2004, by Nicole Robichaux-Keene, M.S. ("Petitioner"). Notice of the Petition was published on March 26, 2004, in the Florida Administrative Weekly, Volume 30, No. 13. No comments by interested persons were received. Petitioner was present at the meeting and not represented by counsel. The Board was represented by Mary Ellen Clark, Assistant Attorney General. Having considered the petition, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. Petitioner has earned a Psy.D. in psychology at the same time she completed the requirements to be licensed as an ARNP. She seeks to achieve supervised experience that will meet board requirements as well as utilize her licensure as a psychiatric nurse practitioner. She has recently secured a position with Emergent Care Psychologists, PA, a behavioral medicine practice that provides consultation-liaison services to various medical hospitals and nursing homes.

2. Section 490.005(1)(c), Florida Statutes, requires that an applicant for licensure as a psychologist must have at least 2 years or 4,000 hours of experience in the field of psychology. Rule 64B19-11.005, Florida Administrative Code, provides that 2,000 of the 4,000 required hours of experience must be obtained post-doctoral as well as the criteria that the post-doctoral experience must meet.

3. Petitioner asks whether hours for which she is paid as a nurse practitioner can be counted toward the 2,000 hours of required post-doctoral supervised experience.

CONCLUSIONS OF LAW

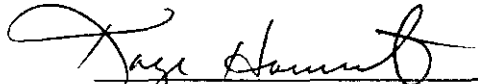
1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes.

2. The Board answers the question in the negative. Any hour for which Petitioner is paid as a nurse practitioner cannot be counted toward the 2,000 hours of required post-doctoral experience as described by Rule 64B19-11.005, Florida Administrative Code.

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 11 day of May, 2004.

BOARD OF PSYCHOLOGY


Kaye Howerton, Executive Director
for Amy Swan, Psy.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. Mail to Nicole Robichaux-Keene, Psy.D., 1020 Charles Street, Clearwater, Florida 33755; and by interoffice mail to Mary Ellen Clark, Assistant Attorney General, Administrative Law Section, PL-01 The Capitol, Tallahassee, Florida 32399-1050, this 13th day of May, 2004.


Deputy Agency Clerk

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FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK *Danielle Drip*
DATE 2/24/04

Florida Board of Psychology
4052 Bald Cypress Way
Tallahassee, FL 32399-3251

RE: Petition for Declaratory Statement Before Florida Board of Psychology

This petition is in reference to the suitability of supervised activities during the post doc transitional year required for Florida State licensure. I have completed all training requirements for licensure except for the 2000 supervised post doc hours delineated in Section 64B19-11.005, entitled Supervised Experience Requirements. My situation is somewhat complicated in that I will soon be licensed as a psychiatric nurse practitioner, as I matriculated through my PsyD and ARNP programs concurrently. I have recently secured a desirable post-doctoral position with Emergent Care Psychologists, PA (ECP), which is a behavioral medicine practice that provides consultation-liaison services to various medical hospitals and nursing homes throughout Pinellas County. My post doc duties will include assisting/answering consultations, providing outpatient psychotherapy, and developing various behavioral medicine programs (smoking cessation group, etc.) These activities will be supervised by a licensed clinical psychologist in accordance with state board rules.

My question is: can I bill as a nurse practitioner for the services in which I am accruing post-doc psychology hours? In the proposed scenario my activities would be identical to the other psychologists in the group, except for the fact that I might write a prescription or order a psychotropic medication after the therapy session or hospital consultation. The psychologists in this group currently provide pharmacological recommendations to consulting physicians under the supervision of a psychiatrist, as they are all either boarded or working towards board certification in psychopharmacology. In accordance with my ARNP license, all medication management would also be directly supervised by a collaborating psychiatrist, and any time spent performing medication management would not be counted towards my post doc hours. It is possible that a precedent for this type of situation has already been set by social workers who have gone back to get their PhDs and are able to bill under a different license during their post-doc year.

I would greatly appreciate consideration of this arrangement from the state board with a declaratory statement as to whether it would serve as a suitable post-doctoral experience. Enclosed is my contractual agreement with ECP as well as a letter from Drs. Sherman Sloan and Emily Futch that further clarifies this proposed arrangement.

Respectfully,



Nicole Robichaux-Keene, PsyD, ARNP candidate