

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapter 490, Florida Statutes, is the Psychological Services Act. The Psychological Services Act creates the Board of Psychology (board) within the Department of Health (department).¹ The board is responsible for certifying that applicants meet the criteria for licensure by examination² or licensure by endorsement.³ There are currently 3,571 in-state active psychologists.⁴

To receive a license to practice psychology, an individual must submit proof of the following to the board:

- Receipt of a doctoral-level psychological education;⁵
- Completion of two years of supervised experience;⁶
- Passage of the Florida Laws and Rules examination; and
- Passage of the National Examination for Professional Practice in Psychology (EPPP).

There are six methods of application for licensure as a psychologist in Florida:⁷

- Examination: This method means the individual must take and pass both the Florida Laws and Rules exam and the national EPPP exam. It also means the required supervised experience has been completed. Required documents include:
 - Application form and fees
 - License/certificate verification form
 - Supervising psychologist verification form
 - Official doctoral level transcripts
- Examination with Waiver of the National Examination: This method means the individual has passed the national EPPP exam with a score acceptable to Florida. The Florida Laws and Rules exam must be taken and passed. It also means the required supervised experience has been completed. Required documents include:
 - Application form and fees
 - License/certificate verification form
 - Supervising psychologist verification form
 - Official doctoral level transcripts
 - EPPP score transfer form
- Bifurcation: This method means the individual has completed the educational requirements for licensure, but the supervised experience will not be completed and verified before the

¹ Section 490.004, F.S. The Board of Psychology is composed of seven members appointed by the Governor and confirmed by the Senate. Five members must be state-licensed psychologists and two members must be citizens with no connection to the practice of psychology. At least one member must be 60 years of age or older.

² Section 490.005, F.S.

³ Section 490.006, F.S.

⁴ Department of Health, "2006-2007 Medical Quality Assurance Annual Report," <http://www.doh.state.fl.us/mqa/Publications/06-07mqa-ar.pdf> (last visited February 25, 2008).

⁵ As defined in s. 490.003(3), F.S.

⁶ As outlined in Rule 64B19-11.005, F.A.C.

⁷ Department of Health, "Psychologist Licensure Application," http://www.doh.state.fl.us/mqa/psychology/ap_licensure.pdf (last visited February 26, 2008).

application is submitted to the board. This method is to be used in conjunction with the examination or examination with waiver application method, depending on whether the individual has previously passed the EPPP exam. Required documents include:

- Application form and fees
- License/certificate verification form
- Official doctoral level transcripts
- Endorsement of the American Board of Professional Psychology Diplomate Status⁸: This method means an individual is a diplomate in good standing with the American Board of Professional Psychology, Inc. Required documents include:
 - Application form and fees
 - License/certificate verification form
 - ABPP diplomate verification form
- Endorsement of Licensure in Another State: This method means an individual holds an active, valid license as a psychologist in another state, provided that when such license was secured, the requirements were substantially equivalent to or more stringent than those in Florida at that time. Required documents include:
 - Application form and fees
 - License/certificate verification form
 - Supervising psychologist verification form
 - Official doctoral level transcripts
 - EPPP score transfer form
 - Complete copy of the laws and rules by which the individual was licensed
- Endorsement of 20 Years of Licensed Psychologist Experience: This method means the individual possesses a doctoral degree in psychology as described in s. 490.003, F.S., and has at least 20 years of experience as a licensed psychologist in any jurisdiction or territory of the United States within 25 years preceding the date of application. Required documents include:
 - Application form and fees
 - License/certificate verification form
 - Official doctoral level transcripts
 - Curriculum vita

An individual must submit a total of \$980 to the department at the time of application, regardless of their application method. This total includes:

- \$500 nonrefundable application fee
- \$400 initial licensure fee
- \$75 Florida laws and rules examination fee
- \$5 unlicensed activity fee

An individual seeking licensure by examination must submit an application to the board for approval to take the examinations. Once the board approves the application, the individual's name is submitted to the examination vendors and the individual is responsible for scheduling the examinations.

An individual may apply for examination prior to completion of their post-doctoral supervised experience. This is the bifurcation application method, which allows an individual who complies with Florida's education requirements to apply for examination prior to completing the experience requirement.

⁸ According to the American Board of Professional Psychology, the clearest and most responsible way for a psychologist to represent herself/himself to the public, third-parties, and the profession as a specialist is to be certified through an organized peer process as meeting the standards and demonstrating the competencies required in the specialty. The American Board of Professional Psychology currently offers certification in 13 specialty areas. To be certified as a diplomate, an individual must be eligible by possessing a doctoral degree from an accredited program in professional psychology and by possessing a license or certificate at the independent practice level as a psychologist in the state in which the he or she practices. Having met the eligibility requirements, a candidate for board certification must also pass an oral and written examination administered by the specialty board.

In 2005, the board repealed two rules relating to the time period an individual has to complete the required exams and post-doctoral supervision due to inadequate statutory authority. The rules directed the board to close an application for licensure if the applicant failed to pass both exams within 24 months of the board's letter approving the applicant for the exams and to also close an application for licensure if the applicant failed to submit evidence of completion of post-doctoral supervision within 24 months of the board's approval letter.

Currently, the board has the authority to close an incomplete application one year after they notify the applicant of the deficiency.⁹ However, the board has no statutory or rule authority to close an application file once an applicant has been approved to sit for the required exams. This may allow applicants an unlimited amount of time to complete the required exams and postdoctoral supervision requirement. Therefore, it is possible for an applicant to practice psychology without a license indefinitely, as long as he or she is under the direct supervision of a licensed psychologist.

According to the board, as of February 25, 2008, there are 391 open applications on file.

Effect of Proposed Changes

The bill requires the board to close the application file of an applicant who fails to pass the national psychology exam (EPPP) and the state laws and rules exam, or who fails to complete the required post-doctoral supervision within a timeframe specified by rule. The authority granted to the board in the bill will allow the board to establish timeframes in rule for applicants to complete the required exams and supervision. Such a rule will prevent applicants who do not complete the requirements from practicing indefinitely under the supervision of a licensed psychologist.

The bill also allows the board to create a rule that will allow an individual who completes the required post-doctoral supervision to continue to practice under supervision of a licensed psychologist as long as the individual has a current application on file and no final order of denial has been issued.

C. SECTION DIRECTORY:

Section 1: Amends s. 490.005, F.S., requiring the Board of Psychology to close application files of certain applicants for licensure, providing exceptions under certain circumstances.

Section 2: Provides an effective date of January 1, 2009.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Individuals who apply to the department for licensure must pay \$980 at the time they submit their application. If the application is closed prior to receiving licensure, then the \$400 licensure fee is refunded. The department will incur nominal costs associated with processing and mailing a refund check. These costs can be absorbed by the \$500 nonrefundable processing fee.

The department will also incur minimal costs associated with rule promulgation, which can be absorbed within existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or take action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenues.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides adequate direction to the department to implement the rule-making provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES