

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

SHIRLEY CZUKERBERG, )  
 )  
 Petitioner, )  
 )  
 vs. ) Case No. 98-0821  
 )  
 DEPARTMENT OF HEALTH, )  
 BOARD OF PSYCHOLOGY, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

RECOMMENDED ORDER

Pursuant to notice, a formal hearing was held in this case on September 9, 1998, at Boca Raton, Florida, before Susan B. Kirkland, a duly designated Administrative Law Judge of the Division of Administrative Hearings.

APPEARANCES

For Petitioner: Shirley Czukerberg, pro se  
5809 Northwest 21st Way  
Boca Raton, Florida 33496

For Respondent: Donna Erlich, Assistant General Counsel  
Office of the Attorney General  
Administrative Law Section  
The Capitol, Plaza 01  
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STATEMENT OF THE ISSUE

Whether Petitioner qualifies for licensure by examination as a psychologist.

PRELIMINARY STATEMENT

On June 21, 1995, Respondent, Department of Health, Board of Psychology (Department), received an application for licensure as

a psychologist in Florida from Petitioner, Shirley Czukerberg (Czukerberg). On July 19, 1995, Czukerberg was notified that her application was incomplete. On June 19, 1997, the Department issued a Notice of Intention to Deny Application for Licensure by Examination, stating that Czukerberg had failed to demonstrate that she possesses a doctoral degree in psychology. Czukerberg requested an administrative hearing, and the case was forwarded to the Division of Administrative Hearings for assignment to an administrative law judge on February 13, 1998.

At the final hearing Petitioner testified in her own behalf and called Donald K. Routh and Paul Greenwald as her witnesses. Petitioner's Exhibits 1-16 were submitted in evidence.

Respondent presented the testimony of Josef Silny and Ivy Shivers. Respondent's Exhibits 1-6 were submitted in evidence.

The parties stipulated to the facts contained in Section 9, paragraphs A-I of the Amended Prehearing Stipulation.

The transcript of the proceedings was filed on October 6, 1998.

#### FINDINGS OF FACT

1. From 1968 to 1972, Petitioner, Shirley Czukerberg (Czukerberg), attended Anahuac University in Mexico City, where she studied for the degree of Licentiate in Psychology. She left Anahuac University before receiving the degree.

2. In 1973, Czukerberg received a Bachelor's of Arts degree in psychology from New York University in New York.

3. In 1975, Czuckerberg received a Master of Arts degree in psychology from New York University.

4. In 1977, Czuckerberg obtained the title of Clinical Psychology Specialist by completing a two-year, post-graduate program through the University of Costa Rica. In the post-graduate program in clinical psychology, students complete 40 credits of academic coursework and 20 credits of practice and training at a hospital.

5. In 1978, Czuckerberg obtained the title of Clinical Psychologist from the School of Physicians and Surgeons of Costa Rica.

6. In 1991, Czuckerberg published a book in Mexico City entitled Polvo de Anos (Dust of Years) about the coming of age in women.

7. Czuckerberg is highly regarded by the psychiatrist at her exempt-setting employment and by others familiar with her work.

8. On June 21, 1995, Czuckerberg submitted an application to the Respondent, Department of Health (Agency), formerly Agency for Health Care Administration, for psychologist licensure. By letter dated July 19, 1995, the Agency advised Czuckerberg that her application had been received and that she needed to submit the following documentation:

Transcripts for all graduate level coursework you completed. Transcripts must be sent directly to our office from the university(ies). We have received transcripts from:

Education Coursework Sheet must be completed. ADDITIONALLY YOU MUST ATTACH A PHOTOCOPY OF THE COURSE DESCRIPTION FOR EACH COURSE. COURSE DESCRIPTIONS MUST BE PHOTOCOPIES FROM YOUR SCHOOL CATALOG.

Program analysis form, completed and signed by the Chairman of the department in which your doctoral program was housed, even if your program was approved by the American Psychological Association. (from school)

9. On August 31, 1995, staff of the Agency told Czukerberg that her file was still incomplete and that the only transcript that had been received was from New York University. Czukerberg was also advised that because she was a foreign student that she would need to have her educational credentials evaluated by a credentialing agency.

10. On October 9, 1995, the Agency again sent Czukerberg a notice that her application was incomplete and that the documentation requested must be received by the Agency by December 18, 1995, for the April 17, 1996, examination. In addition to the information which had been previously requested the notice also stated:

All foreign education must be accompanied by a certified English translation. In addition, please have a degree equivalency determination completed and submitted to this office by one of the certified credentialing agencies listed in the application previously sent to you.

11. As of November 2, 1995, the Agency had not received the additional documentation. Czukerberg was again told that she needed to submit the documentation and that she needed to have

her educational credentials evaluated.

12. By letter dated January 23, 1996, the Agency sent Czuckerberg a new application package to comply with the new application procedures, which required that verification of her educational credentials be made by the director of an APA accredited psychology program. The letter stated:

What you must submit at this point to complete your file is your doctoral level transcripts, verification of your supervised experience as outlined in the application materials, and verification of whether or not your educational credentials were comparable to an APA approved program at the time of your graduation. I referred you to either Dr. Evelyn Diaz of the Miami Institute of Psychology or Dr. Frank DiPiano of Nova University for the review of your educational credentials as is now allowed by rule of the board. You are not restricted to either of the above for this review; you may have your educational credentials reviewed by the director of any doctoral psychology program accredited by the APA. Further information about this is included in application materials that are forthcoming. There is also the Domestic Violence form that must be submitted; instructions regarding that are on the form.

13. Czuckerberg retained Josef Silny & Associates, Inc. (Silny), to do an evaluation of her educational credentials. By letter dated September 6, 1996, Silny opined that "Ms. Czuckerberg has the equivalent of four years of undergraduate study in Psychology at a regionally accredited U.S. institution of higher education."

14. In a letter to the Agency dated September 9, 1996, Dr. Donald K. Routh, Director of Clinical Training for the

Department of Psychology at the University of Miami, gave the following opinion on Czukerberg's educational credentials:

In my opinion, Ms. Czukerberg has completed a course of training in clinical psychology equivalent to that offered by the University of Miami's APA-approved Ph.D. program in clinical psychology. The equivalence of her training to ours in terms of coursework, master's thesis, practicum and internship was obvious. The only question in my mind was whether she could be regarded as having completed the equivalent of a doctoral dissertation. I do believe that the book, Polvo de Anos, (the English translation of the title would be: "Dust of Years")

published in 1991 by Editorial Diani, in Mexico City, is comparable in scope and contribution.

15. In forming his opinion, Dr. Routh had not evaluated the level of difficulty of the courses taken by Petitioner, had not reviewed a syllabus from the University of Costa Rica, and had not read the book Czukerberg had written years after she had graduated from the University of Costa Rica. At the final hearing, Dr. Routh admitted that his opinion was equivocal.

16. In 1997, while Czukerberg's incomplete application was still pending, the rules for establishing the equivalency of a degree from a foreign university were again amended. Czukerberg was advised that in addition to the other requirements outlined in the January 23, 1996, letter, the rule required an evaluation of educational credentials by a credential's evaluation service acceptable to the Agency.

17. On March 21, 1997, the Agency received a letter from Czukerberg, along with several items including a portion of Silny's evaluation. Czukerberg expressed her hope that the Agency would soon review her application.

18. As of May 2, 1997, Czukerberg's application was still incomplete. The Agency had not received the official transcript from the University of Costa Rica nor had it received verification of her supervision. The incomplete application was forwarded to the Agency's credentials committee, who tabled the matter for consideration by the full Board of Psychology.

19. On June 6, 1997, the Agency voted to deny Czuckerberg's application for licensure by examination.

20. In a letter to Josef Silny & Associates, Inc., dated July 7, 1998, the Director of the Graduate Program in Clinical Psychology at the University of Costa Rica opined on the degrees that are awarded by the University of Costa Rica in Psychology and stated:

In reply to your fax of 07-06-98, I proceed to answer the questions you ask me:

1) The University of Costa Rica does not offer a Doctor Degree in the field of Psychology. There are Licentiate and Master Degree Programs in different areas of Psychology and Graduate Studies in Clinical Psychology.

The University of Costa Rica offers Doctor in Philosophy Degrees in other sciences and two types of Masters Degrees: Academic and Professional. The first one emphasizes research in a specific area. The second emphasizes practical training in skills and abilities on a specific area.

At the present time the Graduate degree in Clinical Psychology is equivalent to a Professional Master Degree, which is the highest degree a student can obtain in the field of Psychology. We are not aware if in other countries, due to the number of hours of practice and academic courses required, and the time dedicated to training, as I mentioned in my previous fax, said degree could be the equivalent to a Doctor of Clinical Psychology Degree.

Furthermore, I would like to clarify that, in order to be accepted in the Graduate Program in Clinical Psychology, the Psychologist must have a Licentiate Degree in Psychology and be a member of the Association of Psychologists. Bachelor Degrees in Psychology are not accepted.

2) In reply to Point 2, I insist on the following: Graduate studies in Clinical Psychology are the highest level studies that



can be done in Costa Rica. There are no Doctor Degree Programs in any area of Psychology.

21. After reviewing the correspondence from the University of Costa Rica, Silny re-evaluated Czukerberg's educational credentials and issued another report dated August 10, 1998, in which Silny gave the following opinion:

In summary, it is the judgment of Josef Silny & Associates, Inc., International Educational Consultants, that Ms. Czukerberg [sic] education in Mexico and Costa Rica is the equivalent of four years of undergraduate study in Psychology, and completion of the U.S. degree of Master of Science in Clinical Psychology earned at a regionally accredited institution of higher education in the United States.

22. The Agency accepts educational evaluations performed by Silny.

23. The degrees which Czukerberg received from the University of Costa Rica are not equivalent to a Pys.D., an Ed.D. in psychology, or a Ph.D. in psychology.

#### CONCLUSIONS OF LAW

24. The Division of Administrative Hearings has jurisdiction over the parties to and the subject matter of this proceeding. Section 120.57(1), Florida Statutes.

25. Section 490.005, Florida Statutes, sets forth the criteria which must be met by an applicant for licensure as a psychologist. The applicant has the burden to establish that he has received a doctoral-level psychological education as defined in Section 490.003(3), Florida Statutes, or the equivalent if the

applicant attended school in a foreign country other than Canada.

26. Section 490.003(3)(a), Florida Statutes, defines "doctoral-level education" as follows:

(3)(a) Prior to July 1, 1999, 'doctoral-level psychological education' and 'doctoral degree in psychology' mean a Psy.D., Ed.D. in psychology, or a Ph.D. in psychology from:

1. An educational institution which, at the time the applicant was enrolled and graduated, had institutional accreditation from an agency recognized and approved by the United States Department of Education or was recognized as a member in good standing of the Association of Universities and Colleges of Canada; and

2. A psychology program within that educational institution which, at the time the applicant was enrolled and graduated, had programmatic accreditation from an accrediting agency recognized and approved by the United States Department of Education or was comparable to such programs.

27. Rule 64B19-11.0035(4), Florida Administrative Code, sets forth the proof necessary to establish eligibility for examination and provides:

(4) The following proof is satisfactory to the Board for the purpose of showing that the applicant's degree obtained outside of the United States or Canada was equivalent to a Ph.D. in psychology, a Psy.D., or an Ed.D. in psychology and was obtained from a program equivalent to a program accredited by a programmatic accrediting agency recognized and approved by the U.S. Department of Education: an original, signed letter on official letterhead confirming same and sent directly to the Board from the director of a doctoral psychology program accredited by the American Psychological Association. The letter shall enumerate the exact documents that were reviewed in determining comparability or augmentation. The Board

shall also require the validation of degree and internship equivalence performed by a credential's evaluation service acceptable to the Board.

28. Czukerberg has not established that the titles of Clinical Psychology Specialist and Clinical Psychologist are equivalent to a Psy.D., an Ed.D. in psychology, or a Ph.D. in psychology. Dr. Routh's opinion was equivocal and was made without reviewing Czukerberg's book or the syllabus from the University of Costa Rica. The opinion of Silny was that Czukerberg's education is equivalent to a Master's Degree in the United States.

#### RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that a Final Order be entered denying Shirley Czukerberg's application for licensure by examination for a psychologist.

DONE AND ENTERED this 23rd day of November, 1998, in Tallahassee, Leon County, Florida.

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SUSAN B. KIRKLAND  
Administrative Law Judge  
Division of Administrative Hearings  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 23rd day of November, 1998.

COPIES FURNISHED:

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.