



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-447A

Teanne Rose, Executive Officer
State Board of Examiners of Psychologists
421 N.W. 13th Street, Ste. 180
Oklahoma City, Oklahoma 73103

August 1, 2016

Dear Executive Officer Rose:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Examiners of Psychologists intends to take with respect to Board case RFI 15-5. The proposed action is for the Board to defer making a decision as to whether to proceed with a formal complaint against the licensee until the licensee has had the opportunity to complete a tutorial aimed at addressing professional ethics. The Board received a complaint from one of the licensee's clients asserting the licensee violated a number of ethical rules including "multiple relationships," diagnostic incompetence, and unfamiliarity with child abuse reporting requirements.

The Psychologists Licensing Act, 59 O.S.2011 & Supp.2015, §§ 1351–1376, authorizes the Board to investigate complaints against licensees and hold hearings, 59 O.S.2011, §1352.1, and to discipline licensees who engage in unprofessional conduct or violate the Board's code of ethics, 59 O.S.Supp.2015, § 1370(B)(2), (15). The Board's administrative rules incorporate other codes as part of its Code of Ethics, including the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct ("Principles and Code"), as well as the Code of Conduct of the Association of State and Provincial Psychology Boards ("ASPPB Code of Conduct"). OAC 575:10-1-10(a), (b). The Principles and Code prohibit psychologists from providing services outside the boundaries of their competence; from entering "multiple relationships" with clients such that the psychologist takes on both a professional role and another role with the same client, which may impair the psychologist's objectivity and professional effectiveness; and from making unsubstantiated recommendations. Principles and Code 2.01, 3.05, 9.01. Further, the ASPPB Code of Conduct requires that psychologists be familiar with any relevant law concerning the reporting of abuse of children. ASPPB Code of Conduct III(F)(8). Administrative rules permit the Board to resolve some complaints informally. OAC 575:1-1-3(b)(9).

The action will reinforce ethics requirements designed to protect clients and ensure competent psychological care. The Board may reasonably believe that deferring action on the complaint, while requiring the licensee to take an ethics tutorial, will result in improved psychological care for clients.

It is, therefore, the official opinion of the Attorney General that the State Board of Examiners of Psychologists has adequate support for the conclusion that this action advances the State of Oklahoma's policy that psychologists meet minimum professional standards.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized with a large, sweeping initial "E" and a distinct "P" at the end.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA