



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-325A

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

May 31, 2016

Dear Executive Officer Teanne 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 pursuant to a consent agreement regarding Board complaint BC 15-3. The proposed action is to place the licensee on probation with supervision for six months and to require the completion of six hours of continuing education. The licensee began counseling a patient when the licensee was already counseling the patient's spouse. The licensee did not obtain written consent for treatment, disclose information about potential conflicts, or disclose information about the patient's privacy rights. The licensee eventually diagnosed the patient with a mental health disorder but, rather than disclose that diagnosis to the patient, disclosed it to the patient's husband and a counselor. The licensee also failed to respond to the patient's request for health records, having failed to keep adequate records.

The Psychologists Licensing Act, 59 O.S.2011 & Supp.2015, §§ 1351–1376, authorizes the Board to impose discipline on 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 the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct ("Principles and Code"). OAC 575:10-1-10(a).

The Principles and Code state that psychologists must "avoid harming their clients/patients" and "minimize harm where it is foreseeable and unavoidable." Principles and Code 3.04. The Principles and Code also require psychologists to "refrain[]" from entering a multiple relationship situation if it could impact client care; it defines "multiple relationship" to include taking on a client when the psychologist already has a "relationship with a person closely associated with or related to" the client. *Id.* 3.05(a). Relatedly, the Principles and Code specifically mandate that a psychologist clarify the relationship when providing services to both a husband and wife. *Id.* 10.02(a). Further, a psychologist must provide adequate information to ensure informed consent, protect confidentiality and discuss the uses of information with patients and maintain records. *Id.* 3.10(a), 4.02.



The action seeks to ensure that licensed psychologists adhere to professional standards that require disclosure and clarity about the professional relationship with clients. The Board may reasonably believe that supervision and additional education will allow this licensee to provide services without harming additional 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 adhere to minimum standards of professionalism.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a stylized flourish extending to the right.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA