



STATE OF OKLAHOMA BOARD OF EXAMINERS OF PSYCHOLOGISTS

THE PSYCHOLOGISTS LICENSING ACT *(effective November 1, 2016)*



THE PSYCHOLOGISTS LICENSING ACT

(Amended by Laws 2016)

Title 59, OS, 2003, Sections 1351-1376.

Section 1351. **Citation** This act may be cited as the “Psychologists Licensing Act.”

Laws 1965, c. 347, § 1, emerg. eff. June 28, 1965.

Section 1352. **Definitions** In the Psychologists Licensing Act, unless the context otherwise requires:

1. “*Board*” means the Oklahoma State Board of Examiners of Psychologists;
2. “*Psychologist*” means a person who represents himself or herself to be a psychologist by using any title or description of services incorporating the words “psychology,” “psychological,” or “psychologist,” or by offering to the public or rendering to individuals or to groups of individuals services defined as the practice of psychology. A psychologist shall not be entitled to use the term “physician” in any title or designation or in any description of services performed by the psychologist unless such psychologist is otherwise authorized to use such designation by Section 725.2 of this title;

3. “*Practice of psychology*” means the observation, description, evaluation, interpretation, and modification of human behavior by the application of psychological principles, methods, and procedures, for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology, a branch of the healing arts, includes, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered;

4. “*Health service*” means the delivery of direct, preventive, assessment and therapeutic intervention services to individuals whose growth, adjustment, or functioning is actually impaired or may be at risk of impairment; and

5. “*Health service psychologist*” means an individual licensed as a psychologist under the Psychologists Licensing Act to provide health services to the public and who engages in the direct practice of psychology and evidences two (2) years of formal supervised experience conducting psychological intervention services as defined by the rules and regulations of the Board. Effective September 1, 1993, “clinical psychologist” and “licensed clinical psychologist” shall mean “health service psychologist”. Wherever in the Oklahoma Statutes or in rules promulgated pursuant thereto reference is made to clinical psychologist or licensed clinical psychologist, it shall mean health service psychologist.

Laws 1965, c. 347, § 2, emerg. eff. June 28, 1965; Laws 1991, c. 144, § 1, eff. July 1, 1991. Amended by Laws 1993, c.

Section 1352.1 Powers and Duties of State Board of Examiners of Psychologists

The State Board of Examiners of Psychologists, in addition to the other powers and duties prescribed by the Psychologists Licensing Act, shall have the power and duty to:

1. Regulate the practice of psychology in this state; and
2. Examine and issue the appropriate licenses pursuant to the provisions of the Psychologists Licensing Act to applicants qualified in the practice of psychology; and
3. Continue in effect, suspend, revoke, modify, or deny, pursuant to the provisions of the Psychologists Licensing Act and such conditions as the Board may prescribe, licenses for the practice of psychology in this state; and
4. Investigate complaints, and hold hearings pursuant to the provisions of Sections 301 through 326 of Title 75 of the Oklahoma Statutes; and
5. Initiate prosecution; and
6. Reprimand or place on probation or both any holder of a license pursuant to the provisions of the Psychologists Licensing Act; and
7. Adopt and promulgate standards of professional conduct for psychologists; and
8. Develop and promulgate the rules and regulations and establish fees, not otherwise provided in the Psychologists Licensing Act; necessary to effectuate the provisions of the Psychologists Licensing Act; and
9. Enforce the standards and rules and regulations promulgated pursuant to the provisions of the Psychologists Licensing Act; and
10. Exercise all incidental powers and duties which are necessary and proper to effectuate the provisions of the Psychologists Licensing Act.

Laws 1984, c. 34 § 1, operative July 1, 1984; Amended by Laws 2016, c.169, § 1, effective November 1, 2016.

Section 1353. License required- Activities exempt No person shall represent himself or herself as a psychologist or engage in the practice of psychology unless the person is licensed pursuant to the provisions of the Psychologists Licensing Act. The provisions of the Psychologists Licensing Act shall not apply to:

1. The teaching of psychology, the conduct of psychological research, or the provision of psychological services or consultation to organizations or institutions; provided, that such teaching, research, or service does not involve the delivery or supervision of direct psychological services to individuals or groups of individuals who are themselves, rather than a third party, the intended beneficiaries of the services, without regard to the source or extent of payment for services rendered. Nothing in the Psychologists Licensing Act shall prevent the provision of expert testimony by psychologists who are otherwise exempt from the provisions of Section 1351 et seq. of this title. Persons holding an earned doctoral degree in psychology from an institution of higher education may use the title “psychologist” in conjunction with the activities permitted by this subsection;

2. Qualified members of other professions, including, but not limited to, physicians, licensed social workers, licensed professional counselors, licensed marital and family therapists, or pastoral counselors, doing work of a psychological nature consistent

with their training and consistent with the code of ethics of their respective professions provided they do not hold themselves out to the public by any title or description incorporating the word psychological, psychologist, or psychology;

3. The activities, services, and use of an official title by a person in the employ of a state agency, if such activities, services, and use are a part of the duties of the office or position of such person within an agency or institution;

4. The activities and services of a person in the employ of a private, nonprofit behavioral services provider contracting with the state to provide behavioral services to the state if such activities and services are a part of the official duties of such person with the private nonprofit agency.

a. Any person who is unlicensed and operating under these exemptions shall not use any of the following official titles or descriptions or derivatives thereof:

- (1) psychologist, psychology or psychological,
- (2) licensed social worker,
- (3) clinical social worker,
- (4) certified rehabilitation specialist,
- (5) licensed professional counselor,
- (6) psychoanalyst, or
- (7) marital and family therapist.

b. Such exemption to the provisions of the Psychologists Licensing Act shall apply only while the unlicensed individual is operating under the auspices of a contract with the state and within the employ of the nonprofit agency contracting with the state. Such exemption will not be applicable to any other setting.

c. State agencies contracting to provide behavioral health services will strive to ensure that quality of care is not compromised by contracting with external providers and that the quality of service is at least equal to the service that would be delivered if that agency were able to provide the service directly. The persons exempt under the provisions of this act shall provide services that are consistent with their training and experience. Agencies will also ensure that the entity with which they are contracting has qualified professionals in its employ and that sufficient liability insurance is in place to allow for reasonable recourse by the public;

5. The activities and services of a person in the employ of a private, for-profit behavioral services provider contracting with the state to provide behavioral services to youth and families in the care and custody of the Office of Juvenile Affairs or the Department of Human Services on March 14, 1997, if such activities and services are a part of the official duties of such person with the private for-profit contracting agency.

a. Any person who is unlicensed and operating under these exemptions shall not use any of the following official titles or descriptions or derivatives thereof:

- (1) psychologist, psychology or psychological,
- (2) licensed social worker,
- (3) clinical social worker,
- (4) certified rehabilitation specialist,

- (5) licensed professional counselor,
- (6) psychoanalyst, or
- (7) marital and family therapist.

- b. Such exemption to the provisions of this act shall apply only while the unlicensed individual is operating under the auspices of a contract with the state and within the employ of the for-profit agency contracting with the state. Such exemption shall only be available for ongoing contracts and contract renewals with the same state agency and will not be applicable to any other setting.
- c. State agencies contracting to provide behavioral health services will strive to ensure that quality of care is not compromised by contracting with external providers and that the quality of service is at least equal to the service that would be delivered if that agency were able to provide the service directly. The persons exempt under the provisions of this act shall provide services that are consistent with their training and experience. Agencies will also ensure that the entity with which they are contracting has qualified professionals in its employ and that sufficient liability insurance is in place to allow for reasonable recourse by the public;

6. The activities and services of a student, intern, or resident in psychology, pursuing a course of study at a university or college that is regionally accredited by an organization recognized by the United States Department of Education, or working in a training center recognized by that university or college, if the activities and services constitute a part of the supervised course of study for the student, intern, or resident;

7. Individuals who have been certified as school psychologists by the State Department of Education. They shall be permitted to use the term “certified school psychologist.” Such persons shall be restricted in their practice to employment within those settings under the purview of the State Board of Education;

8. The activities and services of a person who performs psychological services pursuant to the direct supervision of a licensed psychologist or psychiatrist or an applicant for licensure who is engaged in the applicant’s postdoctoral year of supervision. Such person shall be subject to approval by the Board and to such rules as the Board may prescribe pursuant to the provisions of the Psychologists Licensing Act;

9. The activities and services of a nonresident of this state who renders consulting or other psychological services if such activities and services are rendered for a period which does not exceed in the aggregate more than five (5) days during any year and if the nonresident is authorized pursuant to the laws of the state or country of the person’s residence to perform these activities and services. Such person shall inform the Board prior to initiation of services;

10. The activities and services of a nonresident of this state who renders consulting or other psychological services if such activities and services are rendered in cooperation with the American Red Cross or as a member of the Disaster Response Network of the American Psychological Association. The Board shall be informed prior to initiation of services; or

11. For one (1) year, the activities and services of a person who has recently become a resident of this state and has had his or her application for licensing accepted by the Board, and if the person was authorized by the laws of the state or country of his or her

former residence to perform such activities and services.

Laws 1965, c. 347, § 3, emerg. eff. June 28, 1965; Laws 1984, c. 34, § 2, emerg. Eff. July 1, 1984; Laws 1991, c. 144, § 2, eff. July 1, 1991. Amended by Laws 1993, c. 168, § 5, eff. September 1, 1993. Amended by Laws 1998, c.153, §2 emerg eff. 4-27-98 & 8-28-98. Amended by Laws 1999, c.1, § 17, emerg. Eff. February 24, 1999. Amended by Laws 2016, c.169, § 2, effective November 1, 2016.

Section 1354. Board of Examiners- Membership- Tenure-Oath There is hereby re-created, to continue until July 1, 2019, pursuant to the provisions of the Oklahoma Sunset Law, the State Board of Examiners of Psychologists. The Board shall administer the provisions of the Psychologists Licensing Act. The Board shall consist of seven (7) members appointed by the Governor. Five members shall be psychologists from various areas in psychology and two members shall be lay persons. At the expiration of the term of each Board member who is a psychologist, the Governor shall appoint a successor from a list of ten (10) licensed psychologists which is provided by the Oklahoma State Psychological Association. Members shall serve for a term of four (4) years and until a successor is appointed and qualified. Before entering upon the duties of his office, each member of the Board shall take the constitutional oath of office and file it with the Secretary of State.

Laws 1965, c. 347, § 4, emerg. eff. June 28, 1965; Laws 1979 c. 121, § 5, emerg eff. May 1, 1979; Laws 1983, c. 55, § 1, operative July 1, 1983; Laws 1985, c. 24, § 1, operative July 1, 1985; Laws 1991, c. 4, Section 1, eff. July 1, 1991; Laws 1991, c. 144, § 3, eff. July 1, 1991; Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991; Laws 1997, c. 35, § 1. Laws 2003, c.14 § 1; Amended by Laws 2009, HB 1015, C. 18 § 1; Amended by Laws 2013, HB 1683, c. 345 § 1.

Section 1355. Qualifications of examiners Each member of the State Board of Examiners of Psychologists shall be a citizen of the United States and a resident of this state. The members of the Board who are psychologists shall be licensed pursuant to the provisions of the Psychologists Licensing Act. Members of the Board may be reappointed for one four-year term. However, following the termination of a term of service on the Board a former member may be reappointed only after a period of years equal to or greater than the number of years of his or her previous service.

Laws 1965, c. 347, § 5, emerg. eff. June 28, 1965; Laws 1983, c. 55, § 2, operative July 1, 1983; Laws 1991, c. 144, § 4, eff. July 1, 1991, Laws 2004, eff July 1, 2004.

Section 1356. Repealed by Laws 1985, Chapter 178, § 81, operative July 1, 1985

From: Laws 1965, c. 347, § 6.

Laws 1982, c. 53, § 1.

See, now, § 500.1 et seq. of Title 74.

Section 1357. Removal from Board-Vacancies After giving the member a written statement of the charges and an opportunity to be heard thereon, the Governor may remove any member of the Board for misconduct, incompetency, or neglect of duty. Any vacancy in the membership of the Board shall be filled by the Governor for the unexpired term. If there is a vacancy in the psychologist membership of the Board, the Governor shall fill it from a list of ten (10) psychologists which is provided by the Oklahoma State Psychological Association.

Laws 1965, § 347, § 7, emerg. eff. June 28, 1965; Laws 1983, c. 55, § 3, operative July 1, 1983; Laws 1991, c. 144, § 5, eff. July 1, 1991.

Section 1358. Meetings-Officers-Employees-Office space-Seal The Board shall hold a

regular meeting at which it shall annually select from its membership a chair and a vice-chair. Other regular meetings shall be held at such times as the rules of the Board may provide. Special meetings may be held at such times as may be deemed necessary by the Board or a majority of its members. Reasonable notice of all meetings shall be given in the manner prescribed by the Rules of the Board. Four members of the Board shall constitute a quorum. The secretary of the Board shall be appointed by the Board and shall hold office at the pleasure of the Board. The secretary may be a member of the Board. The Board may employ such other persons and may rent or purchase such office space and office equipment as it deems necessary to implement the provisions of the Psychologists Licensing Act. The Board shall adopt an official seal.

Laws 1965, c. 347, § 8, emerg. eff. June 28, 1965; Laws 1983, c. 55, § 4, operative July 1, 1983; Laws 1991, c. 144, § 6, eff. July 1, 1991.

Section 1359. Repealed by Laws 1984, Chapter 34, § 7, operative July 1, 1984.

From: Laws 1965, c. 347, § 9.

Section 1360. Psychologists Licensing Fund The secretary of the Board shall receive and account for all monies derived under this act. The secretary shall pay these monies monthly to the State Treasurer who shall keep them in a separate fund to be known as the “Psychologists Licensing Fund.” All monies received in said fund are hereby appropriated to the Board. Expenditures from the “Psychologists Licensing Fund” shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. It is further provided that all monies in the “Psychologists Licensing Fund” at the end of each fiscal year, being the unexpected balance of such fund, shall be carried forward and placed to the credit of the “Psychologists Licensing Fund” for the succeeding fiscal year. The Board may make expenditures from this fund for any purpose which is reasonably necessary to carry out the provisions of this act; provided that all reimbursement for expenses shall be paid only from the “Psychologists Licensing Fund.” No money shall ever be paid from the General Revenue Fund for the administration of this act and any expenses or liabilities incurred by said Board shall not constitute a charge on any state funds other than said “Psychologists Licensing Fund”.

Laws 1965, c347, § 10, emerg. Eff. June 28, 1965; Amended by Laws 1980, c.159 § 15, emerg. eff. April 2, 1980; Amended by Laws 1991, c.144, § 144, emerg. Eff. July 1, 1991; Amended by Laws 2016, c169, § 3, eff. November 1, 2016.

Section 1361. Code of ethics The State Board of Examiners of Psychologists shall publish a code of ethics. The code shall take into account the professional character of psychological service and shall be designed to protect the interest of the client and the public. In developing and revising this code, the Board shall hold hearings where interested persons may be heard on the subject and the Board may take into account the Ethical Principles of Psychologists and Code of Conduct promulgated by the American Psychological Association and the Code of Conduct promulgated by the Association of State and Provincial Psychology Boards.

Laws 1965, c. 347, § 11, emerg. eff. June 28, 1965; Amended by Laws 2004, c.313, § 19, emerg. eff. May 19, 2004.

Section 1362. Qualifications of applicants for examination An applicant is qualified to

take the examination to be licensed when the applicant has met the following criteria:

1. Applicants for licensure shall possess a doctoral degree in psychology from an institution of higher education. The degree shall be obtained from a recognized program of graduate study in psychology as defined by the rules and regulations of the Board. Applicants for licensure who graduated before January 1, 1997, shall have completed a doctoral program in psychology that meets recognized acceptable professional standards as determined by the Board. Applicants for licensure who graduated on or after January 1, 1997 shall have completed a doctoral program in psychology that is accredited by the American Psychological Association (APA). In areas where no accreditation exists, applicants for licensure shall have completed a doctoral program in psychology that meets recognized acceptable professional standards as determined by the Board. When a new specialty of professional psychology is recognized as being within the accreditation scope of the APA, doctoral programs within that specialty will be afforded a transition period of eight (8) years from their first class of students to the time of their accreditation. During that transition period, graduates of such programs may sit for licensure examination whether or not the program has been accredited. This also applies to new doctoral programs of specialties previously recognized within the scope of APA accreditation. Applicants trained in institutions outside the United States shall meet requirements established by the Board.

2. For admission to the licensure examination, applicants shall demonstrate that they have completed two (2) years of supervised professional experience, one (1) year of which shall be postdoctoral. In accordance with the rules and regulations promulgated by the Board, applicants may be allowed to sit for examination during the applicant's second year of experience. The criteria for appropriate supervision shall be in accordance with regulations which shall be promulgated by the Board. Postdoctoral experience shall be compatible with the knowledge and skills acquired during formal doctoral or postdoctoral education in accordance with professional requirements and relevant to the intended area of practice.

3. Applicants shall be required to show evidence of good character; that is, that they have not been convicted of a criminal offense that bears directly on the fitness of the individual to be licensed. Each applicant shall submit to a national criminal history record check, as defined by Section 150.9 of Title 74 of the Oklahoma Statutes. The costs associated with the national criminal history record check shall be paid by the applicant.

Laws 1965, c. 347, § 12, emerg. eff. June 28, 1965; Amended by Laws 1984, c. 34, § 3, emerg. eff. July 1, 1984; Amended by Laws 1991, c. 144, § 8, emerg. eff. July 1, 1991; Amended by Laws 2016, c.169, § 4, eff. November 1, 2016.

Section 1362.1 Health Service Psychologists-Certification-Demonstration of prior service-Conditions

A. Any licensed psychologist who independently provides or offers to provide health services to the public shall be certified as a Health Service Psychologist by the State Board of Examiners of Psychologists. The Board shall certify as a Health Service Psychologist an applicant who demonstrates that the applicant has at least two (2) years of full-time supervised health service experience as defined by the rules and regulations of the Board.

B. Notwithstanding the provisions of Section 1362 of this title, the applicant shall be certified by the Board as a Health Service Psychologist if the applicant meets one of the following conditions:

1. The psychologist is Board certified by the American Board of Professional

Psychology; or

2. The psychologist has the equivalent of two (2) years of full-time experience satisfactory to the Board, one year of which was a doctoral internship, and one year of which was postdoctoral, at a site where health services are provided.

Laws 1991, c. 144, § 9, eff. July 1, 1991; Amended by Laws 2004, c.313, § 20, emerg. eff. May 19, 2004.

Section 1363. Application form Application for examination for a license as a psychologist or for a license without examination shall be upon the forms prescribed by the Board. The Board may require that the application be verified. The fee for the license shall accompany the application.

Laws 1965, c. 347, § 13, emerg. eff. June 28, 1965.

Section 1364. Documentary evidence as to experience In determining the acceptability of the applicant's professional experience, the Board may require such documentary evidence of the quality, scope, and nature of the applicant's experience as it deems necessary.

Laws 1965, c. 347, § 14, emerg. eff. June 28, 1965.

Section 1365. Examinations-Time-Scope-Reexaminations The Board shall administer examinations to qualified applicants at least once a year. The Board shall determine the subject and scope of the examinations. Written examinations may be supplemented by such oral examinations as the Board shall determine. An applicant who fails his examination may be reexamined at a subsequent examination upon payment of another licensing fee.

Laws 1965, c. 347, § 15, emerg. eff. June 28, 1965.

Section 1366. Issuance of license-License without examination The Oklahoma State Board of Examiners of Psychologists may issue a license pursuant to the provisions of the Psychologists Licensing Act:

1. To a qualified applicant who has successfully passed the examination prescribed by the Board and who has paid the fee required by the rules promulgated pursuant to the provisions of the Psychologists Licensing Act; or

2. Upon application to the Board and payment of the fees required by the Board by rules of the Board promulgated pursuant to the provisions of the Psychologists Licensing Act, to any person who is a diplomate of the American Board of Professional Psychology, or who holds a current Certificate of Professional Qualification in Psychology from the Association of State and Provincial Psychology Boards.

Laws 1965, c. 347, § 16, emerg. eff. June 28, 1965; Amended by Laws 1984, c. 34, § 4, emerg. eff. July 1, 1984; Amended by Laws 1991, c. 144, § 10, emerg. eff. July 1, 1991; Amended by Law 1998, c.291, § 2, eff. August 28, 1998; Amended by Laws 2016, c.169, § 5, eff. November 1, 2016.

Section 1367. Amount of fees The application fee and the annual renewal fee shall be amounts fixed by the Oklahoma State Board of Examiners of Psychologists. The Board shall fix the amount of the fees so that the total fees collected will be sufficient to meet the expenses of administering the provisions of the Psychologists Licensing Act and so there are no unnecessary surpluses in the "Psychologists Licensing Fund."

Laws 1965, c. 347, § 17, emerg. eff. June 28, 1965; Amended by Laws 1974, c. 176, § 1, emerg. eff. July 1, 1974; Amended by Laws 1977, c. 65, § 1; Laws 1983, c. 55, Section 5, operative July 1, 1993. Amended by Laws 1993, c. 168, § 6, eff. September 1, 1993; Amended by Laws 2004, c.313, § 21, emerg. eff. May 19, 2004.

Section 1368. Licenses-Contents-Renewals-Inactive status

A. The State Board of Examiners of Psychologists shall issue a license to each person that it registers as a psychologist. The license shall show the full name of the psychologist and shall bear a serial number. The license shall be signed by the chairman and the secretary of the Board under the seal of the Board.

B. Licenses expire on the thirty-first day of December following their issuance or renewal and are invalid thereafter unless renewed.

C. The Board shall notify every person licensed under this act of the date of expiration and the amount of the renewal fee. This notice shall be mailed at least one (1) month before the expiration of the license. Renewal may be made at any time during the months of November or December upon application therefor by payment of the renewal fee. Failure on the part of any person licensed to pay his or her renewal fee before the first day of January does not deprive such person of the right to renew his or her license, but the fee to be paid for renewal after December shall be increased ten percent (10%) for each month or fraction thereof that the payment of the renewal fee is delayed. However, the maximum fee for delayed renewal shall not exceed twice the normal renewal fee. A psychologist who wishes to place his or her license on inactive status may do so upon application by payment of a fee as fixed by the Board; such a psychologist shall not accrue any penalty for late payment of the renewal fee.

Laws 1965, c. 347, § 18, emerg. eff. June 28, 1965; Amended by Laws 1974, c.305, § 1, emerg. eff. May 29, 1974; Amended by Laws 1977, c. 65, § 2, Amended by Laws 2004, § 22, eff. May 19, 2004.

Section 1368.1 Continuing education The Board is hereby authorized to establish requirements of continuing education as a condition for the renewal of licensure of psychologists; however, rules and regulations concerning accreditation of continuing education programs and other educational experience, and the assignment of credit for participation therein must be promulgated by the board at least one (1) year prior to implementation of continuing education.

Laws 1987, c. 206, § 67, emerg. eff. July 1, 1987; Amended by Laws 1987, c.236, § 35, emerg. eff. July 20, 1987.

Section 1369. List of licensed psychologists The State Board of Examiners of Psychologists shall maintain and publish an up-to-date list of all psychologists licensed under this act on the website of the Board. The list shall contain the name and address of the psychologists and such other information that the Board deems desirable.

Laws 1965, c. 347, § 19, emerg. eff. June 28, 1965, Amended by Laws 2004, c.313, § 23, emerg. eff. May 19, 2004; Amended by Laws 2016, c.169, § 6, eff. November 1, 2016.

Section 1370. Standards of conduct-Suspension, probation, remediation, revocation of license-Notice of hearing-Orders-Service-Restoration of license, reduction of suspension or probation period, withdrawal of reprimand

A. A psychologist and any other persons under the supervision of the psychologist shall conduct their professional activities in conformity with ethical and professional standards promulgated by the State Board of Examiners of Psychologists by rule.

B. The Board shall have the power and duty to suspend, place on probation, require remediation, revoke any license to practice psychology, impose an administrative fine not to exceed Five Thousand Dollars (\$5,000) per incident, or assess reasonable costs or to take any other action specified in the rules whenever the Board shall find by clear and convincing evidence that the psychologist has engaged in any of the following acts or

offenses:

1. Fraud in applying for or procuring a license to practice psychology;
 2. Immoral, unprofessional, or dishonorable conduct as defined in the rules promulgated by the Board;
 3. Practicing psychology in a manner as to endanger the welfare of clients or patients;
 4. Conviction of a felony crime that substantially relates to the business practices of psychology or poses a reasonable threat to public safety;
 5. Harassment, intimidation, or abuse, sexual or otherwise, of a client or patient;
 6. Engaging in sexual intercourse or other sexual contact with a patient;
 7. Use of repeated untruthful, deceptive or improbable statements concerning the licensee's qualification or the effects or results of proposed treatment, including practicing outside of the psychologist's professional competence established by education, training, and experience;
 8. Gross malpractice or repeated malpractice or gross negligence in the practice of psychology;
 9. Aiding or abetting the practice of psychology by any person not approved by the Board or not otherwise exempt from the provisions of Section et seq. of Section 1351 et seq. of this title;
 10. Conviction of or pleading guilty or nolo contendere to fraud in filing Medicare or Medicaid claims or in filing claims with any third party payor. A copy of the record of plea or conviction, certified by the clerk of the court entering the plea or conviction, shall be conclusive evidence of the plea or conviction;
 11. Exercising undue influence in a manner to exploit the client, patient, student, or supervisee for financial advantage beyond the payment of professional fees or for other personal advantage to the practitioner or a third party;
 12. The suspension or revocation by another state of a license to practice psychology. A certified copy of the record of suspension or revocation of the state making such a suspension or revocation shall be conclusive evidence thereof;
 13. Refusal to appear before the Board after having been ordered to do so in writing by the executive officer or chair of the Board;
 14. Making any fraudulent or untrue statement to the Board;
 15. Violation of the code of ethics adopted in the rules and regulations of the Board; and
 16. Inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.
- C. No license shall be suspended or revoked nor the licensee placed on probation or reprimanded until the licensee has been given an opportunity for a hearing before the Board pursuant to the provisions of subsection D of this section. Whenever the Board determines that there has been a violation of any of the provisions of the Psychologists Licensing Act or of any order of the Board, it shall give written notice to the alleged violator specifying the cause of complaint. The notice shall require that the alleged violator appear before the Board at a time and place specified in the notice and answer the charges specified in the notice. The notice shall be delivered to the alleged violator in accordance with the

provisions of subsection E of this section not less than ten (10) days before the time set for the hearing.

D. On the basis of the evidence produced at the hearing, the Board shall make findings of fact and conclusions of law and enter an order thereon in writing or stated in the record. A final order adverse to the alleged violator shall be in writing. An order stated in the record shall become effective immediately, provided the Board gives written notice of the order to the alleged violator and to the other persons who appeared at the hearing and made written request for notice of the order. If the hearing is held before any person other than the Board itself, such person shall transmit the record of the hearing together with recommendations for findings of fact and conclusions of law to the Board, which shall thereupon enter its order. The Board may enter its order on the basis of such record or, before issuing its order, require additional hearings or further evidence to be presented. The order of the Board shall become final and binding on all parties unless appealed to the district court as provided for in the Administrative Procedures Act.

E. Except as otherwise expressly provided for by law, any notice, order, or other instrument issued by or pursuant to the authority of the Board may be served on any person affected, by publication or by mailing a copy of the notice, order, or other instrument by registered mail directed to the person affected at the last-known post office address of such person as shown by the files or records of the Board. Proof of the service shall be made as in case of service of a summons or by publication in a civil action. Proof of mailing may be made by the affidavit of the person who mailed the notice. Proof of service shall be filed in the office of the Board.

F. Every certificate or affidavit of service made and filed as provided for in this section shall be prima facie evidence of the facts stated therein, and a certified copy thereof shall have in same force and affect as the original certificate or affidavit of service.

G. If the psychologist fails or refuses to appear, the Board may proceed to hearing and determine the charges in his or her absence. If the psychologist pleads guilty, or if upon hearing the charges, a majority of the Board finds them to be true, the Board may enter an order suspending or revoking the license of the psychologist, reprimanding the psychologist, or placing the psychologist on probation or any combination of penalties authorized by the provisions of this section.

H. The secretary of the Board shall preserve a record of all proceedings of the hearings and shall furnish a transcript of the hearings to the defendant upon request. The defendant shall prepay the actual cost of preparing the transcript.

I. Upon a vote of four of its members, the Board may restore a license which has been revoked, reduce the period of suspension or probation, or withdraw a reprimand.

J. As used in this section:

1. "Substantially relates" means the nature of criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation; and

2. "Poses a reasonable threat" means the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation.

K. The Board may keep confidential its investigative files.

Laws 1965, c.347, § 20; Amended by Laws 1974, c.64, § 1, emerg. eff. April 13, 1974; Amended by Laws 1984, c.34, § 5, emerg. eff. July 1, 1984; Amended by Laws 1991, c.144, § 11, emerg. eff. July 1, 1991; Amended by Laws 1998, c.291, § 3, eff. August 28, 1998, Amended by Laws 2004, c.313, § 24, emerg. eff. May 19, 2004; Amended by Laws 2015, c.183 §

8, eff. November 1, 2015; Amended by Laws 2016, c.169, § 7, eff. November 1, 2016.

Section 1370.1 Hearing on suspension or revocation of license

A. The hearings provided for by Section 1370 of Title 59 of the Oklahoma Statutes shall be conducted by the Board itself at a regular or special meeting of the Board. Such hearings shall be conducted in conformity with and records made thereof as provided by the provisions of Sections 301 through 326 of Title 75 of the Oklahoma Statutes.

B. It shall continue to be the duty of the Attorney General to issue his official opinion to the Board and to prosecute and defend actions for the Board, if requested to do so.

Laws 1984, c. 34, § 6, emerg. eff. July 1, 1984.

Section 1370.2 Conducting a Hearing – Emergency Temporary License Suspension

The chair of the State Board of Examiners of Psychologists, upon concurrence of the vice-chair of the Board that an emergency exists for which the immediate suspension of a license is imperative for the public health, safety, and welfare, may conduct a hearing as provided by Section 314 of Title 75 of the Oklahoma Statutes to temporarily suspend the license of any person under the jurisdiction of the Board.

Laws 2012, c.211 § 1, eff. November 1, 2012.

Section 1370.3 Inability to Practice due to Impairment – Treatment and Monitoring Programs

A. A licensed psychologist shall report to the Board information regarding a psychologist suspected of practicing psychology while being impaired or incapacitated by misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition. Any person making a report to the Board under this section shall be immune from any civil or criminal liability resulting from such reports, provide such reports are made in good faith.

B. The Board may defer disciplinary action under Section 1370 of Title 59 for an impaired psychologist who voluntarily signs an agreement, in a form satisfactory to the Board, agreeing to enter a Board approved treatment and monitoring program for impaired practitioners. The impaired psychologist shall consent in accordance with applicable law, to the release of any treatment information to the Board from anyone within the approved treatment program.

C. In the event the psychologist fails to comply with the agreement terms and make satisfactory progress in the treatment and monitoring program, the Board shall suspend the license immediately and assign a hearing date for the matter to be presented to the Board.

D. Any person who enters into an agreement under this section shall be responsible for any and all costs associated with participation in the treatment program.

E. A psychologist's participation in a treatment program does not prevent the Board from conducting additional proceedings for acts or omissions of acts not specifically related to the impairment.

Laws 2016, c.169, § 9, eff. November 1, 2016.

Section 1371. Repealed by Laws 1991, c. 144, § 13, eff. July 1, 1991.

Section 1372. Repealed by Laws 1978, c. 285. § 1102, eff. October 1, 1978.

Section 1373. Injunction The Board, the Attorney General, or the local district attorney

may apply to the district court in the county in which a violation of this act is alleged to have occurred for an order enjoining or restraining the commission or continuance of the acts complained of. Thereupon, the court has jurisdiction of the proceedings and may grant such temporary or permanent injunction or restraining order, without bond, as it deems just and proper. The remedy provided by this section is in addition to, and independent of, any other remedies available for the enforcement of this act.

Laws 1965, c.347, § 23, emerg. eff. June 28, 1965.

Section 1374. Violations and penalties Any person who, after the first day of January, 1966, represents himself to be a psychologist or engages in the practice of psychology within this state without being licensed or exempted in accordance with the provisions of this act is guilty of a misdemeanor and, upon conviction, shall be fined not more than Five Hundred Dollars (\$500.00) or be confined in jail for not more than six (6) months, or both. Each day of violation is a separate offense.

Laws 1965, c. 347, § 24, emerg. eff. June 28, 1965.

Section 1375. Annual reports The Board shall make an annual report to the Governor, not later than the 15th day of November of each year, which report shall contain an account of all monies received, licenses issued, suspended, or revoked and all expenditures made by said Board in the previous fiscal year prior to said date.

Laws 1965, c. 347, § 25, emerg. eff. June 28, 1965; Amended by Laws 2016, c.169, § 8, eff. November 1, 2016.

Section 1376. Confidential communications-Disclosure-Exceptions-Threats of patient to self or others All communications between a licensed psychologist and the individual with whom the psychologist engages in the practice of psychology are confidential. At the initiation of the professional relationship the psychologist shall inform the patient of the following limitations to the confidentiality of their communications. No psychologist, colleague, agent or employee of any psychologist, whether professional, clerical, academic or therapeutic, shall disclose any information acquired or revealed in the course of or in connection with the performance of the psychologist's professional services, including the fact, circumstances, findings or records of such services, except under the following circumstances:

1. Pursuant to the provisions of Section 2503 of Title 12 of the Oklahoma Statutes or where otherwise provided by law;
2. Upon express, written consent of the patient;
3. Upon the need to disclose information to protect the rights and safety of self or others if:
 - a. the patient presents a clear and present danger to himself and refuses explicitly or by behavior to voluntarily accept further appropriate treatment. In such circumstances, where the psychologist has a reasonable basis to believe that a patient can be committed to a hospital pursuant to Section 5-401 of Title 43A of the Oklahoma Statutes, the psychologist shall have a duty to seek commitment. The psychologist may also contact members of the patient's family, or other individuals if in the opinion of the psychologist, such contact would assist in protecting the safety of the patient.
 - b. the patient has communicated to the psychologist an explicit threat to kill or inflict serious bodily injury upon a reasonably identified person and the

patient has the apparent intent and ability to carry out the threat. In such circumstances the psychologist shall have a duty to take reasonable precautions. A psychologist shall be deemed to have taken reasonable precautions if the psychologist makes reasonable efforts to take one or more of the following actions:

- (1) communicates a threat of death or serious bodily injury to the reasonably identified person,
- (2) notifies an appropriate law enforcement agency in the vicinity where the patient or any potential victim resides,
- (3) arranges for the patient to be hospitalized voluntarily, or
- (4) takes appropriate steps to initiate proceedings for involuntary hospitalization pursuant to law.

c. the patient has a history of physical violence which is known to the psychologist and the psychologist has a reasonable basis to believe that there is a clear and imminent danger that the patient will attempt to kill or inflict serious bodily injury upon a reasonably identified person. In such circumstances the psychologist shall have a duty to take reasonable precaution. A psychologist shall be deemed to have taken reasonable precautions if the psychologist makes reasonable efforts to take one or more of the following actions:

- (1) communicates a threat of death or serious bodily injury to the reasonably identified person,
- (2) notifies an appropriate law enforcement agency in the vicinity where the patient or any potential victim resides,
- (3) arranges for the patient to be hospitalized voluntarily,
- (4) takes appropriate steps to initiate proceedings for involuntary hospitalization pursuant to law,

d. nothing contained in subparagraph (b) of this paragraph shall require a psychologist to take any action which, in the exercise of reasonable professional judgment, would endanger the psychologist or increase the danger to a potential victim or victims, or

e. the psychologist shall only disclose that information which is essential in order to protect the rights and safety of others;

4. In order to collect amounts owed by the patient for professional services rendered by the psychologist or employees of the psychologist. Provided, the psychologist may only disclose the nature of services provided, the dates of services, the amount due for services and other relevant financial information. If the patient raises as a defense to said action, a substantive assertion concerning the competence of a psychologist or the quality of the services provided, the psychologist may disclose whatever information is necessary to rebut such assertion;

5. In any proceeding brought by the patient against the psychologist and in any malpractice, criminal or license revocation proceeding in which disclosure is necessary or relevant to the claim or defense of the psychologist; or

6. In such situations as shall be defined by the rules and regulations of the Board.

Laws 1991, c. 144, § 12, eff. July 1, 1991; Amended by Laws 2004, c.168, § 14, emerg. eff. April 27, 2004.