



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-669A

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

September 6, 2017

Dear Executive Officer Rose:

This office has received your request for a written Attorney General Opinion regarding agency action that the Board of Examiners of Psychologists intends to take. The proposed action is for the Board's executive officer to send a letter to the executive office of the State Board of Behavioral Health Licensure regarding licensed professional counselors' (LPC's) use of the protected terms "psychological," "psychologist," and/or "psychology" in mental health evaluations. The Board has stated the reason for sending the proposed letter is that the Board frequently receives inquiries regarding LPCs labeling their mental health reports as "psychological evaluations." The Board has further stated that often, in addition to using the protected term "psychological" in the title of the evaluation, the evaluation will include other prohibited language that would lead a member of the public to believe the LPC is qualified to practice psychology. Examples of such language include statements like "the contents of the report are highly susceptible to misunderstanding and misuse by persons who are not specifically trained in psychological assessment," and the evaluation "is subject to the laws and ethics governing the practice of psychology." In the proposed letter, the Board intends to outline its concerns regarding this issue and to request that the State Board of Behavioral Licensure educate its licensees regarding both the statute prohibiting such conduct, as well as the consequences for violating the statute. The Board has, in the past, sent individual letters of concern to LPCs regarding this issue. *See* A.G. Opin. 2016-682A and A.G. Opin. 2017-581A.

The Psychologists Licensing Act, 59 O.S.2011 & Supp. 2016, §§ 1351-1376, provides that "[n]o 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." 59 O.S.Supp.2016, § 1353. The provisions of the Act do not apply to "[q]ualified members of other professions, including . . . licensed professional 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.***" *Id.* § 1353(2) (emphasis added). However, when any person "represents himself to be a psychologist or engages in the practice of psychology . . . without being licensed or exempted [from the] act" he or she is in violation of the Act. *Id.* § 1374. The Licensed Professional Counselors Act, 59 O.S.2011 & Supp.2016, §§ 1901–1920, authorizes the State Board of Behavioral Health Licensure to regulate

LPC's. *See* 59 O.S.Supp.2016, § 1905; *see also id.* § 1902(2). Therefore, the Board may reasonably believe that its executive officer sending the proposed letter of concern to the executive officer of that Board will help educate LPCs on this matter and deter future violations of the Act by LPCs.

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 the proposed action advances the State of Oklahoma's policy to ensure the public is not misled concerning the credentials of those who provide mental health services.



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