

ENROLLED SENATE
BILL NO. 139

By: Hobson of the Senate

and

Williams of the House

An Act relating to psychologists; amending 59 O.S. 1991, Sections 725.2, 731.1, 731.2, 1352, 1353 and 1367, which relate to the healing arts and licensure of psychologists; adding health service psychologist to class of persons included in meaning of doctor; clarifying who may use physician designation; prohibiting certain use; deleting definition; conforming language; deleting statute construction; modifying definition; stating meaning of certain reference; exempting licensed marital and family therapists from certain licensing act; modifying fees; providing certain restrictions; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 1991, Section 725.2, is amended to read as follows:

Section 725.2 A. The following ~~six~~ seven classes of persons may use the word "Doctor", or an abbreviation thereof, and shall have the ~~exclusive~~ right to use, ~~(whether or not in conjunction with the word "Doctor", or any abbreviation thereof),~~ the following designations:

1. The letters "D.P.M." by a person licensed to practice podiatry under Chapter 4 of this title;
2. The letters "D.C." by a person licensed to practice chiropractic under Chapter 5 of this title;
3. The letters "D.D.S." by a person licensed to practice dentistry under Chapter 7 of this title;
4. The letters "M.D." by a person licensed to practice medicine and surgery under Chapter 11 of this title;
5. The letters "O.D." by a person licensed to practice optometry under Chapter 13 of this title; and
6. The letters "D.O." by a person licensed to practice osteopathy under Chapter 14 of this title; ~~and~~
7. The letters PhD., EdD. or PsyD. by a person licensed as a health service psychologist pursuant to the Psychologists Licensing Act.

B. Unless otherwise specifically provided in a particular section or chapter of the Oklahoma Statutes, the ~~words~~ word "doctor", ~~or~~ or "doctors", ~~"physician" and "physicians"~~ shall mean and include each of the ~~six~~ seven classes of persons listed in subsection A of this section.

C. Unless otherwise specifically provided in a particular section or chapter of the Oklahoma Statutes, the word "physician" or "physicians" shall mean and include each of the classes of persons

listed in paragraphs 1 through 6 of subsection A of this section. The term "physician" shall not include a person who is licensed as a health service psychologist pursuant to the Psychologists Licensing Act unless such person is otherwise authorized to use such designation pursuant to this section.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 731.1, is amended to read as follows:

Section 731.1 As used in Sections 731.1 through 731.7 of this title:

~~(a) The word "person", as used in this act, shall include 1. "Person" means any individual, or association of individuals or group of individuals-;~~

~~(b) The words "human ill", as used in this act, shall include 2. "Human ill" or "human illness" means any human disease, ailment, deformity, injury or unhealthy or abnormal physical and/or mental condition of any nature-;~~

~~(c) The word "diagnosis", as used in this act, shall include 3. "Diagnosis" means the use professionally of any means for the discovery or determination of any human ill as herein defined, or the cause of any such human ill-; and~~

~~(d) The word "treatment", as used in this act, shall include 4. "Treatment" means the use of drugs, surgery, including appliances, manual or mechanical means, or any other means of any nature whatsoever, for the cure, relief, palliation, adjustment or correction of any human ill as defined herein.~~

~~(e) The words "qualified psychologist" as used in this act shall include any individual holding a PhD. or an EdD. or an M.A. Degree in psychology from a college or university, recognized by The American Psychological Association.~~

SECTION 3. AMENDATORY 59 O.S. 1991, Section 731.2, is amended to read as follows:

Section 731.2 Proof that any class of person identified in Section 725.2 of this title appends to his name the word "Doctor", the abbreviation "Dr.", or any other word, abbreviation or designation, which word, abbreviation or designation, indicate that he or she is qualified for diagnosis and/or treatment, as herein defined, shall constitute prima facie evidence that he or she is holding himself or herself out, within the meaning of this act, as qualified to engage in such diagnosis and/or treatment. Provided that nothing in this act shall be construed to prevent a qualified psychologist holding the degree of PhD. or EdD. from appending to his name the word "Doctor" so long as he follows his name with the letters signifying his profession field, either PhD. or EdD.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 1352, is amended to read as follows:

Section 1352. 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 in this act. 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 ~~this act~~ 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.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 1353, is amended to read as follows:

Section 1353. No person shall represent himself or herself as a psychologist or engage in the practice of psychology unless such 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 such 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 by this act. 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 and services are a part of the duties of the office or position of such person within such agency or institution;

4. 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 such activities and services constitute a part of the supervised course of study of such student, intern, or resident;

5. Individuals who have been certified as school psychologists by the Oklahoma 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;

6. 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 and regulations as the Board may prescribe pursuant to the provisions of the Psychologists Licensing Act;

7. 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 his residence to perform these activities and services. Such person shall inform the Board prior to initiation of services; or

8. 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 former residence to perform such activities and services.

SECTION 6. AMENDATORY 59 O.S. 1991, Section 1367, is amended to read as follows:

Section 1367. The licensing 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". The Board shall not fix a license fee at an amount in excess of ~~Three Hundred Dollars (\$300.00)~~ Five Hundred Dollars (\$500.00) and a renewal fee at an amount in excess of ~~Two Hundred Dollars (\$200.00)~~ Three Hundred Dollars (\$300.00). The fee for the issuance of a license to replace a license which was lost, destroyed, mutilated, or revoked is Twenty-five Dollars (\$25.00). The fee shall accompany the application for a replacement license.

SECTION 7. This act shall become effective September 1, 1993.

Passed the Senate the 4th day of May, 1993.

President of the Senate

Passed the House of Representatives the 22nd day of April, 1993.

Speaker of the House of
Representatives